

OVERSIGHT BOARD RESOLUTION NUMBER OB-2013-8

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE FIRST AMENDMENT TO THE GRANT DEED FOR EAST VILLAGE SQUARE PARCEL 5 – CANDY FACTORY AND THE SUCCESSOR AGENCY'S ACCEPTANCE OF A RELATED PAYMENT

WHEREAS, the former 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, in accordance with Assembly Bill x1 26 (AB 26), the Former RDA dissolved as of February 1, 2012, at which time the City of San Diego, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), assumed the Former RDA's assets and obligations; and

WHEREAS, the Successor Agency is required to administer the winding down of the Former RDA's operations and to ensure compliance with the Former RDA's obligations in accordance with AB 26, as amended by Assembly Bill 1484 (AB 1484); and

WHEREAS, in 2006, the Former RDA entered into a Disposition and Development Agreement (DDA) allowing a developer's acquisition and construction of the Candy Factory property, located in downtown San Diego; and

WHEREAS, the Grant Deed for the Candy Factory/Schieffer Building requires that the property include active commercial uses on the ground floor; and

WHEREAS, the proposed First Amendment to the Grant Deed would allow some flexibility in leasing options for the ground-floor spaces to commercial tenant(s) by removing the use restriction in the Grant Deed requiring 6,500 square feet of restaurant and retail uses on the ground floor; and

WHEREAS, Padre Time Candy Factory, LLC (Owner) has agreed to pay \$67,000 to the Successor Agency as consideration for the increased value of the Candy Factory property resulting from the removal of the use restriction from the Grant Deed; and

WHEREAS, pursuant to the redevelopment dissolution laws, specifically California Health and Safety Code section 34181(e), the Oversight Board and the California Department of Finance will need to approve the First Amendment to the Grant Deed before the Successor Agency is permitted to execute such First Amendment; NOW, THEREFORE,

BE IT RESOLVED by the Oversight Board as follows:

1. The Board finds, in accordance with California Health and Safety Code section 34181(e), that the First Amendment to Grant Deed Restrictions, included as Attachment A to the Staff Report accompanying this Resolution, would be in the best interests of the taxing entities.
2. The First Amendment to the Grant Deed is hereby approved.
3. The Successor Agency is authorized to accept the Owner's payment of \$67,000 as consideration for the increased value of the Candy Factory property and to reflect such payment as a funding source in the "Other" column of the applicable future ROPS.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on July 24, 2013.



Chair, Oversight Board