

ORDINANCE NUMBER O- 19340 (NEW SERIES)

ADOPTED ON DEC 07 2004

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A 10-YEAR LEASE AGREEMENT WITH YMCA OF SAN DIEGO COUNTY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A YMCA FACILITY IN SCRIPPS RANCH AND AUTHORIZING THE EXPENDITURE OF \$425,000 FOR STUDIES, DESIGN, AND CONSTRUCTION FROM CERTAIN DEVELOPER FUND ACCOUNTS.

WHEREAS, in April 2002, a 4.467-acre vacant parcel near the Scripps Ranch Marketplace was purchased for public recreational use by the City from Shea Homes Limited Partnership [Shea] for \$1 million; and

WHEREAS, the purchase was made pursuant to a Settlement and Release Agreement dated July 24, 2001, between Shea, Shea Properties and the City; and

WHEREAS, to facilitate the commencement of the development project, community funds of \$425,000 from developer interest accounts have been earmarked for the development of recreational facilities in the Scripps Ranch community; and

WHEREAS, members of the Scripps Ranch community contacted the YMCA to solicit the YMCA to expand into Scripps Ranch; and

WHEREAS, the City of San Diego and YMCA of San Diego County have negotiated a lease for the 4.467-acre vacant parcel for the construction, operation and maintenance of a YMCA facility. The term of the lease is ten years with one 25-year option to extend. If an agreement is reached on additional improvements, another 10-year option to extend will be

added for a potential term of 45 years. City funds in an amount not to exceed \$425,000 from certain Developer Fund accounts will be used to fund a marketing and financial impact study, and design and construction of the YMCA facility. Annual rent will be \$1 per year along with an annual administrative fee of \$2,621 per year, subject to annual CPI adjustments;

WHEREAS, the City's valuation staff has determined the fair market value of the unimproved property is between \$4.5 million and \$5.5 million; 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, a lease agreement with YMCA of San Diego County for the lease of approximately 4.467 acres of vacant land in Scripps Ranch for the construction, operation, and maintenance of a YMCA facility, at the rental rate of \$1 a year plus \$2,621 a year in administrative fees, for a term of 10 years with one 25-year option to extend, and, if an agreement is reached on additional improvements, another 10-year option to extend, under the terms and conditions set forth in that lease agreement on file in the office of the City Clerk as Document No. OO- 19340.

Section 2. That the City Auditor and Comptroller is authorized to expend an amount not to exceed \$425,000 from Developer Fund Account Numbers 392111, 392141, 392163, and 392102 for studies, design, and construction of the YMCA facility.

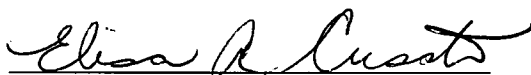
Section 3. That the Council finds that the expenditure of public money from Developer Fund Account Numbers 392111, 392141, 392163, and 392102 for studies, design, and development of recreational facilities in the Scripps Ranch community serves a public purpose.

Section 4. That the Council waives Council Policy 700-41 with respect to the use of the RFP process for the lease of City-owned land.

Section 5. 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.

Section 6. 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:dm
11/12/04
11/19/04 COR.COPY
Or.Dept:READ#105
Aud.Cert.:2500490
J.O.223350
O-2005-66
MMS#1008

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2500490
 DEPT. _____
 NO. 070

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: \$425,000.00

Vendor: YMCA

Purpose: Authorizing the expenditures of funds for studies and construction of an interim use facility per the YMCA Scripps Ranch Lease Agreement.

Date: November 12, 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 | |
| 01 | 0 | 392141 | | | 9544 | | | | | | \$14,159.00 |
| 02 | 0 | 392111 | | | 9544 | | | | | | \$16,423.00 |
| 03 | 0 | 392163 | | | 9544 | | | | | | \$65,216.00 |
| 04 | 0 | 392102 | | | 9544 | | | | | | \$329,202.00 |
| | | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | | \$425,000.00 |

FUND OVERRIDE