RESOLUTION NO. 92-2000
ADOPTED JUNE 20, 2000

AUTHORIZING A FIFTH AMENDMENT TO THE LAND DISPOSITION AGREEMENT WITH THE MEXICAN MUSEUM REGARDING PARCEL CB-1-MM, LOCATED ON THE NORTHERLY SIDE OF MISSION STREET BETWEEN THIRD AND FOURTH STREETS, WHICH PROVIDES FOR THE LEASE OF THE MUSEUM BUILDING TO THE MEXICAN MUSEUM AFTER ITS CONSTRUCTION BY CB-1 MUSEUM PARTNERS; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. By Resolution No. 92-93, dated June 1, 1993, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved an Agreement for Disposition of Land for Private Development dated as of July 30, 1993 (the "LDA") with The Mexican Museum, a California nonprofit corporation (the "Museum") for the purchase and development of Parcel CB-1-MM, located on the northerly side of Mission Street between Third and Fourth Streets in the Yerba Buena Center Redevelopment Project Area.

2. On August 6, 1996, November 17, 1997, September 1, 1998, and October 27, 1998, the Agency approved the First, Second, Third and Fourth Amendments to the LDA, respectively.

3. The Museum has been unable to meet the LDA performance dates as amended and has requested Agency assistance in the construction of the Museum facility.

4. The Museum has requested Agency approval of a Fifth Amendment to the LDA which provides for modifications of the Museum’s development rights and inserts new provisions for entering into a lease of the museum building facility to the Mexican Museum after construction of the museum substructure and superstructure by CB-1 Museum Partners, an affiliate of CB-1 Entertainment Partners, and other matters regarding the transaction.

5. To assist the construction of the Mexican Museum, the Agency proposes to provide to the Developer a grant not to exceed $15.9 million, pursuant to a Construction Finance Agreement which enables the Agency to retain financial controls over the costs of constructing the Museum Building in accordance with the DDA.
6. To fund the grant, it is anticipated that the Agency, subject to receiving all necessary City budget authorizations, will issue hotel tax and/or tax allocation bonds in the future in an amount of $7.5 million, and tax allocation bonds in the amount of $5.4 million, pursuant to the FY 2000-01 Agency Budget, which together with reprogramming up to $3 million currently budgeted but no longer needed for Jessie Square, will bring the approximate aggregate total amount of the Agency’s cash contribution toward the construction of the Museum Building to $15.9 million.

7. The future issuance of bonds to assist the project, beyond currently budgeted funds, will require further approval by the Agency Commission at such times as all necessary City budget authorizations are attained and the Construction Documents for the Museum are further developed.

8. Accordingly, the Agency and Museum desire to further amend the LDA.

9. Such amendment is within the scope of the environmental impacts described in the Yerba Buena Center Redevelopment Project Area EIR and Supplements to such EIR and no further environmental review is required pursuant to State law.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to enter into and execute the Fifth Amendment to the Agreement for Disposition of Land for Private Development with The Mexican Museum, a California nonprofit corporation, substantially in the form lodged with the Agency General Counsel, and to execute any and all other documents and conveyance instruments necessary to effectuate the proposed development.

APPROVED AS TO FORM:

[Signature]
Bertha A. Ontiveros
Agency General Counsel