

RESOLUTION NUMBER R- 306640

DATE OF FINAL PASSAGE FEB 28 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT AMONG THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, ACTING THROUGH THE CENTRE CITY DEVELOPMENT CORPORATION, INC., THE CITY OF SAN DIEGO, AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE NORTH EMBARCADERO VISIONARY PLAN PROJECT LOCATED IN THE CENTRE CITY REDEVELOPMENT PROJECT AND AUTHORIZING THE CITY TO ACCEPT CERTAIN FIRST PHASE IMPROVEMENTS UPON COMPLETION OF CONSTRUCTION.

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project Area (Project Area); and

WHEREAS, in order to carry out and implement the Redevelopment Plan, on June 19, 2009, the Agency approved the Fourth Implementation Plan for the period of July 2009 thru June 2014 for the Centre City and Horton Plaza Redevelopment Projects (Implementation Plan); and

WHEREAS, the Implementation Plan identifies the need to create an enhanced pedestrian and vehicular connection to an expanding and comprehensive open-space system that provides a diverse range of outdoor opportunities for residents, visitors and workers with the Project Area; and

WHEREAS, the Centre City Development Corporation, Inc. (CCDC) is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, the Agency, acting through CCDC, the City of San Diego (City), and the San Diego Unified Port District (Port) entered into a Joint Exercise of Powers Agreement (JPA Agreement) dated April 9, 2007, which established the North Embarcadero Alliance Joint

Powers Authority (JPA) with the power to direct work as necessary to facilitate the completion of design, construction and development of a financing and phase plan necessary to implement the North Embarcadero Visionary Plan (NEVP); a copy of the JPA Agreement is filed in the office of the Agency Secretary as Document No. D-04108; and

WHEREAS, the Agency, acting through CCDC, the City, and the Port now propose to enter into that certain First Amendment (First Amendment) to the JPA Agreement in order to memorialize the construction and maintenance funding arrangements among the City, the Port, and the Agency, acting through CCDC, for certain NEVP Phase I improvements in the Project Area, which include improvements to West Broadway, extension of the Esplanade improvements south to the former Navy Pier 11A, and inclusion of the Setback Park/Plaza, an approximately two-acre public park/plaza to be designed and constructed within a 150-foot setback from North Harbor Drive along the Lane Field development between West Broadway and B Street (collectively, Phase I Improvements); and

WHEREAS, the First Amendment provides that the Port will be solely responsible for the administration of construction the Phase I Improvements, except that design and construction of Setback Park/Plaza is the primary responsibility of the adjacent Lane Field development; and

WHEREAS, the First Amendment provides that the Port and the Agency shall equally share the total cost of construction of the Phase I Improvements estimated at \$28,600,000, provided that the Agency will advance the construction costs and the Port will receive certain credits for previous capital contributions and offsets for the Port's assumption of maintenance responsibility for the Phase I Improvements; and

WHEREAS, the First Amendment requires the Port to repay Agency's advances of the Port's share of construction costs for the Phase I Improvements, with interest, in accordance with

the First Phase Advance Repayment Agreement in substantially the form attached as Attachment C to the First Amendment; and

WHEREAS, the First Amendment provides that the Agency will contribute additional funding of up to \$1,000,000 for the design and construction of the Broadway Pier surface improvements, of which amount up to \$150,000 may be used for design work; and

WHEREAS, the First Amendment states that the Port shall be responsible for maintenance of the Phase I Improvements for 30 years and shall create a maintenance reserve and shall deposit an annual amount of \$550,000 commencing upon the completion of the Phase I Improvements, adjusted for inflation annually, to cover both the current and incremental maintenance costs; NOW, THEREFORE,

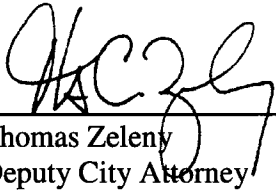
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City, the First Amendment to the JPA Agreement, on file in the office of the City Clerk as Document No. RR-306640.

2. That the Mayor or his designee is authorized, on behalf of the City, to execute all other documents necessary and appropriate to carry out and implement the terms of the JPA Agreement as amended by the First Amendment, and to administer the City's obligations, responsibilities and duties to be performed thereunder.

3. That the City is authorized to accept the Phase I Improvements, upon completion of construction, to the extent that they are located within City right-of-way or City easements.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Thomas Zeleny
Deputy City Attorney

KR:nja
02/16/2011
Or.Dept:CCDC
R-2011-695
PL#2011-05547
Comp. R-2011-693
R-2011-694
RA-2011-74
RA-2011-75
RA-2011-76

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2-28-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor