

(R-85-1927)

RESOLUTION NUMBER R- 263022

ADOPTED ON APR 23 1985

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE LEASE (WITH OPTIONS TO PURCHASE) OF CERTAIN PROPERTY IN THE HORTON PLAZA REDEVELOPMENT PROJECT AREA TO ART CENTER REDEVELOPMENT, LTD.; APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT AND LEASE PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH LEASE.

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 (the "Project"); and

WHEREAS, in order to carry out and implement such Redevelopment Plan the Agency proposes to lease (with options to purchase) certain property in the Project area to Art Center Redevelopment, Ltd. (the "Developer") pursuant to the terms and provisions of a certain Disposition and Development Agreement (the "Agreement") and Lease (the "Lease"), which Agreement and Lease contain a description of said property and provides for the rehabilitation and development thereon of an art center and retail commercial facilities; and

WHEREAS, the Developer has executed and submitted to the Agency and the Council of The City of San Diego (the "Council") copies of said proposed Agreement and Lease in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed said proposed Agreement and Lease, and has recommended that the Council approve and the Agency enter into the Agreement and Lease; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.), the Agency and the Council held a joint public hearing on the proposed lease of such real property pursuant to such Agreement and Lease; having duly published notice of such public hearing and made copies of the proposed Agreement and Lease, and other reports and documents available for public inspection and comment; and

WHEREAS, the Agency, after such public hearing, and subject to Council approval, approved such proposed Agreement and Lease and the proposed lease (with options to purchase) of such real property pursuant to such Agreement and Lease; and

WHEREAS, the Council has duly considered all terms and conditions of the proposed lease of real property and believes that the rehabilitation and development of real property 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 Council of The City of San Diego, as follows:

1. The Council recognizes that it has received and heard all oral and written objections to the proposed Agreement and Lease,

to the proposed lease of the real property pursuant to the proposed Agreement and Lease, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. The Council hereby finds and determines that the consideration to be paid by the Developer for the lease of the real property (and purchase, if options are exercised) as described in the Agreement and Lease is not less than fair market value in accordance with the covenants and conditions governing such lease and purchase as set forth in the Agreement and Lease. The Agency hereby further finds and determines that all consideration to be paid under the Agreement and Lease is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Project.

3. The lease of the real property and options to purchase, and the Agreement and Lease which establishes the terms and conditions for the lease, rehabilitation and development of the real property and options to purchase, are hereby approved.

4. The Council hereby authorizes the City Clerk to deliver a copy of the resolution to the Executive Director and members of the Agency. A copy of the Agreement and the Lease when executed by the Agency shall be placed on file in the office of the City Clerk as Document Nos. RR- 263022-1 and RR- 263022-a.

APPROVED: John W. Witt, City Attorney

By   
Janis Sammartino Gardner  
Deputy City Attorney

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Or.Dept:CCDC  
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Passed and adopted by the Council of The City of San Diego on APR 23 1985,  
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"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

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

(Seal)

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-263022</u>	Adopted <u>APR 23 1985</u>

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