

RESOLUTION NUMBER R-298350

ADOPTED ON SEP 08 2003

WHEREAS, on November 3, 1998, the electorate of the City of San Diego [City] approved Ordinance No. O-18613 [Ordinance] which authorized and directed the City to enter into a Memorandum of Understanding [MOU] with the San Diego Padres [Padres], the Redevelopment Agency of the City of San Diego [Agency], and the Centre City Development Corporation [CCDC] Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by the City, the Agency, CCDC and Padres [collectively "Parties"]; and

WHEREAS, on March 31, 1999, the Parties entered into an Interim Financing Agreement by which, in part, the Padres agreed to advance to the Agency the sum of \$8.7 million towards the eventual purchase by Padres of those properties then commonly known as the "outfield park

retail parcels” for the purpose of redevelopment, and an additional \$3.5 million advance in consideration of the conveyance of additional acreage as part of the “outfield park retail parcels.”

The “outfield park retail parcels” are now commonly known as East Village Square [EVS]; and

WHEREAS, on August 7, 2001, the City adopted Resolution No. R-295395 which approved Parcel Map 18855, which defined the boundaries of the Ballpark, including the “outfield park” (Parcel 1) and EVS (Parcels 3, 4, and 5); and

WHEREAS, Parcel Map 18855 has been recorded in the office of the San Diego County Recorder; and

WHEREAS, on January 31, 2000, in accordance with the implementation provisions of the MOU, the City Council authorized and directed the City Manager to execute the Ballpark and Redevelopment Project Implementation Agreement [Implementation Agreement] which modified certain rights and responsibilities of the Parties as set forth in the MOU; and

WHEREAS, the Implementation Agreement was executed by all the Parties; and

WHEREAS, on November 30, 2001, in further accordance with the implementation provisions of the MOU, the City Council authorized and directed the City Manager to execute the Second Ballpark and Redevelopment Project Implementation Agreement [Second Implementation Agreement] which further modified certain rights and responsibilities of the Parties as set forth in the MOU; and

WHEREAS, the Second Implementation Agreement was executed by all the Parties; and

WHEREAS, on July 18, 2002, in further accordance with the implementation provisions of the MOU, the City Council authorized and directed the City Manager to execute the Third Ballpark and Redevelopment Project Implementation Agreement [Third Implementation

Agreement] which further modified certain rights and responsibilities of the Parties as set forth in the MOU; and

WHEREAS, the Third Implementation Agreement was executed by all the Parties; and

WHEREAS, on July 29, 2003, in further accordance with the implementation provisions of the MOU, the City Council authorized and directed the City Manager to execute the Fourth Ballpark and Redevelopment Project Implementation Agreement [Fourth Implementation Agreement] which further modified certain rights and responsibilities of the Parties as set forth in the MOU, and which included the agreement of the Parties to unwind the Padres' \$3.5 million advance in consideration of the conveyance of additional acreage as part of the "outfield park retail parcels" and to amend Parcel Map 18855 to provide for an enlarged Outfield Park of 2.7 acres; and

WHEREAS, the Fourth Implementation Agreement was executed by all the Parties; and

WHEREAS, it is now timely and appropriate to consider such further actions as may be necessary and appropriate to implement the Fourth Implementation Agreement with respect to Outfield Park, consistent with the City's and Agency's obligations under California law, and the discretion lawfully vested in the City Council acting on behalf of the City; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the forgoing recitals are true and correct, and the City Council so finds and determines as being in the best interests of the City.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Council finds that certain map surveyed by D.K. Nasland, Licensed Land Surveyor, titled "PARCEL MAP W.O. No. 421018" [MAP], being a re-subdivision of Parcels 1, 3, 4 and 5 of Map

No. 18855 filed in the office of the County Recorder of San Diego County, in the City of San Diego, County of San Diego, State of California, December 7, 2001, is made in the manner and form prescribed by law and conforms to the surrounding surveys; that the map and the subdivision of land shown thereon is hereby approved and accepted as shown on the MAP, subject to the conditions as set forth thereon.

BE IT FURTHER RESOLVED, that the City Engineer is hereby authorized and directed to execute technical corrections to the MAP should such corrections be required prior to recordation.

BE IT FURTHER RESOLVED, that the City Manager or City Attorney are hereby authorized and directed to take such other and further actions to prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution or the MAP.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to endorse upon the MAP, as and for the act of the Council, that the Council has approved the MAP on behalf of the public as stated in this resolution.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit the MAP to the County Recorder of the County of San Diego, California for recordation at a time directed by the City Attorney.

BE IT FURTHER RESOLVED, that

1. the City Council certifies that the Secondary Study of environmental impacts with respect to the approval of the MAP has been prepared and completed in compliance with the California Environmental Quality Act of 1970, and State and local regulations and guidelines adopted pursuant thereto;

2. the City Council further certifies that the Master Environmental Impact Report and the Final Subsequent Environmental Impact Report [MEIR/SEIR] for the Centre City Redevelopment Project, and the Secondary Study, were presented to the City Council, and that the information contained in the Secondary Study, and the MEIR/SEIR, has been reviewed and considered by the City Council; and

3. the City Council further certifies that the Secondary Study (as with the MEIR/SEIR for the Redevelopment Project) represents the City Council's independent judgment and analysis.

BE IT FURTHER RESOLVED, that the City Council hereby finds and determines that:

1. no substantial changes are proposed in the Centre City Redevelopment Project as a result of the approval of the MAP which will require major revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, not covered in the MEIR/SEIR;

2. no new information of substantial importance to the Project has become available which was not known or could not have been known with the exercise of reasonable diligence at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, or that any

significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the Project on the environment;

3. no negative declaration, subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR is necessary or required; and

4. the approved MAP will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project.

BE IT FURTHER RESOLVED, that the activity specific Mitigation Monitoring and Reporting Program with respect to the approval of the MAP, Attachment A to the Secondary Study, is hereby approved and adopted.

APPROVED: CASEY GWINN, City Attorney

By


Leslie J. Girard
Assistant City Attorney

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