

ORDINANCE NUMBER O- 18290 (NEW SERIES)

ADOPTED ON APR. 16 1996

AN ORDINANCE OF THE CITY OF SAN DIEGO  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
GROUND LEASE WITH THE SAN DIEGO COMMUNITY  
FOUNDATION RELATING TO THE CITY HEIGHTS  
COMMUNITY CENTER.

WHEREAS, on May 5, 1992, the City Council adopted the City Heights Redevelopment Plan pursuant to the California Community Redevelopment Law (codified as California Health and Safety Code § 33000 et seq.) for the purposes of eliminating blight and stimulating economic development in the City Heights community; and

WHEREAS, Mr. and Mrs. Sol Price ("Price") have generously donated five million dollars (\$5,000,000) to the Foundation for the purpose of developing a City Heights Community Center (including a swim center), and a new state-of-the-art City library in City Heights (the "Project"), upon the conditions that 1) CityLink Investment Corporation ("CIC") serve as the Construction Manager and Developer for the Project, 2) the disbursement of funds for the design and construction of the Project be overseen by Foundation, 3) following the construction of the Project, that the Foundation continue to lease the Project from City for a period of twenty (20) years to help ensure that certain maintenance standards are observed, and 4) that part of the lease monies paid to Foundation by City be used to help support the Town Council for a period of ten (10) years; and

WHEREAS, pursuant to a Ground Lease, and consistent with the above-mentioned gift from Price, City now wishes to lease the property upon which the Project is to be located on (the "Leased Property") to Foundation, so that Foundation shall cause the financing for design and construction to occur according to plans and specifications approved by the City, with the Leased Property shown on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, concurrently with the execution of the Ground Lease, City, Foundation, and CIC will enter into a Design, Development and Construction Agreement, whereby City and Foundation shall jointly cause the Project to be constructed and financed, a copy of the Design, Development and Construction Agreement is on file in the office of the City Clerk as Document No. RR- 287136; and

WHEREAS, the City is permitted by law to lease the Leased Property to the Foundation, and Foundation is permitted by law to lease the Leased Property from the City, and the lease of the Leased Property is necessary and proper for public purposes; NOW THEREFORE,

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

Section 1. The Council hereby approves the Ground Lease with the San Diego Community Foundation, a copy of which is on file in the office of the City Clerk as Document No. OO- 18290, and the City Manager is hereby authorized and empowered to execute, for and on behalf of the City, the Ground Lease, under

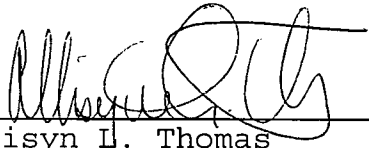
the terms and conditions set forth in the Ground Lease, following the effective date of this ordinance.

Section 2. The City Clerk is directed to record the Ground Lease within ten (10) days after its execution.

Section 3. This ordinance shall take effect and be in force only upon and after the City acquiring the Leased Property; however, in the event the City does not acquire the Leased Property within two (2) years of the adoption of this Ordinance, this Ordinance will be of no further force and effect.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Allisyn L. Thomas  
Deputy City Attorney

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