

(R-93-1570)

RESOLUTION NUMBER R- 281759

ADOPTED ON APR 13 1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY IN THE SOUTHCREST REDEVELOPMENT PROJECT AREA TO THE GORDON/LUCKY JOINT VENTURE; APPROVING THE AMENDED AND RESTATED 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 Southcrest Redevelopment Project (the "Project"); and

WHEREAS, the Agency has heretofore entered into that certain Disposition and Development Agreement dated August 13, 1990 (the "DDA") with The V. Gordon Group, Inc., for the sale of certain real properties in the Project area for the development and construction of mixed uses, including light industrial and commercial/retail structures in order to carry out and implement the Redevelopment Plan; and

WHEREAS, in order to modify the obligations set forth in the DDA and to carry out and implement the Redevelopment Plan, the Agency proposes to sell a portion of the property covered by the DDA to The Gordon/Lucky Joint Venture, a California general partnership (the "Developer"), pursuant to the terms and provisions of a certain Amended and Restated Disposition and

Development Agreement (the "Amended DDA"), which Amended DDA contains a description of said property and provides for the construction of a supermarket or combined supermarket and drug store and ancillary commercial/retail development thereon; and

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

WHEREAS, the Board of Directors for the Southeast Economic Development Corporation, Inc., has reviewed and discussed said proposed Amended DDA and has recommended that the City Council approve and the Agency enter into the Amended DDA; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code sections 33000 et seq.), the Agency and the City Council held a joint public hearing on the proposed sale of such real property pursuant to such Amended DDA, having duly published notice of such public hearing and made copies of the proposed Amended DDA, the summary report prepared pursuant to Section 33433, and other reports and documents 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 proposed Amended DDA is in the best interest of the City and 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. That the City Council recognizes that it has received and heard all oral and written objections to the proposed Amended DDA, to the proposed sale of the real property pursuant to the proposed Amended DDA, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

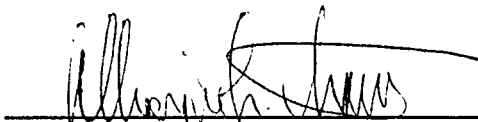
2. That the City Council hereby finds and determines that, based upon the explanation of the reasons for the difference between the sale price and the fair market value of the property determined at the highest and best use consistent with the Redevelopment Plan for the Project as contained in the summary (Section 33433) report referenced above, such lesser consideration is necessary to effectuate the purposes of the Redevelopment Plan for the Project.

3. That the sale of the real property, and the Amended DDA which establishes the terms and conditions for the sale and development of the real property, are hereby approved.

4. That the City Council hereby consents to the Agency developing the site under the Amended DDA for commercial use so as to provide streets, sidewalks, utilities and other public improvements as therein described. The City Council hereby finds and determines that the provision of such improvements is necessary to effectuate the purposes of the Redevelopment Plan for the Project.

5. That the City Council hereby authorizes the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency. Copies of the Amended DDA when executed by the Agency shall be placed on file in the office of the City Clerk as Document No. RR-281759.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
04/05/93
Or.Dept:SEDC
Aud.Cert:9300587
R-93-1570
Form=r+t

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 9300587
 ORIGINATING DEPT. NO.: 9994

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 4,883,000.00 Fund 98330

Purpose Authorizing an Amendment to the FY93 Southcrest Redevelopment Project budget to include anticipated developer proceeds & appropriating these funds for use in the project area.

Date December 10, 1992

By: *William J. Pedro*
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	98330			9544					\$4,883,000.00
TOTAL AMOUNT										\$4,883,000.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ _____

Vendor _____

Purpose _____

Date _____

By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

AC-361 (REV 2-92)

FUND OVERRIDE

R- 281759

APR 13 1993

AC 9300587

602 A

Passed and adopted by the Council of The City of San Diego on APR 13 1992,
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

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

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

(Seal)

By Maybell G. Pontecorvo, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-281759 APR 13 1992
Number..... Adopted.....

RECEIVED
93 APR -6 AM 8:02
CITY CLERKS OFFICE
SAN DIEGO, CA