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REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04451

DATE OF FINAL PASSAGE OCT 27 2009

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING A LEASE WITH MAX LEVY AND BRAD LEVY DOING BUSINESS AS ALLEN'S FLOWERS AND PLANTS, INC. FOR THE OPERATION OF ALLEN'S FLOWER SHOP LOCATED AT 620 MARKET STREET, CITY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE EAST VILLAGE REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is involved in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project Area, the Agency proposes to enter into a Lease with Max Levy and Brad Levy doing business as Allen's Flowers and Plants, Inc. (the "Lessee") for the operation of Allen's Flower Shop located at 620 Market Street, City of San Diego, State of California, in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the real property to be leased under the Lease is owned by the Agency and consists of a vacant retail space of approximately 1,744 square-feet (the "Leased Premises") located on the ground floor of the 500-space Park-it-on-Market parking facility (the "Parkade"); and

WHEREAS, pursuant to the Parking Structure Operating Agreement executed by the Agency and the City of San Diego (the "City") on August 1, 1999, the City serves as the Agency's agent for the purposes of managing and administering the operations of the Parkade, including the Leased Premises; and

WHEREAS, the proposed Lease states that the initial term of the Lease will commence on the Effective Date (as defined in the Lease) and continue for a period of five (5) years; and

WHEREAS, the proposed Lease further states that, provided Lessee is not in default of the Lease, Lessee shall have two (2) options to extend the term of the Lease, each for an additional five (5) years; however, in no event will the term of the Lease be greater than fifteen (15) years plus any first partial month of the initial term; and

WHEREAS, in accordance with Section 33431 of the California Health and Safety Code, the Agency published for and conducted a public hearing on the proposed Lease; and

WHEREAS, the Agency has duly considered all terms and conditions of the Lease and determines that the use of the commercial retail space pursuant to the terms of the proposed Lease is in the best interests of the City and the Project Area, and the health, safety, morals and welfare of its residents, and is in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego [Agency] as follows:

1. That the Agency hereby finds and determines that the lease of the vacant retail space at 620 Market Street, City of San Diego, will assist in eliminating and preventing the onset and return of blight through continued utilization of redeveloped-vacant or underutilized property.

2. That the Lease with Max Levy and Brad Levy doing business as Allen's Flowers and Plants, Inc. (the "Lessee") for the operation of Allen's Flower Shop is hereby approved.

3. That the Agency Executive Director or designee is hereby authorized to execute the Lease, a copy of which when executed by the Agency, shall be placed on file in the office of the Secretary of the Agency as Document No. DO4451

4. That the Agency Executive Director or designee is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Lease and to administer the Agency's obligations, responsibilities and duties to be performed thereunder.

5. That, pursuant to the Parking Structure Operating Agreement executed by the Agency and the City of San Diego (the "City") on August 1, 1999, the Agency authorizes the City or its designee, by itself or acting through the Centre City Development Corporation, for and on behalf of the Agency, to execute the Lease and all documents necessary and appropriate to carry out and implement the terms of the Lease and to administer the Agency's obligations, responsibilities and duties to be performed thereunder.

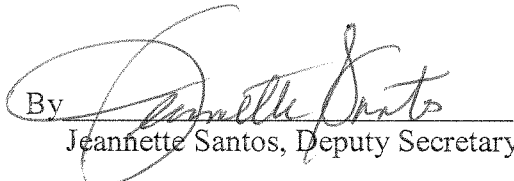
APPROVED: JAN I. GOLDSMITH, General Counsel

By Kendall D. Berkey  
Kendall D. Berkey  
Deputy General Counsel

KDB:nda  
09/25/09  
Or.Dept:CCDC  
RA-2010-21  
MMS#10534

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of OCT 13 2009.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 10-27-09  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on OCT 13 2009, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 27 2009

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04451