

RESOLUTION NUMBER R- 300235

ADOPTED ON MAR 14 2005

WHEREAS, Arena Group 2000, L.P. [AG2000] is the operator of the San Diego Sports Arena [Sports Arena], under an Operating Sublease Agreement with the City of San Diego [Operating Sublease];

WHEREAS, on April 2, 2002, the Mayor and Council adopted Resolution No. R-296247 authorizing the City Manager to execute a Fourth Amendment to the Operating Sublease [Fourth Amendment] with AG2000 allowing AG2000 to enter into a naming rights agreement for the Sports Arena upon certain terms including: that the identity of the naming rights entity, the identification signage, and the form of the naming rights agreement shall be approved in advance by resolution of the City Council; that the City shall receive ten percent of the gross revenues derived from the naming rights agreement; and that the naming rights entity shall comply with Charter section 225 regarding disclosure of business interests and Council Policy 000-04 regarding conflicts of interest; and

WHEREAS, AG2000 has submitted for the City's approval an agreement with I Pay One, Inc., to rename the Sports Arena "ipayOne Center," on the terms and conditions set forth in the Naming Rights Agreement on file in the office of the City Clerk as Document No. RR-300235; and

WHEREAS, section 4.2 of the proposed Naming Rights Agreement sets forth the identification signage to be erected throughout the Sports Arena and parking lot, including additional advertising signage for I Pay One, Inc.; and

WHEREAS, pursuant to the information provided by AG2000, the proposed Naming Rights Agreement conforms to Charter section 225 and Council Policy 000-04; and

WHEREAS, pursuant to the Fourth Amendment, the City will receive ten percent of the gross revenues derived from the proposed Naming Rights Agreement, being \$20,000 for Fiscal Year 2005, \$50,000 for Fiscal Year 2006, \$60,000 for Fiscal Years 2007, 2008, and 2009, and \$50,000 for each following year; and

WHEREAS, the City Council's approval of the naming rights entity, the name for the Sports Arena, the identification signage, and the form of the Naming Rights Agreement does not constitute approval for any necessary permits or other governmental review required by law, and the City does not, by this Resolution, obligate itself to any other governmental agent, board, commission, or agency with regard to any other discretionary action relating to development or operation of the Arena contemplated by the naming rights agreement, including but not limited to permits, rezonings, variances, and environmental clearances; and

WHEREAS, pursuant to the terms of the proposed Naming Rights Agreement, AG2000 and I Pay One, Inc. are obligated to obtain whatever governmental permits, approvals, or other actions may be necessary to develop and operate the use contemplated by the Naming Rights Agreement at no cost to City; and

WHEREAS, the Operating Sublease between AG2000 and the City supercedes the Naming Rights Agreement such that if any conflicts arise between the two agreements, the Operating Sublease controls; NOW THEREFORE,

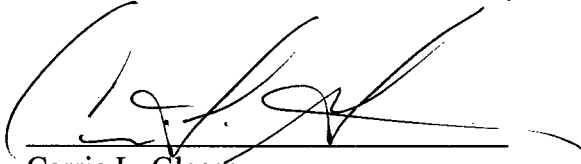
BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves renaming the San Diego Sports Arena to "ipayOne Center."

BE IT FURTHER RESOLVED, that the identification signage as set forth in Section 4.2 of the Naming Rights Agreement between Arena Group 2000, L.P. and I Pay One, Inc. is hereby approved.

BE IT FURTHER RESOLVED, that the form of the Naming Rights Agreement, on file in the office of the City Clerk as Document No. RR- 300235, is hereby approved.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Carrie L. Gleeson
Chief Deputy City Attorney

CLG:pev
03/03/05
Or.Dept:READ
R-2005-925
MMS#1567