

RESOLUTION NUMBER R- 310017

DATE OF FINAL PASSAGE OCT 15 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION AND RECORDING OF CONVEYANCE INSTRUMENTS TO ACCOMPLISH THE CITY'S ACCEPTANCE OF CERTAIN AFFORDABLE HOUSING ASSETS FROM THE SUCCESSOR AGENCY RELATED TO PARCEL C IN BALLPARK VILLAGE.

ITEM # 332
SUB-B
10/6/15

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in *California Redevelopment Assn. v. Matosantos*, 53 Cal. 4th 231 (2011); and

WHEREAS, at the time of the Former RDA's dissolution, the City, in its capacity as the successor agency to the Former RDA (Successor Agency), became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and subsequent legislation (collectively, the Dissolution Laws); and

WHEREAS, in 2005, the Former RDA entered into an Owner Participation Agreement (OPA) with Ballpark Village, LLC, a Delaware limited liability company (BPV), related to the development of a large parcel located generally east of Petco Park, commonly referred to as Parcel C, located in downtown San Diego (Site); and

WHEREAS, the OPA requires 35,000 square feet of affordable housing to be constructed on the Site; and

WHEREAS, in accordance with California Health and Safety Code (HSC) section 34176, the Successor Agency transferred all known affordable housing assets to the City, as Housing Successor, in July 2013 pursuant to Resolution Nos. R-307601 and R-307602 adopted effective July 31, 2012; and

WHEREAS, staff has determined that certain affordable housing assets were mistakenly not included in the prior transfer of Housing Assets; and

WHEREAS, the affordable housing assets requiring transfer include: the portions of the OPA regarding the requirement that BPV provide 35,000 square feet of on-site affordable housing; the portion of the Agreement to be Recorded Affecting Real Property (AARP) dated March 15, 2006 and recorded on March 23, 2006 requiring a minimum of 35,000 square feet of affordable housing on the Site; and the Affordable Housing Agreement, dated January 13, 2006, between BPV, Former RDA, and the San Diego Housing Commission (SDHC) (collectively, Parcel C Housing Assets); and

WHEREAS, pursuant to HSC section 34176 the Successor Agency must transfer the Parcel C Housing Assets to the City, as Housing Successor; and

WHEREAS, the Successor Agency's transfer of the Parcel C Housing Assets is contingent upon approval by the Oversight Board and the State Department of Finance; and

WHEREAS, BPV has requested a change to the condition of on-site for-sale affordable housing units to on-site rental of the affordable housing units; and

WHEREAS, to effectuate this change, the parties to the Affordable Housing Agreement have negotiated an amendment to the Affordable Housing Agreement (First Amendment), a copy of which is included as Attachment B to Staff Report No. CSD-15-04/CSD-15-21, accompanying this Resolution; NOW, THEREFORE,

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

1. The Mayor or designee is authorized to execute and record, on the City's behalf, the conveyance instruments necessary to accomplish the City's acceptance of the Parcel C Housing Assets (collectively, the Conveyance Instruments) from the Successor Agency. A copy of all Conveyance Instruments, when executed (and recorded in the San Diego County Recorder's Office, where appropriate), shall be placed on file with the City Clerk.

2. The Mayor or designee is authorized, on the City's behalf, to take all reasonable and necessary actions and to execute and record all reasonable and necessary documents to implement and carry out the purposes of this Resolution, including without limitation the Successor Agency's transfer of the Parcel C Housing Assets to the City, as Housing Successor, utilizing the appropriate Conveyance Instruments, and on such other terms and conditions deemed by the Mayor or designee to be in the best interests of the City, subject to the approval of the City Attorney.

3. The First Amendment, a copy of which is on file in the Office of the City Clerk as Document No. RR-310017, is approved.

Passed by the Council of The City of San Diego on OCT 06 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 15 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By *City Clerk*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310017