

OVERSIGHT BOARD RESOLUTION NUMBER OB-2014-61

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE SETTLEMENT AGREEMENT BETWEEN AHMAD MESDAQ AND THE SUCCESSOR AGENCY.

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 subsequently amended; and

WHEREAS, on April 27, 2004, the Former RDA adopted a resolution of necessity to condemn property located at 502 J Street in San Diego (Property) for the purpose of redeveloping the property for hotel use, and thereafter filed an eminent domain action to take the Property from Ahmad Mesdaq (Mesdaq); and

WHEREAS, on May 10, 2012, Mesdaq filed a class action complaint in state court, styled *Mesdaq v. City of San Diego*, Case No. 37-2012-00097100-CU-BT-CTL, wherein Mesdaq seeks recovery of the Property under Code of Civil Procedure section 1245.245 (Litigation); and

WHEREAS, the Successor Agency and Mesdaq entered into a settlement agreement (Agreement) to settle the Litigation; and

WHEREAS, the primary terms of the Agreement are: (1) Mesdaq will dismiss the Litigation with prejudice; (2) Mesdaq releases all claims related to the Property; and (3) Mesdaq and the Successor Agency agree to bear their respective costs and fees; and

WHEREAS, the City Council for the City of San Diego approved the Agreement on May 20, 2014; and

WHEREAS, the Successor Agency now seeks approval of the Agreement from the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board that the Agreement, in the form included as Attachment A to the Staff Report dated May 22, 2014 accompanying this Resolution, is hereby approved.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on May 28, 2014.



Chair, Oversight Board