

(O-96-91)

ORDINANCE NUMBER O- 18251 (NEW SERIES)

ADOPTED ON JAN 08 1996

AN ORDINANCE APPROVING THE ACQUISITION
AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
DP PARTNERSHIP FOR PARK AND RIDE FACILITIES
AT THE COLLEGE GROVE SHOPPING CENTER.

WHEREAS, DP Partnership, a California general partnership, ("DP Partnership") is the owner of that certain real property commonly known as the College Grove Shopping Center, located on the west side of College Avenue between College Grove Drive and State Highway 94; and

WHEREAS, The City of San Diego ("City"), a charter city, is authorized pursuant to Section 99 of the Charter of the City to enter into binding agreements for a term in excess of five (5) years by ordinance; and

WHEREAS, the City has previously prepared and certified an Addendum to an Environmental Impact Report (EQD No. 87-0179 Addendum to EIR No. 85-0747, SCH No 85111309; the "AEIR") which, among other things, reviewed and considered the establishment of a park and ride facility on the College Grove Shopping Center and determined such facility would enhance the overall circulation environment by encouraging alternative public transportation; and

WHEREAS, DP Partnership has agreed to lease certain land at the College Grove Shopping Center to the City for use as a Park and Ride facility for a twenty-five (25) year term, subject to the terms and conditions of the Acquisition Agreement, a copy of

which is on file in the office of the City Clerk as Document No. 00-~~18251~~ (the "Acquisition Agreement"); and

WHEREAS, on December 5, 1995, the Council of The City of San Diego (the "City Council"), after giving notice pursuant to Section 99 of the Charter of the City of San Diego, held a hearing for the purpose of considering entry into the Acquisition Agreement; and

WHEREAS, as a result of the statements in the AEIR, no negative declaration or subsequent environmental impact report or supplement or addendum to the AEIR was prepared with respect to the Acquisition Agreement; the AEIR was considered by the City Council at the time of the public hearing on the Acquisition Agreement; and

WHEREAS, the City Council has reviewed and considered the Acquisition Agreement and determined the content of it to be complete and correct; NOW, THEREFORE,

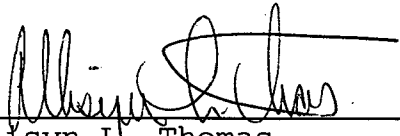
BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. The City Council finds and determines the facts stated above to be true.

Section 2. The City Council, by at least a two-thirds majority of the members elected to the Council, hereby approves the Acquisition Agreement, and authorizes and directs the City Manager to execute the Acquisition Agreement in the name of The City of San Diego not later than fifteen (15) days following the effective date of this ordinance. Failure of DP Partnership to execute the Acquisition Agreement within thirty (30) days shall render this action null and void.

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 
Allisyn L. Thomas
Deputy City Attorney

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