

**RESOLUTION 2013-204**

**RESOLUTION AUTHORIZING AMENDMENT NO. 4  
TO THE LAND EXCHANGE AGREEMENT WITH  
NORTH C.V. WATERFRONT, L.P., DBA PACIFICA  
COMPANIES, EXTENDING THE CLOSE OF  
ESCROW FOR THREE MONTHS FROM  
DECEMBER 15, 2013 TO MARCH 15, 2014 TO  
ALLOW ADDITIONAL TIME TO AMEND THE  
AGREEMENT DUE TO THE ELIMINATION OF THE  
CHULA VISTA REDEVELOPMENT AGENCY**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 5(b)(4) of the Port Act grants authority of the District to exercise its land management authority and powers over any other lands of interests in lands acquired by the District in furtherance of the District's powers and purposes as provided in Section 87; and

**WHEREAS**, on February 2, 2010, North C.V. Waterfront, L.P. dba Pacifica Companies (Pacifica) entered into a land Exchange Agreement (Agreement) with the District for property located in the Chula Vista Bayfront Master Plan (CVBMP) on file in the Office of the District Clerk as Document No. 56067; and

**WHEREAS**, the Agreement contains conditions which must be completed prior to the outside closing date on December 15, 2013, including actions to be taken by both the City of Chula Vista (City) and the Chula Vista Redevelopment Agency (RDA); and

**WHEREAS**, in December 2011, the California Supreme Court ruled that the California Legislature had the right to eliminate local redevelopment agencies in the State and thereafter, all Redevelopment Agencies in California were dissolved; and

**WHEREAS**, due to the dissolution of the RDA and other changed circumstances contained in the Agreement it is necessary to amend and restate the Agreement; and

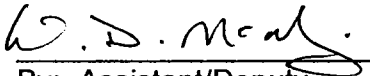
**WHEREAS**, the District, City and Pacifica are in the process of updating the document and anticipate finalizing negotiations in the first quarter of 2014 and as a result an extension of the outside closing date for three months is needed to finalize the negotiations.

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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or his designated representative on behalf of the San Diego Unified Port District is hereby authorized to enter into Amendment No. 4 to the Exchange Agreement with North C.V. Waterfront, L.P dba Pacifica Companies, extending the close of escrow for three months from December 15, 2013 to March 15, 2014 to allow additional time to amend the agreement due to the elimination of the Chula Vista Redevelopment Agency.

APPROVED AS TO FORM AND LEGALITY:  
PORT ATTORNEY

  
By: ~~Assistant~~ Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of December, 2013, by the following vote:

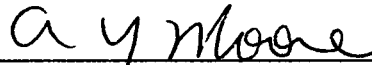
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith and Valderrama

NAYS: None.

EXCUSED: None.

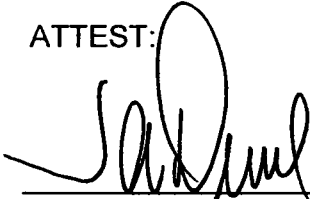
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)