

ORDINANCE NUMBER O-18548

ADOPTED ON JULY 20, 1998

AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO
THE 1994 AGREEMENT FOR PARTIAL USE AND
OCCUPANCY OF QUALCOMM STADIUM BETWEEN SAN
DIEGO STATE UNIVERSITY AND THE CITY OF SAN
DIEGO.

WHEREAS, in 1994 the City of San Diego [City] and San Diego State University [SDSU] entered into the 1994 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium [1994 Agreement], on file in the Office of the City Clerk as Document No. OO-18076; and

WHEREAS, Section 31 of the 1994 Agreement provides that, in the event the City reaches agreement with the San Diego Chargers [Chargers] for substantially different terms and conditions for the use of (now) Qualcomm Stadium [Stadium], SDSU and the City agree to renegotiate the terms and conditions of the 1994 Agreement with a view towards a more equitable distribution of revenues under the circumstances; and

WHEREAS, in 1995 the City and the Chargers reached agreement on substantially different terms and conditions for the use of the Stadium by the Chargers; and

WHEREAS, SDSU invoked Section 31 of the 1994 Agreement; and

WHEREAS, the City and SDSU have negotiated amended terms and conditions to the 1994 Agreement consistent with Section 31 of the 1994 Agreement; and

WHEREAS, the City Council in closed session on February 17, 1998, by the following

vote: Yeas, Districts 1, 2, 7, 8 and the Mayor; Nays, Districts 3, 4, and 6; Not Present, District 5; approved the proposed amendments, subject to acceptance by SDSU; and

WHEREAS, SDSU has accepted the proposed amendments; NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized to execute, for and on behalf of said City, a First Amendment to the 1994 Agreement with SAN DIEGO STATE UNIVERSITY and THE CITY OF SAN DIEGO, for Partial Use and Occupancy of Qualcomm Stadium, under the terms and conditions set forth in the First Amendment to the Agreement on file in the Office of the City Clerk as Document No. OO- 18548 - 1.

Section 2. The 1994 Agreement shall be published in a restated form to incorporate the First Amendment, which Restated Agreement will be on file in the Office of the City Clerk as Document No. OO- 18548 - 2.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By


Leslie J. Girard
Assistant City Attorney

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