

(O-93-206)

ORDINANCE NUMBER O- 17942

ADOPTED ON JUL 26 1993

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER RELATING TO THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF THE OLD TOWN LIGHT RAIL TRANSIT EXTENSION, AUTHORIZING A LEASE AGREEMENT WITH THE CITY OF SAN DIEGO/MTDB AUTHORITY, A SUBLEASE AGREEMENT WITH THE SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD, AND THE AUTHORIZATION FOR THE CITY OF SAN DIEGO/MTDB AUTHORITY TO ISSUE ITS REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$25,000,000

WHEREAS, the City of San Diego (the "City") and the San Diego Metropolitan Transit Development Board ("MTDB") formed the City of San Diego/MTDB Authority (the "Authority") to finance the construction of public capital improvements, including public transit systems and related transportation facilities and services; and

WHEREAS, the City and MTDB desire that the Authority finance the acquisition and construction of a portion of the Old Town Light Rail Transit Extension (the "Project"), which Project is more fully described in the Lease Agreement (hereinafter referred to as the "Lease Agreement"); and

WHEREAS, the Project will be constructed by MTDB and a leasehold interest in certain real property comprising the right of way for the Project and a maintenance yard of MTDB located at 1535 Newton Street in the City (collectively the "Property") will be leased to the City; and

WHEREAS, the City will sublease the Property to MTDB for the purpose of maintenance and operation; and

WHEREAS, the City and the Authority have the power to enter into leases for real and personal property; and

WHEREAS, the Authority will cause the Project to be acquired and constructed from the proceeds of revenue bonds to be issued pursuant to Article 4, Chapter 5, Division 7 of Title 1 (commencing at Section 6584) of the Government Code of the State of California, which will be secured by the Lease Payments to be received from the City pursuant to the Lease Agreement for the Property; and

WHEREAS, the City desires to authorize the Authority to issue revenue bonds in an amount not to exceed \$25,000,000 to provide financing of the City's \$18,300,000 commitment to the Project; and

WHEREAS, the City intends for the Lease Agreement to remain in full force and effect as to the Property until the last Lease Payment applicable to the Property is made, unless the Lease Agreement is sooner terminated in accordance with the terms provided therein; and

WHEREAS, the Authority and the City desire to deposit with the Trustee under the Indenture referred to in the Lease Agreement the proceeds from the sale of the revenue bonds which proceeds are to be expended to acquire and construct the Project; and

WHEREAS, a public hearing was duly noticed and held as provided for in Section 99 of the City Charter in regard to the matters set forth in the recitals hereof; NOW THEREFORE.

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

Section 1. The proposed form of Lease Agreement dated as of August 1, 1993 by and between the City and the Authority which is on file in the office of the City Clerk as Document No. 00-17942-1 is hereby approved in substantially the form presented. The maximum annual Lease Payments, exclusive of Supplemental and Additional Lease Payments, as said terms are defined in the Lease Agreement, shall not exceed \$1.6 Million; provided, however, the annual Lease Payments may be less than said amount based on the interest rate to be paid on the revenue bonds of the Authority. The City Manager is authorized to execute the Lease Agreement on behalf of the City in substantially the form presented, and to insert the appropriate advance rental figure in the Lease Agreement and to execute and make any modifications in the Lease Agreement or related documents consistent with the intent of the transaction, and to make any modifications in the Lease Payments in Exhibit C thereof when the rates on the revenue bonds have been determined.

Section 2. The proposed form of Sublease Agreement dated as of August 1, 1993 by and between the City and MTDB, which is on file with the office of the City Clerk as Document No. 00-17942-2 is hereby approved in substantially the form presented. The City

Manager is authorized to execute the Sublease Agreement on behalf of the City in substantially the form presented and to execute and make any modifications in the Sublease Agreement or related documents consistent with the intent of the transaction.

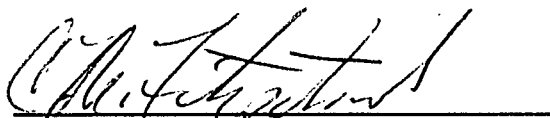
Section 3. The Authority is authorized to issue revenue bonds for the purpose of constructing the Project in an amount not to exceed \$25,000,000, and to issue and execute the appropriate financing documents in connection therewith.

Section 4. The Clerk is authorized and directed to cause a digest or copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Curtis M. Fitzpatrick
Assistant City Attorney

CMF:tg:Lit.
06/28/93
Or.Dept:
0-93-206
Form=o.none

Passed and adopted by the Council of The City of San Diego on JUL 26 1993
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

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

By Magdell L. Peltier, 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

JUL 12 1993

JUL 26 1993

, and on

~~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.

By Magdell L. Peltier, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17942</u>	Adopted <u>JUL 26 1993</u>

JUN 28 1993

JUN 30 1993

JUN 28 1993

RECEIVED
CITY CLERK'S OFFICE
93 JUN 30 PM 4:35
SAN DIEGO, CALIF.

JUN 28 1993