

334A

(R-2008-980)
Corr. Copy

5/13

RESOLUTION NUMBER R- 303695

DATE OF FINAL PASSAGE MAY 19 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT AND THE GROUND LEASE WITH CEDAR GATEWAY, L.P., FOR THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT, TO BE KNOWN AS CEDAR GATEWAY AND LOCATED IN THE CORTEZ REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [the "Agency"] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [the "Project"]; and has adopted an Implementation Plan for the Centre City Redevelopment Project in accordance with California Health and Safety Code Section 33490 [the "Implementation Plan"]; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency proposes to enter into an Disposition and Development Agreement [Agreement] with Cedar Gateway, L.P. [Developer], pursuant to which the Developer proposes to develop and construct 65-units of affordable rental housing (65 affordable), on a site generally located on the north side of Cedar Street between Fifth and Sixth Avenues in the Centre City Redevelopment Project [Site]; and

WHEREAS, in addition to the Agreement, the Centre City Development Corporation [CCDC] proposes that the Agency enter into a Ground Lease with Cedar Gateway, L.P. for the aforementioned Site; and

WHEREAS, the Developer has submitted to the Council copies of said proposed Ground Lease in a form desired by Developer; and

WHEREAS, the Board of Directors of the CCDC has reviewed and discussed the parameters of the Agreement and Ground Lease, as presented in a staff report at the Corporation's Board meeting on April 30, 2008, and the Board has recommended that the Council give approval to and that the Agency enter into the Agreement and the Ground Lease; and

WHEREAS, the Council has duly considered all terms and conditions of the proposed Agreement and believes that the development of the real property pursuant to the proposed Agreement is in the best interests of the City of San Diego and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

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

1. The City Council recognizes that it has received and heard all oral and written objections to the proposed Disposition and Development Agreement, Ground Lease and other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the City Council hereby finds and determines that the development of the Site will assist in the elimination of blight in the Centre City Redevelopment Project Area, and is consistent with the Implementation Plan.

3. That the Disposition and Development Agreement, which establishes the terms and conditions for the development of the real property, is hereby approved.

4. That the Council does hereby acknowledge that the Agency has provided its consent to the proposed Subordination Agreement, as an instrument substantially in conformance with the document attached as Attachment No. 14 to the Agreement, and that the Agency's consent will result in the Agency's security interest in the property becoming subject to, and of lower priority than the Construction Loan and the Construction Loan Documents as agreed to by Developer and Construction Lender.

5. That the terms and conditions of the proposed Ground Lease between Agency and Cedar Gateway, L.P. are hereby approved.

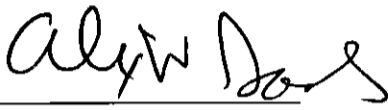
6. The City Council does hereby acknowledge that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Disposition and Development Agreement on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04271A.

7. The City Council does hereby acknowledge that the Executive Director of the Agency, or his designee, is hereby authorized to execute the Ground Lease on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04271B.

8. That the City Council does hereby acknowledge that the Executive Director of the Agency, or his designee, is hereby authorized, on behalf of the City to sign all documents

necessary and appropriate to carry out and implement the Disposition and Development Agreement and Ground Lease and to administer the Agency's obligations, responsibilities and duties to be performed under said Agreement and Ground Lease.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Alex W. Sachs
Deputy City Attorney

AWS:mm

04/24/08

05/12/08 Corr.Copy

Or Dept: CCDC

R-2008-980 revised

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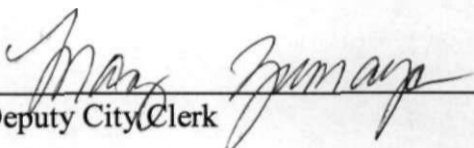
Companion: Council - R-2008-981

Agency - RA-2008-126, RA-2008-127, RA-2008-128 and RA-2008-129.

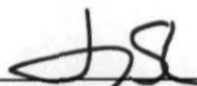
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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAY 13 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.19.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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