

CITY COUNCIL OF THE CITY OF SAN DIEGO

(R-83-461)

RESOLUTION NO. R-257194

SEP 21 1982

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING CERTAIN CHANGES IN THE TERMS AND CONDITIONS FOR THE SALE OF PROPERTY IN THE HORTON PLAZA REDEVELOPMENT PROJECT AREA TO EWH 1979 DEVELOPMENT COMPANY L.P.; APPROVING THE THIRD AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH 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; and

WHEREAS, in order to carry out and implement such Redevelopment Plan the Agency has heretofore entered into that certain Second Amended Disposition and Development Agreement, as amended by the Fourth and Fifth Implementation Agreements (collectively referred to as the "Disposition and Development Agreement"), with EWH 1979 Development Company L.P. (the "Developer") in which Ernest W. Hahn, Inc. is the general partner, for the sale of real properties in the Project area for the development and construction of a major regional shopping center, an office building (and/or alternate residential use), and related parking facilities; and

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

WHEREAS, pursuant to such Third Amendment the Agency proposes to change certain of the terms and conditions under which the Agency will sell the property in the Project area to the Developer for the construction thereon of a major regional shopping center, an office building (and/or alternate residential use), and related parking facilities; and

WHEREAS, the Developer has executed and submitted to the Agency and this City Council of the City of San Diego copies of said proposed Third Amendment in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed said proposed Third Amendment and has recommended that the City Council approve and the Agency enter into the Third Amendment; 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 terms and conditions for the sale of

such real property pursuant to such Third Amendment; having duly published notice of such public hearing and made copies of the proposed Third Amendment, and other reports and documents (including the summary provided for in Section 33433) available for public inspection and comment; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed sale of real property and believes that the redevelopment of the real property pursuant to the Disposition and Development Agreement as proposed to be amended by the Third Amendment 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 as follows:

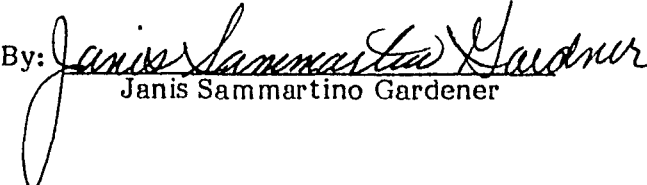
1. The City Council recognizes that it has received and heard all oral and written objections to the proposed Third Amendment, to the proposed sale of the real property pursuant to the Disposition and Development Agreement as proposed to be amended by the Third Amendment, and to other matters pertaining 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 property upon which the major regional shopping center, the office building (and/or alternate residential use), and the related parking facilities are to be developed and constructed is not less than fair market value in accordance with the covenants and conditions governing such purchase as set forth in the Disposition and Development Agreement as proposed to be amended by the Third Amendment. The City Council hereby further finds and determines that all consideration to be paid under the Disposition and Development Agreement as proposed to be amended by the Third Amendment is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Horton Plaza Redevelopment Project.

3. The terms and conditions for the sale of the real property, and the Third Amendment pertaining thereto, 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. A copy of the Third Amendment when executed by the Agency shall be placed on file in the office of the City Clerk as Document No. **RR-257194**

APPROVED: JOHN W. WITT, City Attorney

By: 
Janis Sammartino Gardener

9/17/82

SEP 21 1982

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-257194 Adopted SEP 21 1982