

ORDINANCE NUMBER O- 19278 (NEW SERIES)

ADOPTED ON MAY 17 2004

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE OFFICE LEASE AGREEMENT FOR SPACE AT 707 BROADWAY TOWER.

WHEREAS, the City of San Diego and 707 Broadway, LLC, a California limited liability company, entered into the Office Lease dated June 4, 2001 for approximately 15,009 square feet of office and storage space at the 707 Broadway Tower, including the entire Third Floor and a portion of the Basement Level B-2, for use by the Library; and

WHEREAS, the Lease was amended by a First Amendment to Office Lease dated March 28, 2002, to add the Family Justice Center as a tenant and to add 27,213 square feet of space on the Fifth, Sixth, and Seventh floors at the 707 Broadway Tower; and

WHEREAS, 7th & Broadway Partners, LLC, a Delaware limited liability company, 901 7th Avenue Partners, LLC, a Delaware limited liability company, and 707 Weber, LLC, a California limited liability company have acquired the ground leasehold interest in the real property and title to the improvements located at 707 Broadway Tower from 707 Broadway, LLC and have succeeded 707 Broadway, LLC in interest under the Office Lease and the First Amendment to Office Lease; and

WHEREAS, recently the Second floor of 707 Broadway Tower became available to lease; and

WHEREAS, the Family Justice Center is now in partnership with Children's Hospital and Childhelp USA and wishes to lease the Second floor of 707 Broadway Tower which will

allow the Family Justice Center to provide necessary services to the Children arriving at the Family Justice Center; and

WHEREAS, Childhelp USA will contribute \$5,000 per month during the lease term to help cover space costs on the Second floor; and

WHEREAS, the existing term of the Office Lease will be extended approximately 2.5 years so that the Office Lease expires on March, 31, 2010, and this Second Amendment will allow the City one option to extend the Office Lease for five years; and

WHEREAS, occupancy of the Second floor will commence July 1, 2004; and

WHEREAS, the base rent is \$1.60 per square foot or \$19,692.80 per month and will increase approximately 3 percent per year; NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute, for and on behalf of the City of San Diego, the Second Amendment to the Office Lease with 7th & Broadway Partners, LLC, 901 7th Avenue Partners, LLC, and 707 Weber, LLC, under the terms and conditions set forth in that Second Amendment to Office Lease on file in the office of the City Clerk as Document No. OO- 19278.


Section 2. That the City Auditor and Comptroller is authorized to expend an amount not to exceed \$277,881.92 from the Office Space Program Budget, Fund No. 100, Dept. 601, for rent and utility charges from the FY 2005 Budget. These expenditures are contingent upon approval of the FY 2005 Budget by the Mayor and City Council.

Section 3. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from
and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Elisa A. Cusato
Deputy City Attorney

EAC:ai
04/20/04
AC: 2500001
Or.Dept: READ
O-2004-131

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500001

ORIGINATING DEPT. NO.: 601

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$277,881.92

Vendor: 7th & Broadway Partners LLC

Purpose: Authorizing the expenditure for the amendment to the lease contract between 7th & Broadway Partners, LLC and the City of San Diego, contingent upon City Council's approval of the FY05 Budget, in an amount not to exceed \$277,881.92.

Date: April 16, 2004 By: 
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100	601	2500	4682	60143				\$277,881.92
TOTAL AMOUNT										\$277,881.92

FUND OVERRIDE

0-19278

MAY 17 2004

AC 2500001