

RESOLUTION NUMBER R- 299424

ADOPTED ON JUL 12 2004

WHEREAS, the Naval Training Center San Diego Reuse Plan, adopted by the City Council, sitting as the Local Redevelopment Authority on October 20, 1998, designates an eight-acre parcel for use by the City of San Diego's Metropolitan Wastewater Department [MWWD] and the San Diego State University's [SDSU] Coastal and Marine Institute [CMI] to conduct marine and environmental sciences research including environmental monitoring of San Diego Bay, Mission Bay, and the ocean from Point Loma to the Mexican Border and beyond; and,

WHEREAS, by application dated September 24, 1999, the City applied to the federal government for a public benefit conveyance of approximately eight acres of land at Camp Nimitz adjacent to the boat channel [the site]; and

WHEREAS, in its application, the City proposed that the site be developed with two technical and marine sciences laboratories: an Environmental Monitoring and Technical Services Laboratory and Administration Facility to be constructed by the City on six acres and to be operated by MWWD; and a marine sciences research and educational laboratory complex to be constructed by San Diego State University in conjunction with San Diego State University Foundation on two acres to be leased from the City; and

WHEREAS, SDSUF is a private non-profit corporation organized to further the educational, research and community service mission of San Diego State University by acquiring and managing real property for that purpose; and

WHEREAS, the proximity of the two laboratories will facilitate joint research and the exchange of information between scientists and technicians at MWWD and researchers and students at CMI in many areas including, for example, pollution remediation, storm water and ground water contaminants, water circulation and contaminant distribution models, community structure of benthic organisms, statistical analysis and sampling design, watershed analysis, and protection of estuarine marine and subtidal habitats; and

WHEREAS, SDSUF has entered into a cooperative agreement with the Water Resources Division of the United States Geological Survey [USGS/WRD] to enable USGS/WRD to join with MWWD and SDSUF on the site to further enhance their combined research capabilities and allow MWWD to leverage its resources with the national leader in earth sciences and water resource management; and,

WHEREAS, the research activities between MWWD, CMI, and USGS/WRD will benefit the citizens of San Diego through improved water quality research and testing capabilities; and

WHEREAS, by quitclaim deed dated January 8, 2001, the federal government acting through the Secretary of Health and Human Services accepted the City's application and conveyed the site to the City subject to restrictions on the use of the property including that the site be used continuously for thirty years for health purposes consistent with the proposal set forth in the City's application; and

WHEREAS, MWWD's laboratory as currently constructed consists of approximately 90,000 square feet of building space and SDSUF proposes to construct a laboratory facility consisting of approximately 40,000 square feet of building space for a total of 130,000 square feet; and

WHEREAS, SDSUF has obtained the funds necessary for construction of the proposed laboratory complex; and

WHEREAS, the use of the site contemplated by the proposed lease conforms to the use identified in the Naval Training Center San Diego Reuse Plan, and the related environmental documents, certified by the City Council on October 20, 1998, the Record of Decision issued by the Navy on March 10, 1999, and the NTC Precise Plan and Local Coastal Program, adopted by City Council on July 17, 2001; and

WHEREAS, SDSUF and the City have negotiated a lease for approximately two acres of vacant land at the site for the construction, operation, and maintenance of a marine sciences research and laboratory complex including a maximum 40,000 square foot building housing a laboratory, offices, and conference rooms, a parking lot, and an outdoor seawater lab; and

WHEREAS, the facility will be used for studying environmental and public health effects in local coastal waters and surrounding area through earth sciences, public health research, water resource management, monitoring the ocean eco-system, creation of wetlands, mitigation, using Coastal Zone Geographic Information Systems, and for collaborative research with USGS/WRD and MWWD; and

WHEREAS, the term of the proposed lease is approximately 26.5 years (expiring on January 18, 2031), with an option for SDSUF to negotiate an extension for a mutually agreeable

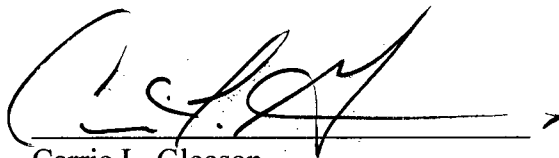
term on like terms and conditions, at no rent plus an initial annual administrative fee of \$2,621 per year, adjusted annually; and

WHEREAS, SDSUF will pay its share of all costs for developing and maintaining improvements shared with MWWD and for developing the adjacent portion of Esplanade Park; and

WHEREAS, the City's valuation staff has determined the annual fair market rental value for the premises to be approximately \$237,600; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute, for and on behalf of the City of San Diego, a lease agreement with San Diego State University Foundation for the development, operation, and maintenance of a laboratory research facility, for a term expiring January 18, 2031, at no rent plus administrative cost recovery, under the terms and conditions set forth in that lease agreement on file in the office of the City Clerk as Document No. RR- 299424.

APPROVED: CASEY GWINN, City Attorney

By   
Carrie L. Gleeson  
Deputy City Attorney

CG:mm  
06/21/04  
Or.Dept:READ  
Job Order:223272  
R-2004-1404