

CITY COUNCIL OF THE CITY OF SAN DIEGO

RESOLUTION NO. 218635-2

JUN 20 1977
(R. 78-2154)
(REV.)

RESOLUTION OF THE CITY COUNCIL APPROVING
A PROPOSED DISPOSITION AND DEVELOPMENT
AGREEMENT BETWEEN THE REDEVELOPMENT
AGENCY OF THE CITY OF SAN DIEGO AND ERNEST
W. HAHN, INC. AND THE PROPOSED SALE, LEASE,
AND SUBLEASE OF REAL PROPERTIES IN THE
HORTON PLAZA AND MARINA REDEVELOPMENT
PROJECTS: PROVIDED THAT CERTAIN CHANGES
ARE MADE TO AND INCLUDED IN SUCH AGREEMENT

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

WHEREAS, in order to carry out and implement such Redevelopment Plans, the Agency staff, the Agency's Special Counsel (Law Offices of Eugene B. Jacobs), and the Agency's economic consultant (Keyser Marston Associates, Inc.) have negotiated with representatives of Ernest W. Hahn, Inc. (the "developer") for a proposed Disposition and Development Agreement for the sale, lease, and sublease of certain real properties in the Redevelopment Projects; and

WHEREAS, pursuant to the terms and conditions of such proposed Agreement: the Agency shall acquire certain real properties in the Redevelopment Projects; the Agency shall clear existing improvements from such real properties; the Agency shall relocate persons, families, and businesses from such existing improvements; the Agency shall sell a portion of such cleared real properties or certain interests therein to the Developer for the development and construction by the Developer of a major regional shopping center (the "Retail Center"); the Agency shall lease a portion of such cleared real properties to the Developer for the development and construction by the Developer of 15,000 to 35,000 square feet of retail-commercial shops, financial institutions, and/or office uses and for the development and installation of landscaped park improvements and an open-air mall and court; the Agency shall construct public parking facilities on a portion of such cleared real properties and shall lease such public parking facilities on a portion of such cleared real properties and shall lease such public parking facilities (together with such real properties) to the City of San Diego which shall in turn sublease such facilities to the Developer; the Agency shall develop and install, or shall cause to be developed and installed, certain landscaped pedestrian mall improvements in certain street rights-of-way to be closed to vehicular traffic; and the Agency shall redevelop, or shall cause to be redeveloped, the park improvements in Horton Plaza park and shall perform, or shall cause to be performed, certain other public improvement work; and

WHEREAS, the Developer has executed and submitted to the

01463

Agency and this City Council copies of a proposed Disposition and Development Agreement in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation (the "CCDC") has reviewed and discussed such proposed Disposition and Development Agreement and has made certain recommendations pertaining to such proposed Agreement; and

WHEREAS, the Agency staff and the Agency's consultants have made certain other recommendations pertaining to such proposed Agreement; and

WHEREAS, pursuant to Sections 33433 and 33434 of the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.), the City Council authorized holding a public hearing on the proposed Agreement and the proposed sale, lease, and sublease of real properties pursuant to such Agreement: published notice of such public hearing; and made copies of the proposed Agreement, the CCDC recommendations, the Agency staff recommendations, and such other reports and documents (including the summary required pursuant to Section 33433) available for public inspection and comment; and

WHEREAS, the Agency, after a public hearing held pursuant to Section 33431 of the California Community Redevelopment Law and subject to City Council approval, approved such proposed Agreement and the proposed sale, lease, and sublease of real properties pursuant to such Agreement, provided that certain changes are made to and included in such Agreement; and

WHEREAS, pursuant to said Sections 33433 and 33434, the City Council held a public hearing on such proposed Agreement and on the proposed sale, lease and sublease of real properties pursuant to such proposed Agreement; and

WHEREAS, the Agency, after a public hearing held pursuant to Section 33431 of the California Community Redevelopment Law and subject to City Council approval, approved such proposed Agreement and the proposed sale, lease, and sublease of real properties pursuant to such Agreement, provided that certain changes are made to and included in such Agreement; and

WHEREAS, pursuant to said Sections 33433 and 33434, the City Council held a public hearing on such proposed Agreement and on the proposed sale, lease, and sublease of real properties pursuant to such proposed Agreement; and

WHEREAS, The Agency has approved and adopted a Replacement Housing Plan (a copy of which Plan is on file in the office of the Redevelopment Agency as Document No. 495) pertaining to the rehabilitation, development, or construction of dwelling units to replace those dwelling units housing low and moderate income persons and families removed or destroyed as a result of the implementation of the development activities proposed in the Agreement; and

WHEREAS, the Agency has approved and adopted a Relocation Plan (a copy of which Plan is on file in the office of the Redevelopment Agency as Document No. 496) pertaining to the relocation of persons, families, and businesses to be displaced as a result of the implementation of the development activities proposed in the Agreement; and

WHEREAS, a Draft Supplement to the Environmental Impact Reports for the Horton Plaza and Marina Redevelopment Projects is being prepared with respect to environmental impacts arising as a result of the implementation of the development activities proposed in the Agreement.

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

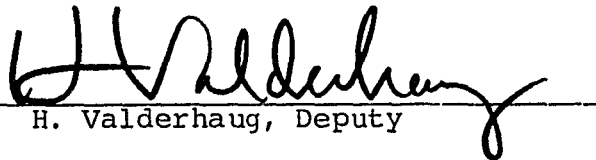
1. The City Council recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the recommendations of the CCDC and the Agency staff, to the proposed sale, lease, and sublease of real properties pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.
2. The City Council hereby approves certain changes to the proposed Agreement.
3. The City Council hereby finds and determines that the consideration to be paid by the Developer for the purchase of the real properties (or certain interests therein) upon which the Retail Center is to be developed and constructed, for the lease of the real properties upon which 15,000 to 35,000 square feet of retail-commercial shops, financial institutions, and/or office uses are to be developed and constructed and upon which landscaped park improvements and an open-air mall and court are to be developed and installed, and for the sublease of the public parking facilities is not less than fair market value in accordance with the covenants and conditions governing such purchase, such lease, and such sublease as set forth in the proposed Agreement (with such changes hereby approved). The City Council hereby further finds and determines that the consideration to be paid by the City to lease the public parking facilities is not less than fair market value. The City Council hereby further finds and determines that all consideration to be paid under the proposed Agreement (with such approval changes) is in amounts necessary to effectuate the purposes of the Redevelopment Plans for the Horton Plaza and Marina Redevelopment Projects.
4. The City Council hereby approves the proposed Agreement, provided that the Developer agrees to and approves such changes and provided that such changes are made to and included in such proposed Agreement. A copy of the Agreement as signed shall be placed in the office of the City Clerk as Document No. 765820).

5. Section 212 of the Agreement provides that the Agency shall not be bound and obligated under the Agreement unless and until the Agency has certified (or has caused the certification of) a supplement to the Environmental Impact Report for the Horton Plaza and Marina Redevelopment Projects which pertains to environmental impacts arising as a result of the implementation of the development activities set forth in the Agreement. Such supplement shall be certified on or before November 1, 1977. In accordance with and upon the satisfaction of such requirement, the Agency has authorized and designated the Executive Director (or his designee), 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.

6. The City Council hereby authorizes the City Clerk to deliver a copy of this Resolution to the Executive Director and members of the Agency.

APPROVED: JOHN W. WITT, City Attorney

BY


H. Valderhaug, Deputy

Rev. 2/13/79

62-47

501

Passed and adopted by the Council of The City of San Diego on JUN 20 1977,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Ed Wilson Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ed Wilson Lee Hubbard, Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Wilson Floyd Morrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Wilson Mac Strobl	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By E. J. Cook, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>218635</u>
Adopted	<u>JUN 20 1977</u>