

RESOLUTION NUMBER R- 309932

DATE OF FINAL PASSAGE AUG 07 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SOLAR GROUND LEASE BETWEEN THE CITY OF SAN DIEGO AND METROPOLITAN AIRPARK, LLC, FOR PROPERTY AT BROWN FIELD AIRPORT.

WHEREAS, in 2013, the City Council authorized the Mayor to enter into a Leasehold Development Agreement (LDA) between the City of San Diego (City) and Brown Field International Business Park, LLC, which document contemplated the development of certain real property at Brown Field Airport. The LDA, and all rights thereto, pursuant to its own terms, has since been assigned to Metropolitan Airpark, LLC (Lessee);

WHEREAS, the LDA contemplates that the City and Lessee will enter into a number of ground leases, including a solar ground lease (Solar Lease) which is meant to address the renewable energy portion of Lessee's development at Brown Field Airport. Pursuant to the terms of the LDA, the Solar Lease is to have a term of fifty (50) years; during the first twenty-five (25) years (Initial Term) of which the Solar Lease Premises is required to be used as a solar field, and during the remaining twenty-five (25) years (Remainder Term), the Solar Lease Premises is either be used as a solar field or any other use which is compatible with the then-applicable Airport Layout Plan, the SDM Airport Land Use Compatibility Plan, and as allowed by the Site Development Permit associated with the LDA;

WHEREAS, City staff and Lessee have negotiated terms and conditions for the proposed Solar Ground Lease consistent with the LDA. Pursuant to the terms and conditions of the proposed Solar Lease, Lessee will purchase certain mitigation land, and transfer ownership thereof to City, as compensation for the Initial Term of the Solar Lease. Thereafter, if Lessee continues to use the Solar Lease Premises as a solar field during the Remainder Term, Lessee shall pay to City as rent fifty percent (50%) of all revenues received, or the value of any compensation (monetary or nonmonetary) received, by Lessee from the operation of the solar field. If Lessee puts the Solar Lease Premises to a non-solar field use during the Remainder Term, the Solar Lease shall be converted to a lease subject to the terms of a "Parcel Ground Lease" then applicable for other leaseholds granted to Lessee, which shall include the payment of then-applicable rental rates for such leaseholds;

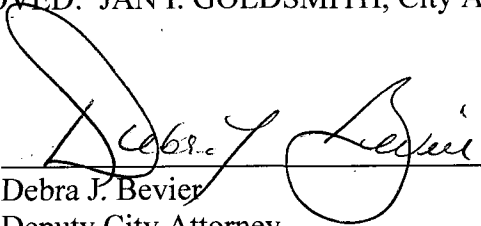
WHEREAS, the activity contemplated in this Resolution is not considered to be a separate project pursuant to CEQA Guidelines section 15378(c) and is covered under the FEIR for the Metropolitan Air Park Project (No. 208889/SCH No. 2010071054) prepared in compliance with CEQA and local guidelines, certified by the City Council on July 22, 2013, and covers the project components identified in this Solar Ground Lease. Pursuant to section 21166 of CEQA, there is no change in circumstances, additional information or project changes to warrant additional environmental review;

WHEREAS, the market value of the real estate subject to the Solar Lease is approximately \$3,310,550; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor, or his designee, is authorized to execute

that certain Solar Ground Lease between the City of San Diego and Metropolitan Airpark, LLC, for the operation of a solar field at Brown Field Airport, all as more fully set forth in Document No. ll 309932 on file with the City Clerk.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Debra J. Bevier  
Deputy City Attorney

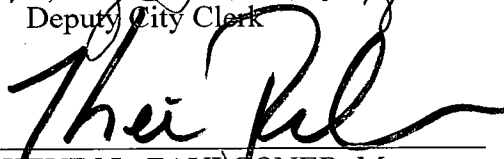
DJB:mcm  
July 9, 2015  
Or.Dept:Real Estate Assets Department  
Doc. No.: 1059717

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 04 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8/6/15  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 4 2015, 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 AUG 07 2015

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

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- **309932**