

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made by and between THE CITY OF SAN DIEGO, a municipal corporation, herein called "City," and THE HOSPITAL CORPORATION OF AMERICA, hereinafter called "HCA."

RECITALS

A. City entered into an agreement dated September 8, 1986 with Hospital Corporation of America entitled "Exclusive Negotiation and Right of Entry Agreement" related to development of an aerobic center on Torrey Pines mesa, which, as extended by the City Manager on June 18, 1987, terminates on October 1, 1987.

B. City and HCA wish to extend the term of said agreement to allow more time to complete lease negotiations.

NOW, THEREFORE, in consideration of the recitals and mutual covenants herein, the City's agreement with HCA is hereby amended as follows:

Paragraph 1 - The term of this Agreement shall end on July 1, 1988, or on the date City and HCA enter into a lease agreement ("Lease") covering development and operation of the aerobic center, whichever date occurs first. This agreement shall commence when it is executed by the City. The City hereby agrees that during the term of this Agreement it shall not enter into any negotiations regarding the development, sale, or lease of the Premises with any party other than HCA.

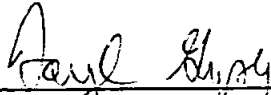
DOCUMENT NO. RR-289356
FILED SEP 28 1987
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

All other terms and conditions of the Exclusive Negotiation Agreement remain in effect.

IN WITNESS WHEREOF, this First Amendment to Agreement is executed by The City of San Diego, acting by, and through its City Manager, pursuant to Resolution No. R269356, authorizing such execution, and by HCA.

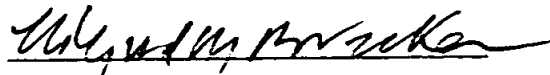
THE CITY OF SAN DIEGO

Date SEP 28 1987

By 
ASSISTANT TO THE CITY MANAGER

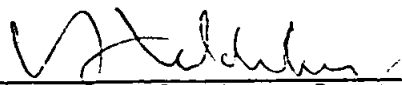
HOSPITAL CORPORATION OF AMERICA

Date SEP 28 1987

By 

I HEREBY APPROVE the form and legality of the foregoing First Amendment to Agreement dated this 21 day of October, 1987.

JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

R269356

(R-88-488)

RESOLUTION NUMBER R- 269356

ADOPTED ON SEP 28 1987

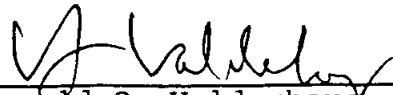
WHEREAS, on September 8, 1986, the City Council, by Resolution R-266524, authorized the City Manager to execute an Exclusive Negotiation and Right of Entry Agreement with HOSPITAL CORPORATION OF AMERICA (HCA) pursuant to which the City and HCA were to negotiate a proposed lease for the development and operation of an aerobic center on City-owned land on Torrey Pines Mesa; and

WHEREAS, the Exclusive Negotiation and Right of Entry Agreement, as extended by the City Manager on June 18, 1987, is for a term ending on October 1, 1987, or on the date the City and HCA enter into a lease agreement, whichever date first occurs; and

WHEREAS, lease negotiations are proceeding satisfactorily, however, their status precludes lease execution by October 1, 1987; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to execute a First Amendment to the Exclusive Negotiation and Right of Entry Agreement with HCA, which First Amendment extends the term of the Agreement until July 1, 1988, or the date City and HCA enter into a lease, whichever date first occurs, under the terms and conditions set forth in that First Amendment to Exclusive Negotiation and Right of Entry Agreement on file in the office of the City Clerk as Document No. RR- 269356.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
09/10/87
Or.Dept:Prop.
R-88-488
Form=r.none

Passed and adopted by the Council of The City of San Diego on SEP 28 1987,
by the following vote:

YEAS: Wolfsheimer, Cleator, McColl, Struiksma, Gotch, McCarty,
Ballesteros, Mayor O'Connor.

NAYS: None.

NOT PRESENT: None.

VACANT: District 4.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California

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

(SEAL)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct
copy of RESOLUTION NO. A-269356, passed and adopted by
the Council of The City of San Diego, California on SEP 28 1987.

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

(SEAL)

By: Rhonda R. Barnes, Deputy