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ORDINANCE NUMBER O- 18046 ^(O-94-65) Corrected 2/25/94
(NEW SERIES)

ADOPTED ON MAR 07 1994

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENT FOR PARK TERRACE CENTER IN CONNECTION WITH CITY'S ACQUISITION OF LOT 9 IN SAID CENTER FOR CONSTRUCTION AND OPERATION OF A PUBLIC LIBRARY.

WHEREAS, the City is acquiring certain property known as Lot 9 of Park Terrace, a planned commercial development, together with a proportional interest in the common area of said development for the purpose of constructing and operating a public library; and

WHEREAS, the owner of the balance of the lots in the planned commercial development has required that the City take the property subject to a Declaration of Covenants, Conditions, Restrictions and Reciprocal Easement Agreement for Park Terrace Center, (hereinafter "Declaration"); and

WHEREAS, said Declaration vests substantial powers in the owner of the planned commercial development including the right to establish and pass through fees and charges for maintenance, repairs and security for the common areas within the planned commercial development; and

WHEREAS, the City Manager has explained to the City Council that the owner of the remaining lots in the planned commercial development has further reserved the right to modify or amend the

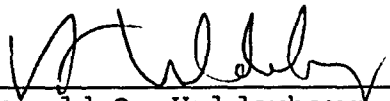
Declaration in any manner deemed appropriate for the benefit of the planned commercial development and without a requirement for City approval of such amendment or modification; and

WHEREAS, the City Council desires to proceed with acquisition of Lot 9 taking into consideration the above facts; NOW, THEREFORE,

BE IT ORDAINED, that the City Council hereby authorizes the City Manager to, on behalf of the City, agree to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENT FOR PARK TERRACE CENTER, under the terms and conditions set forth in that form of Declaration on file in the office of the City Clerk as Document No. 00- 18046.

BE IT FURTHER ORDAINED, that 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 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
01/31/94
02/07/94 COR.COPY
02/25/94 COR.PAGE
Or.Dept:Prop.
Job:521219
O-94-65
Form=o+t

MAR 07 1994

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

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<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"/>
Christine Kehoe	<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"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Branda B. Barnes*, 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

FEB 22 1994

MAR 07 1994

....., 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.

(Seal)

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

By *Branda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number.....	MAR 07 1994
018046	Adopted

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

94 MAR 23 AM 10:11

SAN DIEGO, CALIF.

87

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AUTHORIZING THE CITY MANAGER TO EXECUTE A...

ORDINANCE NUMBER O-18046 (NEW SERIES)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENT FOR PARK TERRACE CENTER IN CONNECTION WITH CITY'S ACQUISITION OF LOT 9 IN SAID CENTER FOR CONSTRUCTION AND OPERATION OF A PUBLIC LIBRARY.

WHEREAS, the City is acquiring certain certain property known as Lot 9 of Park Terrace, a planned commercial development, together with a proportional interest in the common area of said development for the purpose of construction and operating a public library; and

WHEREAS, the owner of the balance of the lots in the planned commercial development has required that the City take the property subject to a Declaration of Covenants, Conditions, Restrictions and Reciprocal Easement Agreement for Park Terrace Center, (hereinafter "Declaration"); and

WHEREAS, said Declaration vests substantial powers in the owner of the planned commercial development including the right to establish and pass through fees and charges for maintenance, repairs and security for the common areas within the planned commercial development; and

WHEREAS, the City Manager has explained to the City Council that the owner of the remaining lots in the planned commercial development has further reserved the right to modify or amend the Declaration in any manner deemed appropriate for the benefit of the planned commercial development and without a requirement for City approval of such amendment or modification; and

WHEREAS, the City Council desires to proceed with acquisition of Lot 9 taking into consideration the above facts; NOW, THEREFORE,

BE IT ORDAINED, that the City Council hereby authorizes the City Manager to, on behalf of the City, agree to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENT FOR PARK TERRACE CENTER, under the terms and conditions set forth in that form of Declaration on file in the office of the City Clerk as Document No. OO-18046.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

INTRODUCED ON Feb 22, 1994. Passed and Adopted by the Council of The City of San Diego on March 7, 1994.

AUTHENTICATED BY:
SUSAN GOLDING

Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)

By RHONDA R. BARNES, Deputy.

Pub. Mar. 21

289281-

I, Corey Donahue, 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 NUMBER O-18046 (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:

MAR. 21

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

Dated at San Diego, California this 21st day of MAR., 1994.

Corey Donahue

(Signature)

4 1/4 " x 2 = \$ 117.76