(O-2004-131)

ORDINANCE NUMBER O-______(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 fill 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.

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

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