

RESOLUTION NUMBER R- 288100

ADOPTED ON NOV 26 1996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE EXECUTION OF AN AMENDMENT TO THE LEASE BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO SPACE AND SCIENCE FOUNDATION AND AUTHORIZING A SUBLEASE BETWEEN THE SAN DIEGO SPACE AND SCIENCE FOUNDATION AND THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

WHEREAS, the City of San Diego (the "City") owns the land and buildings located at 1875 El Prado, San Diego, California (the "Facilities") constituting the Reuben H. Fleet Space Theater and Science Center; and

WHEREAS, the City leases the Facilities to the San Diego Space and Science Foundation (the "Foundation"), a California nonprofit public benefit corporation, pursuant to a lease agreement between the City, as lessor, and the Foundation, as lessee (the "Lease"); and

WHEREAS, the Foundation plans to construct and equip certain additions and improvements to the Facilities (the "Project"); and

WHEREAS, the Foundation has requested that the California Statewide Communities Development Authority ("CSCDA") participate in a lease financing for the purpose of financing the Project; and

WHEREAS, in connection with such proposed lease financing, the Foundation has requested the City to enter into an amendment to the Lease (the "Amendment") to extend the term of the Lease for five years; and

WHEREAS, in connection with such proposed lease financing, the Foundation has requested the City to approve the sublease of the Facilities by the Foundation to CSCDA; and

WHEREAS, the City is now duly empowered and authorized, pursuant to each and every requirement of law, to adopt this Resolution; NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct and this Council does hereby so find and determine.

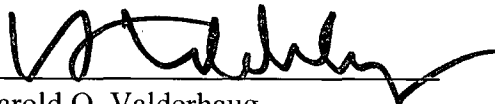
Section 2. The proposed form of Amendment, as presented to this meeting is hereby approved. The City Manager is hereby authorized, for and on behalf of the City, to execute the Amendment in substantially said form, with such changes therein as the City Manager, with the advice of the City Attorney, shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. The sublease of the Facilities by the Foundation to CSCDA in connection with the financing of the Project is hereby approved. The City Manager is hereby authorized, for and on behalf of the City, to consent in writing to the sublease in such form as the City Manager, with the advice of the City Attorney, shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. All officers, agents and employees of the City are, and each of them is, hereby authorized to take any and all actions and execute and deliver any and all documents necessary or convenient to assist the Foundation in the financing of the Project and to

carry out the policies, covenants and activities contemplated by the Lease and this Resolution.

APPROVED: John W. Witt, City Attorney

By   
Harold O. Valderhaug  
Head Deputy City Attorney

HOV:cdk  
11/07/96  
Or.Dept:C&ED  
R-97-507