

## ORDINANCE NO. 0-15619

0.82-44

NOV 16 1981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA REPEALING ORDINANCE NO. 0-15032 APPROVING A CERTAIN LEASE AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AND RESCINDING AND TERMINATING SAID LEASE 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 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 First Amended Disposition and Development Agreement (the "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, in order to carry out and implement the Agreement the City Council of the City of San Diego (the "City"), by Ordinance No. 0-15032, approved and authorized the execution of a certain "Lease Agreement" with the Agency, a copy of which Lease Agreement is on file in the office of the City Clerk as Document No. 00-15032, providing for the construction by the Agency and lease to the City of certain public parking facilities within the Horton Plaza Redevelopment Project area; and

WHEREAS, the Agency and City have approved that certain Second Amended Disposition and Development Agreement with the Developer pursuant to which the Developer, rather than the Agency and City, will plan, finance, construct and operate the parking facilities in connection with the major regional shopping center; and

WHEREAS, the Agency and City desire to rescind and terminate the Lease Agreement as it is no longer necessary to effectuate the Redevelopment Plan or the Agreement.

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

Section 1. Ordinance No. 0-15032 approving said Lease Agreement is hereby repealed.

00-15032

Section 2. The Lease Agreement, Document No. \_\_\_\_\_, is hereby rescinded and terminated. The Agency and City shall have no further rights, obligations or liabilities to each other under the Lease Agreement.

Section 3. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause the same to be published once in the official newspaper within fifteen (15) days after its adoption, and it shall take effect on the 31st day after its final passage.

APPROVED: JOHN W. WITT, City Attorney

By:   
Janis Sammartino Gardner, Deputy

NOV 16 1981

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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.

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

(Seal)

By Barbara Berridge Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 27 1981

NOV 16 1981

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By Barbara Berridge Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15619 Adopted NOV 16 1981

CERTIFICATE OF PUBLICATION

SAN DIEGO, CITY OF  
12th floor, 202 C St.  
San Diego, CA 92101  
BERRIDGE

RECEIVED  
CITY CLERK'S OFFICE  
SAN DIEGO, CALIF.  
1981 DEC -2 AM 10:51

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15619 (New Series)

**ORDINANCE NO. 0-15619**  
**(New Series)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, REPEALING ORDINANCE NO. 0-15032 APPROVING A CERTAIN LEASE AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AND RESCINDING AND TERMINATING SAID LEASE 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 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 First Amended Disposition and Development Agreement (the "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, in order to carry out and implement the Agreement the City Council of the City of San Diego (the "City"), by Ordinance No. 0-15032, approved and authorized the execution of a certain "Lease Agreement" with the Agency, a copy of which Lease Agreement is on file in the office of the City Clerk as Document No. 00-15032, providing for the construction by the Agency and lease to the City of certain public parking facilities within the Horton Plaza Redevelopment Project area; and

WHEREAS, the Agency and City have approved that certain Second Amended Disposition and Development Agreement with the Developer pursuant to which the Developer, rather than the Agency and City, will plan, finance, construct and operate the parking facilities in connection with the major regional shopping center; and

WHEREAS, the Agency and City desire to rescind and terminate the Lease Agreement as it is no longer necessary to facilitate the Redevelopment Plan or the Agreement.

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

Section 1. Ordinance No. 0-15032 approving said Lease Agreement is hereby repealed.

Section 2. The Lease Agreement, Document No. 00-15032, is hereby rescinded and terminated. The Agency and City shall have no further rights, obligations or liabilities to each other under the Lease Agreement.

Section 3. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause the same to be published once in the official newspaper within fifteen (15) days after its adoption, and it shall take effect on the 31st day after its final passage.

Introduced on October 27, 1981  
Passed and adopted by the Council of The City of San Diego on November 18, 1981  
AUTHENTICATED BY: PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

(SEAL)  
By BARBARA BERRIDGE, Deputy.  
Publish November 30, 1981

I, Charlene Lance, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15619 (New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 30, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 30th day of Nov., 1981.

Charlene Lance  
(Signature)

5 5/8 x 2 x 8.06 = 90.68