

(RA-85-160)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 1102

ADOPTED ON JUNE 11, 1985

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO APPROVING THE SUBLEASE
OF CERTAIN PROPERTY IN THE HORTON PLAZA
REDEVELOPMENT PROJECT AREA TO HORTON PLAZA
THEATRES FOUNDATION; APPROVING THE MASTER
SUBLEASE AGREEMENT (WITH LEASE AGREEMENT
ATTACHED) PERTAINING THERETO; AND MAKING
CERTAIN FINDINGS WITH RESPECT TO SUCH
SUBLEASE.

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 (the "Project"); and

WHEREAS, in order to carry out and implement such

Redevelopment Plan the Agency proposes to sublease certain property in the Project area to Horton Plaza Theatres Foundation (the "Developer") pursuant to the terms and provisions of a certain Master Sublease Agreement with a Lease Agreement attached (the "Agreement"), which Agreement contains a description of said property and provides for the development and operation of the Horton Plaza Theatres; and

WHEREAS, the Developer has executed and submitted to the Agency and the Council of The City of San Diego (the "Council") copies of said proposed Agreement in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed said proposed Agreement, and has recommended that the Council approve and the Agency enter into the Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.) the Agency and the Council held a joint public hearing on the proposed sublease of such real property pursuant to such Agreement; having duly published notice of such public hearing and made copies of the proposed Agreement and other reports and documents available for public inspection and comment; and

WHEREAS, the Agency has duly considered all terms and

conditions of the proposed sublease of real property and believes that the development of the real property pursuant to the proposed Agreement is in the best interests of the City and the 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 recognizes that it has received and heard all oral and written objections to the proposed Master Sublease Agreement (with Lease Agreement attached), to the proposed sublease of the real property pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. The Agency hereby finds and determines that the consideration to be paid by the Developer for the sublease of the real property as described in the Agreement is not less than fair market value in accordance with the covenants and conditions governing such sublease as set forth in the Agreement. The Agency hereby further finds and determines that all consideration to be paid under the Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Horton Plaza Redevelopment Project.

3. The sublease of the real property and the Master Sublease Agreement (with Lease Agreement attached) which establishes the terms and conditions for the sublease and development of the real property are hereby approved.

4. The Chairman of the Agency is hereby authorized to execute the Master Sublease Agreement and the attached Lease Agreement on behalf of the Agency, provided that the Council has first approved such Agreement and the sublease of the real property pursuant thereto. A copy of the Master Sublease Agreement and the Lease Agreement, when executed by the Agency shall be placed on file in the office of the Secretary to the Agency as Document No. 1197 and No. 1198, respectively.

5. 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 Master Sublease Agreement (with Lease Agreement attached), and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement.

APPROVED: John W. Witt, General Counsel

By

Janis Sammartino Gardner

Deputy Counsel

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6/5/85

Or.Dept:CCDC

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