

RESOLUTION NUMBER R- 312042

DATE OF FINAL PASSAGE NOV 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE SECOND AMENDMENT TO THE THIRD AMENDED AND RESTATED FLAT RATE LEASE WITH BROWN FIELD AVIATION VENTURES, INC.

WHEREAS, the City of San Diego (City) owns the real property located at 1424 Continental Street, San Diego, California, 92154, commonly known as at Brown Field Municipal Airport (Brown Field); and

WHEREAS, pursuant to that certain City of San Diego Third Amended and Restated Flat Rate Lease (Lease), Brown Field Aviation Ventures, Inc. (BFAV) currently leases 20.29 acres at Brown Field for a Fixed-Base Operator; and

WHEREAS, the term of the Lease currently expires on November 30, 2031; and

WHEREAS, the Lease provides that to extend the term of the Lease for an additional ten (10) years, BFAV is required to make capital improvements to the leasehold at a cost of not less than \$1,000,000, including construction of not less than 20,000 square feet of new hangar space within ten (10) years of the effective date of the Lease (the "Improvements"), the original deadline being December 28, 2015; and

WHEREAS, on December 11, 2015, City and BFAV entered into a First Amendment to the Lease for a two-year extension to the deadline to complete the Improvements until December 28, 2017; and

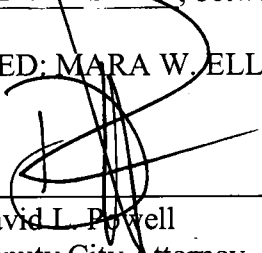
WHEREAS, the City and BFAV now wish to enter into that certain Second Amendment to the City of San Diego Third Amended and Restated Flat Rate Lease between the City and BFAV, on file in the Office of the City Clerk as Document No. RR- 312042, which

will, among other things, extend the deadline for BFAV to construct the Improvements to four (4) years from the effective date of the Second Amendment to the Lease, and add a cost sharing arrangement requiring BFAV to pay a proportionate share of restroom maintenance costs for the terminal building at Brown Field; and 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 that certain Second Amendment to the Third Amended and Restated Flat Rate Lease, on file in the Office of the City Clerk as Document No. RR- **312042**, between the City and Brown Field Aviation Ventures, Inc.

APPROVED: MARA W. ELLIOTT, City Attorney

By



David L. Powell
Deputy City Attorney

DLP:nja
10/30/18
Or. Dept: READ
Doc. No.: 1868433

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 13 2018.

ELIZABETH S. MALAND
City Clerk

By *Linda Bruen*
Deputy City Clerk

Approved: 11/20/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

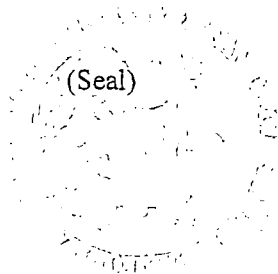
Passed by the Council of The City of San Diego on NOV 13 2018, by the following vote:

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 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 NOV 20 2018

(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.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312042