

(A) ES502  
(a-b)

(R-2003-768)

RESOLUTION NUMBER R- 297504

ADOPTED ON DEC 10 2002

WHEREAS, in 1993 the City and Agency executed an Amended and Restated Development Agreement and an Amended and Restated Owner Participation Agreement, respectively, with Catellus which revised development entitlements first granted in 1983 to Catellus's predecessor for the approximately 17 acres in the environs of the Santa Fe Depot. The 1993 Agreements revised the 1983 Agreements to accommodate transit-related needs of MTDB and NCTD and updated the development entitlements to bring them into conformance with the Centre City Community Plan adopted in 1992; and

WHEREAS, under the terms of the Catellus Development/Owner Participation Agreements, as amended over time, Catellus is required, by December 7, 2003, to seismically retrofit and complete base building improvements to the Baggage Building and to then transfer title to the Baggage Building to the City or to any governmental agency or non-profit entity designated by the City for use as a museum or other cultural use. Catellus is obligated to install new curb, gutter, sidewalks, etc. on the entire Kettner frontage; and

WHEREAS, the transfer of the Baggage Building for a cultural use at a minimum must include the building itself, its colonnade, the land under the building and the colonnade, an access easement through the Breezeway connecting the Baggage Building to the Depot itself, and street frontage along Kettner Boulevard for the length of the Baggage Building; and

WHEREAS, Catellus's obligations for the level of improvements to the Baggage Building include seismic retrofit for cultural use, and "shell improvements" including stub-out of electricity, water, sewer and telephone to the interior; structurally sound walls and roof; curb, gutter and

sidewalk improvements on the Kettner frontage; and repair of the facade. Obligations of the user of the Baggage Building, therefore, would be typical tenant improvements and specialized improvements for the new use; and


WHEREAS, Catellus also proposes to transfer the REA property within the site to the City of San Diego; and

WHEREAS, Catellus has submitted to the City copies of a proposed Transfer Agreement and Escrow Instructions. City staff has reviewed the proposed Transfer Agreement and Escrow Instructions and recommends that the City enter into a Transfer Agreement substantially in the form attached as Exhibit 1 to this Resolution; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is authorized to execute, for and on behalf of the City of San Diego, a Transfer Agreement substantially in the form attached as Exhibit 1 to this Resolution. The final Transfer Agreement and Escrow Instructions shall be filed in the office of the City Clerk as Document No.

RR- 297454.

APPROVED: CASEY GWINN, City Attorney

By   
Debra L. Bevier  
Deputy City Attorney

DJB:mm  
11/26/02  
Or.Dept:REA  
Aud.Cert:N/A  
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