

RESOLUTION NUMBER R- 305763

DATE OF FINAL PASSAGE APR 28 2010

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A 40-YEAR LEASE AGREEMENT BETWEEN THE CITY  
AND SAN DIEGO UNIFIED SCHOOL DISTRICT FOR TWO  
FLOORS OF THE NEW CENTRAL LIBRARY FOR USE AS A  
CHARTER SCHOOL.

WHEREAS, the City has planned for the development of a new central library [Library]  
to be built on City-owned land and comprised of nine floors; and

WHEREAS, two of the floors were designed for potential future expansion of the  
Library, with those two floors to be made available for lease in the interim to help cover  
operating costs or defray construction costs; and

WHEREAS, the State of California has issued a conditional grant [Grant] of \$20 million  
to the City for the construction of the Library, which requires that a lease agreement for the two  
expansion floors must be signed by May 1, 2010; and

WHEREAS, the Grant is included in the original funding projection to build the Library;  
and

WHEREAS, the City approached the San Diego Unified School District [District] to  
discuss possible uses the District might have for the two expansion floors, and entered into a  
Letter of Intent to negotiate a lease pursuant to City Council Resolution No. R-2009-1330, on  
July 7, 2009; and

WHEREAS, the District and the City have negotiated a 40-year lease agreement [Lease] to incorporate a charter school in the Library for \$20 million prepaid rent, to be effective if and only if the City builds the Library; and

WHEREAS, due to the aesthetics and use of the Library, the City requires substantial control over development, use, and reuse of the Library property, which is provided through 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 and deliver, for and on behalf of The City of San Diego, a 40-year lease agreement with the San Diego Unified School District, a public school district of the State of California, for a charter school within the sixth and seventh floors of the New Central Library, under the terms and conditions set forth in that City of San Diego New Central Library Lease Agreement on file in the Office of the City Clerk as Document No.

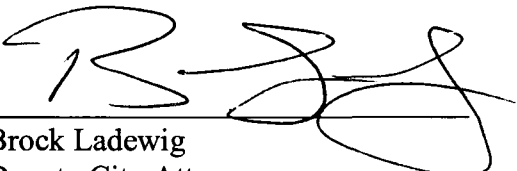
RR- 305763 [Lease]; and

BE IT FURTHER RESOLVED, prior to executing the deed of trust called for in the Lease, the Mayor or his designee shall seek and obtain the Council's approval of the City-owned real property to be pledged as collateral under such deed of trust; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver such agreements and documents required by the Lease and as may be necessary to

complete the transactions contemplated by the Lease, on terms and conditions deemed by the Mayor or his designee to be in the best interests of the City.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Brock Ladewig  
Deputy City Attorney

BL:mm  
04/06/10  
04/21/10 Rev. Copy  
Or.Dept:READ  
R-2010-726  
MMS#11894

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 19 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-23-10  
(date)

  
JERRY SANDERS, Mayor

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

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