

(0-94-111)

18075

ORDINANCE NUMBER O- (NEW SERIES)

ADOPTED ON MAY 31 1994

AN ORDINANCE OF THE CITY OF SAN DIEGO, WHICH GRANTED ORDINANCE NO. O-10639 (NEW SERIES), TO APPLIED ENERGY, INCORPORATED, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF FIFTY YEARS TO CONSTRUCT, MAINTAIN AND USE PIPES AND APPURTENANCES TO CARRY TEMPERATURE-CONTROLLED WATER FOR HEATING AND COOLING PURPOSES IN STREETS WITHIN THE CITY OF SAN DIEGO AND TO UTILIZE SAID PIPES AND APPURTENANCES IN SAID STREETS FOR TRANSMITTING TEMPERATURE-CONTROLLED WATER FOR USE OUTSIDE THE BOUNDARIES OF THE CITY FOR HEATING AND COOLING PURPOSES, IS HEREBY SUPPLEMENTED TO AUTHORIZE THE FRANCHISE TO BE ASSIGNED TO RSD POWER PARTNERS, L.P., PURSUANT TO THE PROVISIONS OF SECTION 15 OF THE AGREEMENT.

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

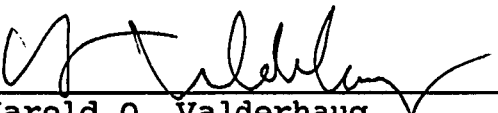
Section 1. That San Diego Central Cooling Company is hereby authorized to assign its rights and obligations under that certain Contract Regarding Non-exclusive Franchise by and between City and Applied Energy, Incorporated , dated July 29, 1971, (the "Agreement") to RSD POWER PARTNERS, L.P., a Delaware limited partnership, pursuant to Section 15 of the Agreement and to guarantee RSD Power Partners' performance under the Agreement.

Section 2. That City hereby accepts the above assignment of the Agreement, under the terms and conditions on file in the office of the City Clerk as Document No. OO- 18075 and releases San Diego Central Cooling Company from any liability thereafter occurring under the Agreement.

Section 3. 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  
05/03/94  
Or.Dept:REA  
O-94-111  
Form=o+t

MAY 31 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 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.

(Seal)

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

By *[Signature]*, 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

MAY 18 1994

MAY 31 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.

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

(Seal)

By *[Signature]*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-18075 Adopted MAY 31 1994

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CITY CLERKS OFFICE  
SAN DIEGO, CA

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