

5/21  
#751

RESOLUTION NUMBER R- 307455

DATE OF FINAL PASSAGE MAY 30 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AMENDMENT NO. 1 TO THE JOINT USE AND MANAGEMENT AGREEMENT BETWEEN THE CITY, THE PADRES L.P. AND SAN DIEGO BALLPARK FUNDING LLC.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego approved Proposition C which consisted of Ordinance No. O-18613 (Ordinance) and the Memorandum of Understanding between the Padres LP, the City, the Redevelopment Agency of the City of San Diego (Agency) and the Centre City Development Corporation (CCDC) (MOU) regarding the financing, construction, management, operation and use of the Ballpark Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU provides that the operation, management, use and occupancy of the Ballpark shall be subject to the terms of more definitive agreements, encompassing issues not addressed in the MOU;

WHEREAS, on February 1, 2000, the City Council approved the Joint Use and Management Agreement (JUMA) between the City and the Padres L.P., which implemented the Ordinance and the MOU pursuant to Resolution R-292706; and

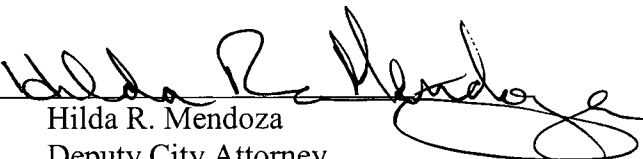
WHEREAS, the City desires to amend the JUMA to further implement the Ordinance and the MOU; and

WHEREAS, based on the requisite judgments and determinations being made by the City Council, the actions authorized by this resolution are fully consistent with the Ordinance and the MOU, specifically Sections 2 and 3 of the Ordinance and Sections XXXVIII, XXXIX and XL of the MOU; NOW, THEREFORE,

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

1. That the foregoing recitals are true and correct and incorporated fully herein by this reference.
2. That the Mayor be and hereby is authorized and empowered to execute, for and on behalf of the City, Amendment No. 1 to Joint Use and Management Agreement between the City, the Padres LP and the San Diego Ballpark Funding LLC, on file in the Office of the City Clerk as Document No. RR 307455.
3. That the Mayor be and hereby is authorized and empowered to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution, consistent with the rights and obligations of the City pursuant to the Ordinance and the MOU.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

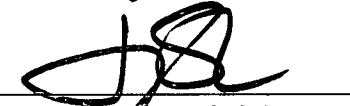
HRM:als  
5/10/2012  
Or.Dept:Mayor  
Doc. No. 369466

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 21 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5.30.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor