

RESOLUTION NUMBER R- 300579

ADOPTED ON JUN 27 2005

A RESOLUTION OF THE CITY OF SAN DIEGO
AUTHORIZING THE CITY MANAGER TO PROCEED WITH
AN EXCLUSIVE NEGOTIATING AGREEMENT WITH
SIMPLON BALLPARK, LLC, FOR THE PROPOSED
CONSTRUCTION OF A NEW FIRE STATION LOCATED IN
THE DOWNTOWN AREA AND ACCEPTING A GOOD FAITH
DEPOSIT TO PAY FOR ADMINISTRATIVE EXPENSES
INCURRED BY THE CITY DURING NEGOTIATIONS.

WHEREAS, the City of San Diego (CITY) owns a functioning fire station (Fire Station No. 4) which is located at the northwest corner of 8th Avenue and J Street, approximately one block north of Petco Park; and

WHEREAS, Simplon Ballpark, LLC (SIMPLON) would like to acquire the existing fire station site for inclusion into a mixed-use project of retail, office, and high-rise condominiums to be known as Cosmopolitan Square; and

WHEREAS, SIMPLON is offering to replace the existing fire station with a new, larger facility, one lot to the north of the existing fire station. The existing fire station is a two-story, 7,120 square foot cast-concrete structure built in 1937, situated on a 5,000 square foot lot. The proposed new fire station is contemplated to be an approximate 13,190 square foot two-story structure with underground parking; and

WHEREAS, the proposed project will provide the City with a state-of-the-art fire facility that will be able to meet the needs of the continued growth of the downtown area; and

WHEREAS, the City Manager has recommended that the City Council approve an Exclusive Negotiating Agreement [ENA] to commence exclusive negotiations with SIMPLON regarding the new fire station; and

WHEREAS, the terms of the ENA require that SIMPLON submit a good faith deposit of \$10,000 to offset a portion of the CITY's staff costs, consultant costs and other administrative costs incurred by the CITY in negotiating, preparing and processing the proposed purchase and sale agreement; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the City Manager, or his designee, is authorized and empowered to execute, for and on behalf of the CITY, an ENA with SIMPLON, for the proposed construction of a new fire station, under the terms and conditions set forth in the ENA on file in the office of the City Clerk as Document No 300579.


2. That the fiscal year 2005 CIP budget shall be amended to add CIP No. 33-510.0, Fire Station No. 4.

3. That the City Manager, or his designee, is authorized to accept from SIMPLON the sum of \$10,000 and deposit it into Fund No. 63022, Trust Fund for Development, to be used to offset a portion of the CITY's staff costs, consultant costs and other administrative costs incurred by the CITY in negotiating, preparing and processing the proposed purchase and sale agreement.

4. That the Auditor and Comptroller are authorized to appropriate and expend \$10,000 from Fund No. 63022, Trust Fund for Development, into CIP No. 33-510.0, Fire Station No. 4, contingent on the funds being received from SIMPLON and provided that the City

Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:mm
06/14/05
Or.Dept:READ
Aud.Cert:N/A
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MMS#2141