

#1333a
3/7/06

(R-2006-705)
(REV.COPY)

RESOLUTION NUMBER R- 301290

DATE OF FINAL PASSAGE MAR 08 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AN EXCHANGE AGREEMENT BETWEEN THE CITY AND SIMPLON BALLPARK, LLC FOR A NEW STATE OF THE ART FIRE STATION NO. 4 IN THE DOWNTOWN COMMUNITY AREA.

WHEREAS, the City of San Diego owns a functioning fire station 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 exchange the existing fire station with a new, larger facility and site in fee, one lot to the north of the existing fire station, and for no further consideration than the existing fire station site in fee. 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, and with an appraised value in use of \$4,080,000.00. The proposed new fire station is contemplated to be an approximate 13,190 square foot two-story structure with underground parking, and with an appraised value in use of \$7,830,000.00; and

WHEREAS, the new fire station project will provide the City of San Diego 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 of San Diego executed an Exclusive Negotiating Agreement by Resolution No. R-300579, adopted on June 27, 2005, on file in the office of the City Clerk as

Document No. RR-300579, whereby the City commenced exclusive negotiations with SIMPLON regarding the proposed construction of the new fire station; and


WHEREAS, the proposed transaction on the terms and conditions described herein and as more specifically set forth in the Exchange Agreement by and between City of San Diego and Simplon BallPark, LLC [Exchange Agreement] on file in the Office of the City Clerk as Document No. RR- **301290** is fair and equitable and in the public interest; and

WHEREAS, all the property affected by the Exchange Agreement are specifically described in the legal descriptions attached to the Exchange Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or designee is hereby authorized and empowered to execute, for and on behalf of the City of San Diego, an Exchange Agreement with Simplon Ballpark, LLC, and to take all actions necessary to complete the exchange of the City's 5,000 square foot lot located at the northwest corner of 8th Avenue and J Street with a 7,120 square foot 69 year old fire station [Existing Fire Station] for a new state of the art 13,190 square foot facility to be built one lot to the north of the Existing Fire Station within SIMPLON's proposed project, under the terms and conditions set forth in that Exchange Agreement on file in the office of the City Clerk as Document No. RR- **301290**.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City's obligation to pay annual common area assessments, pursuant to the Governing Documents and Master Declaration discussed in Article VII of the Exchange Agreement, shall not exceed \$250 per month.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Hilda Mendoza
Deputy City Attorney

HRM:cfq
02/07/06
03/07/06 **REV.COPY**
Or.Dept:READ
R-2006-705
MMS#2141

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAR 07 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-8-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on MAR 07 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 08 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-301290