

(RA-94-93)  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NO. 2362  
ADOPTED ON MARCH 22, 1994

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY, THAT IS THE USE RESTRICTION REVISION, IN THE HORTON PLAZA REDEVELOPMENT PROJECT AREA TO HSD/HORTON ASSOCIATES, A CALIFORNIA GENERAL PARTNERSHIP; APPROVING THE OWNER PARTICIPATION AGREEMENT FOR PARCEL 4 PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE SALE.

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 the Redevelopment Plan the Agency proposes to sell certain property, that is the Use Restriction Revision, in the Project area to HSD/Horton Associates, a California general partnership (the "Developer") pursuant to the terms and provisions of a certain Owner Participation Agreement for Parcel 4 (the "Agreement"), which Agreement contains a description of the Use Restriction Revision and provides for the construction of a commercial retail development on Parcel 4; and

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

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed the 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 sale of the real property, that is the Use Restriction Revision, pursuant to the

Agreement; having duly published notice of the 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 sale of real property, that is the Use Restriction Revision, and believes that the sale of the Use Restriction Revision and the development of Parcel 4 pursuant to the proposed Agreement is in the best interest 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. That the Agency recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the proposed sale of the real property, that is the Use Restriction Revision, pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled.

2. That the Agency hereby finds and determines that the sale of the real property, that is the Use Restriction Revision, and the development of Parcel 4 as described in the Agreement will assist in the elimination of blight.

3. That the Agency hereby finds and determines that the consideration to be paid by the Developer for the sale of the real property, that is the Use Restriction Revision, as described in the Agreement, is not less than fair market value at its highest and best use in accordance with the Redevelopment Plan for the Project.

4. That the sale of the real property, that is the Use Restriction Revision, and the Agreement which establishes the terms and conditions for the sale of the Use Restriction Revision and development of Parcel 4 are hereby approved.

5. That the Executive Director of the Agency, or his designee, is hereby authorized to execute the Agreement on behalf of the Agency, provided that the City Council has first approved the Agreement and the sale of the real property, that is the use Restriction Revision, pursuant thereto. A copy of the Agreement, when executed by the Agency, shall be placed on file in the office of the Secretary to the Agency as Document No. 02124.

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

APPROVED: JOHN W. WITT, General Counsel

By

Allisyn L. Thomas

Deputy Counsel

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Or.Dept:CCDC

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