

CITY COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA

(R.80-144)

RESOLUTION NO. 224152

AUG 1 1979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA APPROVING THE SALE, LEASE AND SUBLEASE OF CERTAIN PROPERTIES IN THE HORTON PLAZA REDEVELOPMENT PROJECT; APPROVING THE FIRST AMENDED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND ERNEST W. HAHN, INC. PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH SALE, LEASE AND SUBLEASE

WHEREAS, the Redevelopment Agency of the City of San Diego, California (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 Disposition and Development Agreement with Ernest W. Hahn, Inc. (the "Developer") for the sale, lease and sublease of real properties in the Redevelopment Project for the development and construction of a major regional shopping center; and

WHEREAS, certain changes have been negotiated with respect to said Disposition and Development Agreement and the Agency proposes to enter into the First Amended Disposition and Development Agreement (the "Agreement") with the Developer incorporating such changes; and

WHEREAS, pursuant to the terms and conditions of such proposed Agreement: the Agency shall acquire certain real properties in the Redevelopment Project; 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 to the Developer for the development and construction by the Developer of a major regional shopping center (the "Retail Center"); the Agency shall construct public parking facilities on a portion of such cleared real properties and shall lease such public parking facilities and such portion of the real properties to the City of San Diego which shall in turn sublease such facilities to the Developer; and the Agency

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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 Agency and this City Council copies of said proposed Agreement in a form desired by the Developer, a copy of which Agreement is on file in the office of the City Clerk as Document No. 767011; and

WHEREAS, the Centre City Development Corporation (the "CCDC") has reviewed and discussed said proposed Agreement and has recommended that the City 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 this City Council held a joint public hearing on the proposed sale, lease and sublease of real properties pursuant to such Agreement; having duly published notice of such public hearing and made copies of the proposed Agreement, and other reports and documents (including the summary required pursuant to Section 33433) available for public inspection and comment; and

WHEREAS, the Agency after such public hearing and subject to City Council approval, approved such proposed Agreement and proposed sale, lease and sublease of real properties pursuant thereto; and

WHEREAS, the Agency has approved and adopted a First Amended Replacement Housing Plan on April 17, 1979, Resolution No. 437 (a copy of which Plan is on file in the office of the Secretary of the Agency as Document No. 499) 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 First Amended Relocation Plan on July 2, 1979. Resolution No. 453 (a copy of which Plan is on file in the office of the Secretary of the Agency as Document No. 511) pertaining to the relocation of persons, families, and businesses to be displaced as a result of the implementation of development activities proposed in the Agreement; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed sale, lease and sublease of real properties and believes that the redevelopment of the real

properties 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 City Council of the City of San Diego, California as follows:

1. The City Council recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the proposed sale, lease and sublease of the 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 finds and determines that the consideration to be paid by the Developer for the purchase of the real properties upon which the Retail Center is to be developed and constructed, 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 lease. The City Council hereby further finds and determines that all consideration to be paid under the proposed Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Horton Plaza Redevelopment Project.

3. The sale, lease and sublease of the real properties, and the proposed Agreement which establishes the terms and conditions for the sale, lease, sublease and development of the real properties, are hereby approved.

4. 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. O. Valderhaug, Deputy

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Passed and adopted by the Council of The City of San Diego on AUG 1 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Ellen Lovard, Deputy.

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Office of the City Clerk, San Diego, California

Resolution Number 224152 Adopted AUG 1 1979

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