

RESOLUTION NUMBER R- 311066

DATE OF FINAL PASSAGE APR 26 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO FACILITATE THE EXECUTION OF THE APPROVED TEN (10) YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN DIEGO, ACTING BY AND THROUGH ITS AGENT HORTON PLAZA SERVICES, INC., AND IRWANTIO, INC., FOR THE USE AND OCCUPANCY OF A RETAIL KIOSK AT HORTON PLAZA URBAN PARK, LOCATED AT THE SOUTHWEST CORNER OF 4<sup>TH</sup> AVENUE AND BROADWAY, SAN DIEGO, CALIFORNIA.

WHEREAS, the City of San Diego (“City”) owns that certain real property commonly known as Horton Plaza Urban Park, located at 900 4<sup>th</sup> Avenue, San Diego, California (“Plaza Property”); and

WHEREAS, on February 3, 2014, Horton Plaza Services, Inc. (as “Program Manager”), the former RDA, and the City entered into the Park/Plaza Property Event Programming and Use Agreement (the “Programming Agreement”), which has a Term of twenty-five (25) years. The Programming Agreement sets forth objectives and policies related to event programming of the Plaza Property and authorized the Program Manger to provide event programming (i.e., recreational, cultural, educational, and promotional events) at the Plaza Property, while still allowing for recreational passive public use of the Plaza Property; and

WHEREAS, the Programming Agreement authorizes the Program Manager to enter into agreements, on behalf of the City, with retail users for the kiosks located at Horton Plaza Urban Park, subject to applicable the City Charter, and City ordinances and policies, which currently require that the City Council approve said proposed leases; and

WHEREAS, pursuant to the Programming Agreement, revenues derived from leasing and events on the Plaza Property will be used to offset the Program Manager's costs to perform its duties under the Programming Agreement; and

WHEREAS, the Program Manager and the proposed Lessee, Irwantio, Inc., doing business as Burgerim, have negotiated terms and conditions for the proposed ten (10) year lease of a certain retail kiosk; and

WHEREAS, the market value of the Plaza Property subject to the kiosk lease, as appraised by an independent fee appraiser, is \$1,122,000; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor, or his designee, is authorized and directed to facilitate the execution of that certain ten (10) year lease between the City of San Diego, acting by and through its agent, Horton Plaza Services, Inc., and Irwantio, Inc., for the use and occupancy and operation of that certain retail kiosk at Horton Plaza Urban Park, the terms and conditions of which are more fully set forth in Document No. RR 311066, which is on file with the City Clerk.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Debra J. Bevier  
Deputy City Attorney

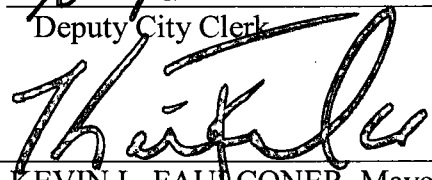
DJB:mcm  
April 11, 2017  
Or.Dept: Real Estate Assets Dept.  
Doc. No.: 1482473

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 25 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/26/17  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

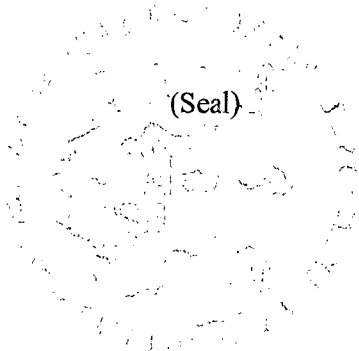
Passed by the Council of The City of San Diego on APR 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 26 2017.

(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.)

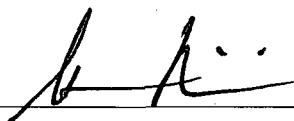
AUTHENTICATED BY:



(Seal)

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

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

By , Deputy

Office of the City Clerk, San Diego, California  
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