

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 865

ADOPTED ON JULY 26, 1983

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE EIGHTH IMPLEMENTATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND EWH 1979 DEVELOPMENT COMPANY, L.P.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency"), is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Horton Plaza Redevelopment Project; and

WHEREAS, in order to carry out and implement such redevelopment plan, the Agency has heretofore entered into that certain Second Amended Disposition and Development Agreement, as amended by the Fourth Implementation Agreement and Fifth Implementation Agreement and Sixth Implementation Agreement and Third Amendment to Disposition and Development Agreement (the "Agreement") and the Seventh Implementation Agreement with EWH 1979 Development Company, L.P. (the "Developer") for the sale of real property in the redevelopment project for the development and construction of a major regional shopping center; and

WHEREAS, in order to further implement the development under said Agreement, the Agency and Developer propose (pursuant to the terms and provisions of an Eighth Implementation Agreement), to provide for certain appropriate changes in said Agreement; and

WHEREAS, the Developer has executed and submitted to this Agency copies of said proposed Eighth Implementation Agreement in a form desired by the Developer; and

WHEREAS, the supplemental master environmental impact report for the Centre City Redevelopment Projects ("MEIR") and other previous environmental documents included as an implementation activity the sale of real property and the construction of a major regional shopping center, office building (and/or alternate residential use), and related parking facilities pursuant to the terms and conditions set forth in the Agreement and the Horton Plaza Redevelopment Plan, and the City Council by Resolution No. 255269 and the Agency by Resolution No. 694 certified the MEIR with respect to such development, and the proposed Eighth Implementation Agreement does not change the development or environmental impacts thereof; and

WHEREAS, the Centre City Development Corporation has reviewed and discussed said proposed Eighth Implementation Agreement and has recommended that the Agency enter into the Eighth Implementation Agreement; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Eighth Implementation Agreement and believes that the changes contained in the proposed Eighth Implementation Agreement are in the best interests of the City and health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, as follows:

1. The Agency hereby finds and determines that certifications, findings and determinations with respect to environmental impacts of the proposed sale of real property and the construction of a major regional shopping center, office building (and/or alternate residential use), and related parking facilities pursuant to the terms and conditions set forth in the Agreement and the Horton Plaza Redevelopment Plan, as set forth in Resolution No. 694 of the Agency are not changed by the proposed Eighth Implementation Agreement, and such certifications, findings and determinations are hereby ratified in their entirety.

2. The proposed Eighth Implementation Agreement and the terms and conditions thereof, are hereby approved. A copy of said Agreement is on file in the office of the Secretary to the Agency as Document No. 1014.

3. The Executive Director of the Agency (or his designee) is hereby authorized to execute the Eighth Implementation Agreement on behalf of the Agency.

4. The Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Eighth Implementation Agreement and

to administer the Agency's obligations, responsibilities and duties to be performed under the Eighth Implementation Agreement.

APPROVED: John W. Witt, General Counsel

By Janis Sammartino Gardner Deputy Counsel

JSG:ta:613

7/21/83

Or.Dept:CCDC

Aud.Cert:84049

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