



THE CITY OF SAN DIEGO

January 16, 2004

Mr. Richard Freeman  
President and Chief Executive Officer  
PETCO Park  
100 Park Boulevard  
San Diego, Ca. 92101

Re: Commencement Date

Dear Dick:

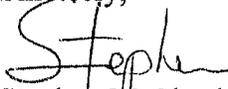
→ This letter is to memorialize the "Commencement Date" that shall be used for calculating adjustments, payments, etc., in accordance with the Joint Use and Management Agreement.

Based on the attached letter that you previously signed, and the attached temporary occupancy that was issued by the City, the commencement shall be **December 15, 2003**. If you are in agreement, please sign below and return to me at:

Special Projects Administration  
Executive Complex, Fifth Floor  
1010 Second Ave.  
San Diego, Ca. 92101

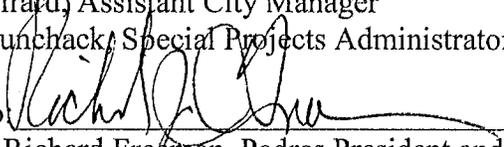
If you have any questions do not hesitate to contact me at (619) 533-3083 or (619) 850-7954. I also wanted to let you know that by the time you read this letter, the Padres will have received the first expense payment of \$1,750,000.

Sincerely,

  
Stephen M. Shushan  
City Ballpark Administrator

Attachments

Cc: Bruce Herring, Deputy City Manager  
Les Girard, Assistant City Manager  
Jon Dunchack, Special Projects Administrator

Agreed To:   
Richard Freeman, Padres President and  
Chief Executive Officer

Date: 2/17/04

petcocommencementdate

**Special Projects • Special Projects Administration**

1010 Second Avenue, Suite 500, MS 658 • San Diego, CA 92101-3869

Tel (619) 533-3489 . Fax (619) 533-3488



**From:** Les Girard  
**To:** Shushan, Stephen  
**Date:** 1/12/04 9:35AM  
**Subject:** Fwd: RE: TCO

The commencement date would be the TCO date.

>>> Stephen Shushan 01/12/04 08:56AM >>>  
Les

I have a quick question on the commencement date for the project. According to the Commencement Date definition in the JUMA (page 12 1.1.43) it seems like the Commencement Date would occur when a temporary certificate of occupancy is issued, which was 12/15/03. Is this correct or should we use the permanent occupancy date. This date is significant in calculating the city's expense payment to the Padres although it looks like with either date we will be paying the maximum of \$3.5 million. Let me know what you think as I am ready to process their first payment. Thanks.

Stephen Shushan  
City Ballpark Administrator

(619) 533-3083  
(619) 850-7954 (cell)  
(619) 533-3866 (fax)

**CC:** Witt, Jeffrey