
THE PRESS-ENTERPRISE

Saturday, September 18, 1993

Moreno sues mall's developers, says police deal broken

By Joe Vargo

The Press-Enterprise

MORENO VALLEY

The City of Moreno Valley has sued the developers of the Moreno Valley Mall at TownGate, saying they reneged on an agreement to pay for police services at the shopping and business center.

The suit filed Sept. 10 in Riverside Superior Court, seeks costs associated with hiring and paying for officers at the mall - estimated at \$300,000.

"We're simply trying to obtain funding for the commitment they (developers) agreed to," said Gene Rogers, Moreno Valley's assistant city manager.

"We should have an agreement in place. They should be paying for it. They're not. We feel we've gone as far as we can."

Rogers said the city had been paying \$5,000 of the \$15,000-per-month to fund police services at the mall, which opened in October.

The \$300,000 estimate also includes anticipated costs associated with paying for police protection until the dispute is resolved.

Named as defendants are the TownGate Regional Mall Co., Delaware Moreno Development Co. and Homart Development Co.

Lawrence LaSusa, litigation counsel for the Chicago-based Homart, said he had not seen a copy of the lawsuit and could not comment.

The lawsuit states that Moreno Valley officials would not have approved plans to build the mall, which opened in October, without assurances the developers would provide and pay for police services.

Representatives of the mall agreed to such conditions, the lawsuit states, and the go-ahead to build the shopping center was given on March 29, 1991.

Since then, the mall builders "wrongfully and unlawfully have failed and refused to comply with the police services condition" of approval, the lawsuit states.

"Plaintiff has demanded that defendants . . . perform under the conditions of approval, especially now that the mall has opened and there is an immediate need for additional police services to protect the health, safety and welfare of the visitors to the mall," the suit states.

The lawsuit states further that the developers "contend that the police services condition is invalid and unenforceable because the city does not have the power to require the defendants to contract for police services."

The City disputes that contention, according to the lawsuit.