

RESOLUTION NO. 215215

JAN 28 1976

A RESOLUTION APPROVING THE RELEASE AND RECONVEYANCE OF CERTAIN UNIMPROVED REAL PROPERTY FROM THE LEIN OF THE INDENTURE OF MORTGAGE AND DEED OF TRUST BETWEEN VILLA VIEW COMMUNITY HOSPITAL, INCORPORATED AND CROCKER NATIONAL BANK AS TRUSTEE, DATED JULY 1, 1973.

PURPOSE AND INTENT

The purpose and intent of this Resolution is to approve the Bond Trustee releasing from the Bond Indenture approximately 5.77 acres of vacant land owned by Villa View Community Hospital adjoining the Hospital's facilities, so that such land may be developed and improved with a medical office building and a retirement living complex for senior citizens and handicapped persons. This approval is conditional upon the occurrence of certain subsequent events as described herein, including (a) approval by legal counsel for the City, (b) approval of legal description by the City, (c) consummation of pending cash sale of the subject property by the Hospital, (d) approval of parcel map or subdivision map by the City, and (e) approval of conditional use permit by the City.

WHEREAS, the Council of The City of San Diego by Resolution No. 208434 dated July 17, 1973, approved the

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acquisition and expansion of Villa View Community Hospital and the issuance of tax-exempt Bonds and Notes to finance such acquisition and expansion; and

WHEREAS, the Council of the City of San Diego did approve in said Resolution No. 208434 the forms of various documents, including that certain document known as the Indenture of Mortgage and Deed of Trust (hereinafter the "Indenture") between Villa View Community Hospital, Incorporated (hereinafter the "Corporation") and United States National Bank, as Trustee, dated as of July 1, 1973; and

WHEREAS, said Indenture provides in Section 7.13 thereof that certain unimproved real property may be released from the lien of the Indenture and reconveyed to the Corporation upon the Trustee receiving certain documents required by the Indenture, including a Resolution of this Council approving such release and reconveyance; and

WHEREAS, the Corporation now proposes to obtain the release from the lien of the Indenture of that certain real property as generally shown and described in Exhibit "AA," attached hereto and incorporated herein by this reference (sometimes hereinafter called the "subject property"); and

WHEREAS, the Corporation has requested the Council of the City of San Diego to approve the release and reconveyance of the subject property;

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego as follows:

(1) This Council, on behalf of the City of San Diego, hereby finds that it is in the best interests of the citizens of the City of San Diego for this Council to approve the release and reconveyance as requested; and

(2) This Council, on behalf of the City of San Diego, hereby approves, subject to the conditions set forth below, the release of the subject property, or any separate parcels or incremental parcels thereof, from the lien of the Indenture pursuant to Section 7.13 of the Indenture, and the reconveyance by the Trustee to the Corporation of the subject property, or parcels thereof. This approval is conditional upon the following conditions being met within five years from the date of this resolution:

(a) Corporation submit to the City Manager written opinions from the law firms of Gray, Cary, Ames & Frye and Glenn, Wright, Jacobs & Schell and Dorsey, Marquart, Windhorst, West & Halladay to the effect that their prior opinions as submitted to the City in connection with the issuance of the Bonds and Notes are not affected by the release and reconveyance of the property from the lien of the Indenture of Mortgage and Deed of Trust; and

(b) Corporation, through its counsel, Gray, Cary, Ames & Frye, submit a verified statement to the City that the

sales transaction, or any portion thereof, has been completed pursuant to that certain Agreement for Purchase and Sale of Real Property and Escrow Instructions made between Moss-Crake, as Buyer, and Corporation as Seller, a copy of which has been filed with the City Clerk as Document No. **754168** , and the First Amendment thereto, a copy of which has been filed with the City Clerk as Document No. **754169** , and any subsequent amendments thereto which have been approved by the City Manager for the City of San Diego, and the conveyance deed has been recorded in the Official Records of the San Diego County Recorder or is being held in escrow for such purpose, unconditionally; and

(c) Corporation, through its counsel, Gray, Cary, Ames & Frye, submit a verified statement that all requirements as contained in Section 7.13 of the Indenture for the release and reconveyance of the subject property have been complied with, or simultaneously with delivery of such letter to the City are being complied with; and

(d) The City Manager for the City of San Diego has approved the legal description more fully describing the subject property and the legal description for the retained and granted access easement generally shown on Exhibit "AA" attached hereto; and

(e) Final approval from the City of San Diego is obtained for the filing of a new parcel map or subdivision map encompassing the subject property and the adjoining

property owned by the Corporation; and

(f) Final approval is obtained from the City of San Diego for a new conditional use permit or amended conditional use permit with respect to the proposed construction of a medical office building and a retirement living complex on the subject property; and

(g) Corporation has delivered to the City Manager a written assignment of Corporation's option rights under Paragraph 13(c) of that certain Agreement for Purchase and Sale of Real Property and Escrow Instructions, along with the written consent of the Buyer under the Agreement, agreeing that the City shall have the right, but not the duty, to exercise the option rights of Corporation in the event Corporation fails to elect the option and that the City shall receive not less than 30-days prior written notice from Corporation or the Buyer under said Agreement of City's right to so exercise the option.

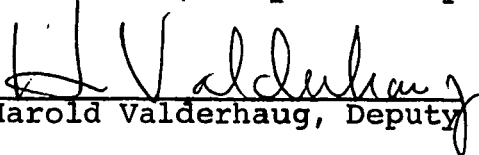
(h) City has received the written opinion of Glenn, Wright, Jacobs & Schell that the documents required under subparagraphs (a) through (g) above have been submitted.

3. This Resolution shall not in any way be deemed to constitute approval, expressed or implied, of any parcel map, subdivision map, conditional use permit, building

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permit, or any other matter, not specifically set forth above.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold Valderhaug, Deputy

TKB:HOV:nb
Rev. 1-26-76

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THE
FOLLOWING
DOCUMENT
IS THE BEST
COPY
AVAILABLE
FOR
FILMING

CERTIFICATE OF SURVEY

RECEIVED
DEC 26 1975
CITY MANAGER

LOT 18

LOT 19

Fd. 3/4" Pipe RE1534
R. of S. 4611

LOT 21

GRANTED
EASEMENT

HOSPITAL

RETAINED

PROPERTY

RETAINED
EASEMENT

PROPERTY

Fd. 2" Pipe RE913
R. of S. 4611

LOT 22

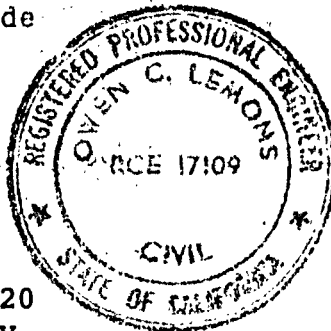
LOT 23

LOT 29

NOTE:
Set temporary stakes at all
corners where monuments were
not found.

This plat correctly represents a survey made
by me on Feb. 17, 1975 at the request of
Mr. B.L. MOSS.

OWEN C. LEMONS
R.C.E. 17109



NOTE: The site includes portions of Lots 20
and 29 of Lemon Villa, Map 734, in the City
of San Diego. A metes and bounds legal des-
cription based on this survey will be prepared
for approval by the City Manager.
Approximately 5.77 acres.

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02178

SCALE: 1"=200'

UNIVERSITY
AVE.

Passed and adopted by the Council of The City of San Diego on **JAN 28 1976**,
 by the following vote:

| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Gil Johnson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maureen F. O'Connor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Lee Hubbard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon L. Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Floyd L. Morrow | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Gade | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Ellis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jess D. Haro | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Karsten Marting*, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **215215** Adopted **JAN 28 1976**

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