

RESOLUTION NUMBER R- 303884

DATE OF FINAL PASSAGE JUN 26 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AN AMENDMENT TO THE
LEASE AGREEMENT WITH THE OLD GLOBE THEATRE
ADDING THE SUNKEN GARDENS TO THE LEASEHOLD
AND PROVIDING THE CITY OF SAN DIEGO WITH AN
OPTION ON THE BACK LOT.

WHEREAS, the City of San Diego [City] and the Old Globe Theatre [Old Globe] entered into a Restated Lease Agreement of 1984, dated April 2, 1984, filed in the Office of the City Clerk as document number RR-260398 [Lease]; and

WHEREAS, the Old Globe has maintained the landscaping and has obtained permits for various functions over the past several years to use an area outside of its leasehold known as the Sunken Gardens, more particularly described in Exhibit A: Legal Description to the proposed First Amendment to Restated Lease Agreement of 1984 [Amendment]; and

WHEREAS, the Old Globe would now like to add the Sunken Gardens to its leasehold; and

WHEREAS, the Old Globe is not currently using that portion of the leased premises located behind the Festival Stage known as the Back Lot, more particularly described in Exhibit B: Legal Description to the Amendment; and

WHEREAS, the City would like an option to reclaim the Back Lot for possible use in connection with the future development of a circulation plan; and

WHEREAS, the City's Real Estate Assets Department has determined that the property that constitutes the leasehold has a nominal rental value, so that the initial annual rent is now set

at the City's current non-profit lease administration fee of \$2,500.00 in the first lease year, to offset the City's costs in administering the Lease; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, an amendment to the lease, adding the Sunken Gardens to the Old Globe's leasehold and providing the City of San Diego with an option to reclaim the Back Lot, according to the terms and conditions set forth in the Amendment, which is on file in the Office of the City Clerk as Document No.

RR- 303884.

BE IT FURTHER RESOLVED, the Auditor and Comptroller is authorized to accept the increase in Lease rent payments and deposit them into the General Fund.

BE IT FURTHER RESOLVED, that the Lease Amendment is Categorically Exempt from CEQA pursuant to State CEQA Guidelines 15301. The proposed project which this Lease Amendment covers is adequately addressed under Project No. 137442, Conrad Prebys Theatre Center and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section § 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly Ann Davies
Deputy City Attorney

KAD:mm

06/03/08

06/19/08 CORR. COPY

Aud. Cert: N/A

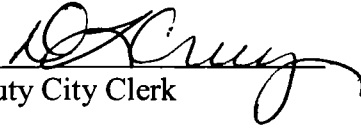
Or.Dept: READ

R-2008-1135

MMS# 6350

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 24 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-26-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor