

RESOLUTION NUMBER R- 306557

DATE OF FINAL PASSAGE FEB 04 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING FUNDS AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE COOPERATION AGREEMENT WITH THE REDEVELOPMENT AGENCY FOR THE CITY HEIGHTS SQUARE MINI PARK.

WHEREAS, City Heights Realty, LLC (formerly San Diego Revitalization Corporation) master planned the majority of the block bounded by University Avenue, Fairmount Avenue, Polk Avenue and 43rd Street to include a senior housing project, a community clinic, an office and retail mixed use project, and a pocket park (collectively, Project); and

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) has assisted this master planning effort and entered into a Second Implementation Agreement to the Disposition and Development Agreement (DDA) with City Heights Realty, LLC to change the office and retail mixed use project to a residential and commercial mixed use project; and

WHEREAS, the Project is currently under construction and is expected to be completed in fall 2011; and

WHEREAS, on December 2, 2008, the Agency made the necessary findings and authorized the contribution of \$731,500 to Fund WBS S01070 (formerly CIP No. 29-956.0), for the design and construction of the City Heights Square Mini Park; and

WHEREAS, design for the park, managed by Engineering and Capital Projects (E&CP), was completed per Council Policy 600-33, Community Notification and Input for City-wide Park Development Projects; and

WHEREAS, on February 23, 2010, the Corporation Agreement between the Agency and the City was approved and sets forth a mutual agreement in connection with the development and transfer of ownership of the City Heights Square Mini Park to the City of San Diego; and

WHEREAS, on April 8, 2010, the General Development Plan (GDP) for park was approved by the Park and Recreation Board and based on the approved GDP, E&CP determined the total cost of the design and construction for the park will exceed the original budgeted amount of \$731,500 by \$198,905; NOW, THEREFORE,

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

- 1) The City Chief Financial Officer is authorized to accept up to \$198,905 in Redevelopment Agency funds from the City Heights Redevelopment Project Area and deposit said funds into CH RDA CONTRIB TO CITY-CH 2010 TE BONDS.
- 2) An increase of \$198,905 is authorized in the Fiscal Year 2011 Capital Improvement Program Budget in WBS S01070 (formerly CIP No. 29-956.0), City Heights Square Mini Park, CH RDA CONTRIB TO CITY-CH 2010 TE BONDS.
- 3) The City Financial Officer is authorized to appropriate and expend up to \$198,905 from WBS S01070, City Heights Square Mini Park, CH RDA CONTRIB TO CITY-CH 2010 TE BONDS, for the design and construction of the park improvements.
- 4) The City Financial Officer is authorized to transfer back to the Redevelopment Agency of the City of San Diego any and all funds remaining in the Fiscal Year 2011 Capital Improvement Program Budget in WBS S01070, City Heights Square Mini Park, CH RDA CONTRIB TO CITY-CH 2010 TE BONDS, in the event the park is not designed and

constructed within eighteen months of the execution of a construction contract or upon any cost savings should the actual costs of the park be less than \$930,405.

5) The First Amendment to the Cooperation Agreement by and between the Redevelopment of the City of San Diego and the City of San Diego for the design and construction of the City Heights Square Mini Park is approved and the Mayor of the City of San Diego or designee is authorized to execute the Agreement on file in the office of the City Clerk as document number RR - 306557.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:als
01/11/11
Or.Dept:Park & Rec.
R-2011-606
PL#2010-03104

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 25 2011.

ELIZABETH S. MALAND
City Clerk

By Mary Zumbado
Deputy City Clerk

Approved: 2.9.11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor