

ORDINANCE NUMBER O- 20981 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 20 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO RATIFYING A MODIFICATION TO THE MIRAMAR LANDFILL GROUND LEASE BETWEEN THE CITY OF SAN DIEGO AND THE UNITED STATES OF AMERICA; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A MODIFICATION TO THE MIRAMAR LANDFILL GROUND LEASE BETWEEN THE CITY OF SAN DIEGO AND THE UNITED STATES OF AMERICA.

WHEREAS, the Miramar Landfill (Landfill) located at 5180 Convoy Street, San Diego, California 92111, was constructed in 1973, and is operated by the City of San Diego (City) under a 50-year Ground Lease (Lease) with the United States of America, acting by and through the Department of the Navy, administered by Marine Corp Air Station Miramar (collectively the "Government"); and

WHEREAS, the Lease was previously modified on September 21, 2007; September 29, 2008; and December 2, 2014; as further described in the staff report; and

WHEREAS, the California Integrated Waste Management Board has required the City to install six (6) gas monitoring probes around the perimeter of the Landfill to detect offsite gas migration; and

WHEREAS, the installation of these gas monitoring probes requires a modification to the Lease to add a total of approximately 18.84 square feet to the north and east of the existing City leasehold under the Lease (Gas Probe Modification); and

WHEREAS, in preparing the Gas Probe Modification it came to City staff's attention that the September 29, 2008 modification did not receive City Council approval; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the execution of the September 29, 2008 modification to the Ground Lease between the City of San Diego and the United States of America, acting by and through the Department of the Navy, a copy of which is on file in the office of the City Clerk as Document No. OO- 20981, is authorized and hereby ratified.

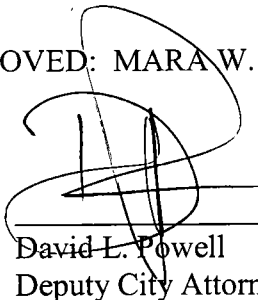
Section 2. That the Mayor, or his designee, is authorized to take all actions necessary to execute the modification to the Ground Lease between the City of San Diego and the United States of America, acting by and through the Department of the Navy, a copy of which is on file in the office of the City Clerk as Document No. OO- 20981.

Section 3. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By

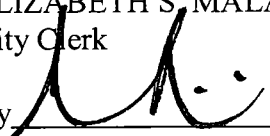


David L. Powell
Deputy City Attorney


DLP:nja
07/05/18
Or. Dept: Park & Rec
Doc. No.: 1788610

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 07 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/20/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 07 2018, 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 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"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AUG 20 2018

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 [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 24 2018

AUG 20 2018

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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