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9/18

ORDINANCE NUMBER O- 19665 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 27 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A TWELFTH AMENDMENT TO THE LEASE BETWEEN THE CITY AND CIVIC CENTER ASSOCIATES, LLC, TO ADD SPACE LEASED IN THE CIVIC CENTER PLAZA BUILDING LOCATED AT 1200 THIRD AVENUE, SAN DIEGO, CALIFORNIA.

WHEREAS, pursuant to San Diego City Charter section 99, this ordinance requires a two-thirds' majority vote of the members elected to the Council to pass; and

WHEREAS, The City Of San Diego [City], as tenant, and Civic Center Associates, LLC, a California limited liability company [CCA], as landlord, are parties to that certain Lease dated October 21, 1991, as amended eleven times, relating to the City's leasing of office space in the Civic Center Plaza building [CCP Building], located at 1200 Third Avenue, San Diego, California; and

WHEREAS, the City intends to lease the entire 14<sup>th</sup> floor and Suite 424, comprising approximately 19,890 square feet of additional space in the CCP Building pursuant to a Twelfth Amendment to the Lease [Amendment], to be effective as of August 1, 2007, through the end of the Lease term, which is July 23, 2014; and

WHEREAS, the space on the 14<sup>th</sup> floor was subleased from San Diego Data Processing Corporation, Inc., a California corporation, through July 31, 2007; and

WHEREAS, the current market rent for properties comparable to the CCP Building has been determined by the City's Real Estate Assets Department to range from \$1.75 per square foot to \$2.55 per square foot; and

WHEREAS, the monthly rental rate under the Amendment will be \$1.40 per square foot until March 31, 2008, then \$1.45 per square foot through the remainder of the Lease term, plus operating expenses projected to be \$.06 per square foot per month in Fiscal Year 2008 [FY08]; and

WHEREAS, all but \$1,887 of the FY08 proposed rental cost of \$350,254.90 under the Amendment is already designated for such purpose in the City's approved budget; NOW, THEREFORE,

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


Section 1. That the Mayor or his designee is authorized to execute and deliver, for and on behalf of The City of San Diego, a Twelfth Amendment to Lease [Amendment] amending that certain Lease dated October 21, 1991, by and between The City Of San Diego, as tenant, and Civic Center Associates, LLC, a California limited liability company, as landlord, and relating to the addition of approximately 19,890 square feet of office space to the Lease premises located in the Civic Center Plaza building at 1200 Third Avenue, San Diego, California, under the terms and conditions set forth in the Amendment on file in the office of the City Clerk as Document No. OO- 19665.

Section 2. That the Auditor and Comptroller is authorized and directed to expend up to \$350,254.90 in Fiscal Year 2008 as required under the Amendment, and to make such fund transfers and re-allocations as may be necessary and prudent to effect such payment.

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

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Brock Ladewig  
Chief Deputy City Attorney

BL:bas  
07/09/07  
Or.Dept:READ  
O-2008-1  
MMS # 5049

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 18 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9.27.07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800045

ORIGINATING

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: \$350,255.00

Purpose: Authorizing expenditure of funds for Lease Amendment to Add Space to City's Existing Lease at Civic Center Plaza.

Date: July 20, 2007

By: Larissa Kogay   
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	065	2751	4682	65 6500					\$130,029.00
002	0	10275	10275	2552	4682	002552					130,029.00
003	0	100	601	2500	4682	002500					90,197.00
TOTAL AMOUNT											\$350,255.00

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.

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											

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800045

19665

SEP 18 2007