

RESOLUTION NO. 190-2002

Adopted October 22, 2002

AUTHORIZING A THIRD AMENDMENT TO THE AMENDED OWNER PARTICIPATION AGREEMENT WITH THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO, A CALIFORNIA CORPORATION SOLE, TO ACCOMMODATE JESSIE GARAGE WORK ON ST. PATRICK'S CHURCH PROPERTY, LOCATED ON LOTS 14 AND 68 OF ASSESSOR'S BLOCK 3706, ON THE NORTH SIDE OF MISSION STREET BETWEEN THIRD AND FOURTH STREETS; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Redevelopment Plan (the "Plan") for the Yerba Buena Center Redevelopment Project Area ("Project Area") provides for participation in the redevelopment or rehabilitation of property in the Project Area by the owners of certain parcels of land if the owners of such property agree to develop property in conformance with the Plan.
2. On March 13, 1974, the Redevelopment Agency of the City and County of San Francisco ("Agency") and the Roman Catholic Archbishop of San Francisco, a California corporation sole ("Owner"), entered into an Owner Participation Agreement ("OPA"), which was recorded on April 23, 1974, in Book B-878 at page 604 of the Official Records of the City and County of San Francisco, for the rehabilitation of the Improvements on Lots 14 and 68 of Assessor's Block 3706 commonly referred to as St. Patrick's Church.
3. St. Patrick's Church is designated as City Landmark No. 4, pursuant to Article 10 of the City's Planning Code ("City Planning Code").
4. On July 14, 1987, by Resolution No. 177-87, the Agency approved a First Amendment to the OPA, that amended, restated and superceded in its entirety the 1974 OPA, and extended the time for the completion of the Phase One improvements and permitted the optional construction of an Assembly Hall on the Site as Phase Two improvements.
5. On May 22, 2001, by Resolution No. 84-2001, the Agency approved a Second Amendment to the OPA that authorized the transfer of transferable development rights from Lot 68 pursuant to the Agency's Policy on the Transfer of Development Rights From a Property Containing a Building Designated as a Landmark, Significant Building, or Contributory Building with an Underlying C-3 Zoning Designation Located in Certain Redevelopment Project Areas ("Agency' TDR Policy"), also adopted on May 22, 2001 pursuant to Resolution No. 82-2001
6. Since that time, the Agency has determined that the Agency will own and operate the Parking Garage to be developed beneath Jessie Square adjoining the Site and that

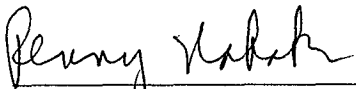
the Agency intends to finance the construction of the Parking Garage through the issuance of bonds, subject to the approval of the Board of Supervisors.

7. It is necessary to modify the schedule for the construction of the Parking Garage and the Owner is willing to enter into a Third Amendment to the OPA that provides for such scheduling modifications and other changes pertaining to the Owner's grant of easements necessary for the Parking Garage.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to execute the Third Amendment to the Amended Owner Participation Agreement ("OPA") with the Roman Catholic Archbishop of San Francisco, a California corporation sole, substantially in the form lodged with the Agency General Counsel, and the Executive Director is also authorized to execute any and all other ancillary documents and conveyance instruments necessary to effectuate the terms of the Third Amendment to the OPA.

APPROVED AS TO FORM:


for Bertha A. Ontiveros
Agency General Counsel