

Item 103, Nov 5, 2013

(R-2014-185)

Sub Item A

RESOLUTION NUMBER R- 308559

DATE OF FINAL PASSAGE NOV 21 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AND DIRECTING THE EXECUTION OF A NEW 30-YEAR LEASE WITH THE YMCA OF SAN DIEGO COUNTY FOR THE LEASE OF PROPERTY LOCATED AT 5505 FRIARS ROAD, SAN DIEGO, CALIFORNIA, FOR THE PURPOSE OF OPERATING A YMCA COMMUNITY CENTER.

WHEREAS, the City of San Diego (City) owns approximately 8.82 acres of real property located at 5505 Friars Road, San Diego, California, improved with a community recreational center (Property); and

WHEREAS, the Property was originally leased in 1980 to the YMCA of San Diego County, a California nonprofit public benefit corporation (the YMCA), for the purpose of constructing, operating and maintaining a YMCA community center, as shown on the approved Precise Plan of Development filed in the Office of the San Diego City Clerk as Document No. 764325, for recreational, health, social, educational, and cultural uses by YMCA members and the general public; and

WHEREAS, the YMCA now requests a new long term ground lease of the Property to continue operation of the community center and to enable it to qualify for grants and loans for certain contemplated improvements, including installation of a solar power system in the parking lot areas and renovation of the fitness center and locker rooms at the Property; and

WHEREAS, the YMCA has well-provided a public purpose through the continued operation of the community center at the Property. The contemplated upgrade and enhancement of the community center would additionally benefit the public; and

WHEREAS, City staff has negotiated a proposed thirty (30) year public purpose lease (New Lease) of the Property with the YMCA for recreational, health, social, educational and cultural uses by YMCA members and the general public. The New Lease requires the YMCA to annually pay the City \$3,320, adjusted annually for Consumer Price Index increases, reflecting the City's annual administrative costs involving the New Lease; and

WHEREAS, by this New Lease and its contemplation of future improvements and enhancement of the community center at the Property, the City has not made nor does presently make any determinations regarding any aspect, sufficiency, or legality of any potential improvements or portions thereof on the Property; and

WHEREAS, Council Policy 700-12 provides that fair market value shall be obtained for leases of City-owned property to non-profit entities and that the only discount should be for direct offsets to otherwise-required City expenditures; and

WHEREAS, the market value of the subject real estate is \$9.1 million; NOW,
THEREFORE,

BE IT RESOLVED, that the Council President in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute that certain thirty (30) year "City of San Diego Public Purpose Ground Lease," which is on file with the City Clerk as Document No. RL308559, with the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a YMCA community center at 5505 Friars

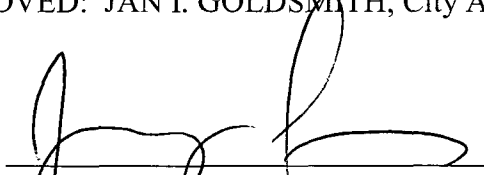
Road, San Diego, California, to provide recreational, health, social, educational and cultural benefits to YMCA members and the general public.

BE IT FURTHER RESOLVED, that the Council President in his capacity under Charter section 265(i), or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

BE IT FURTHER RESOLVED, that, given the recreational, health, social, educational, cultural and other public benefits to be afforded by continued use of the property located at 5505 Friars Road as a YMCA community center, Council Policy 700-12 is hereby waived to the extent that the Property shall be leased at less than fair market value as authorized hereby.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

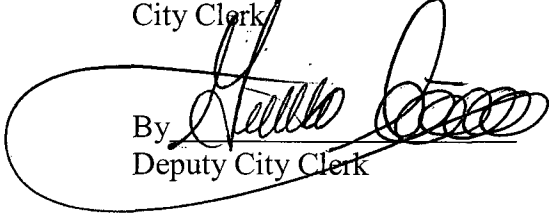


Jeremy M. Fonseca
Deputy City Attorney

JMF:mcm
10/21/2013
Or.Dept:Real Estate Assets Dept.
Doc. No. 637592

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 05 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

(date)

TODD GLORIA, Council President

Passed by the Council of The City of San Diego on NOV 05 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 21 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

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