

RESOLUTION NUMBER R- 313728

DATE OF FINAL PASSAGE OCT. 08 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A 99 YEAR GROUND LEASE BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT FOR APPROXIMATELY 34 ACRES OF REAL PROPERTY LOCATED AT 1405 PARK BOULEVARD FOR SAN DIEGO HIGH SCHOOL AND BALBOA STADIUM, AND MAKING A RELATED FINDING THAT THE LEASE SERVES VALID PUBLIC PURPOSES.

WHEREAS, the City of San Diego (City) owns approximately 34 acres of improved real property located at 1405 Park Boulevard, San Diego, California, which is dedicated parkland within Balboa Park that includes the San Diego High School campus and Balboa Stadium (Property); and

WHEREAS, the San Diego Unified School District (District) currently leases the Property from the City for the operation and use of both San Diego High School, which has been located on the Property since the 1880s, and Balboa Stadium; and

WHEREAS, in a Municipal Special Election held on November 8, 2016, City voters approved Measure I, which amended Charter section 55 to allow the City Council to authorize a lease of the real property identified in Measure I, which did not include Balboa Stadium, to the District as a public high school for educational, cultural, recreational, and civic programs and activities without a vote of the local electorate; and

WHEREAS, the City's current lease of the Property to the District expires on May 22, 2024, and the District desires to enter into a new, 99-year ground lease for the Property, entitled City of San Diego Flat Rate Lease (Lease), a copy of which is included in the docket materials accompanying this Resolution; and

WHEREAS, the Lease will be effective as of the date that the parties have signed the Lease and the City Attorney has approved the Lease as to form, although the 99-year term (Term) of the Lease will not commence until the current lease expires; and

WHEREAS, the Lease does not modify or amend the current lease for the Property, which will expire on its own terms, but entering into the Lease and having it be effective now will provide the District the necessary rights to allow the District to begin to undertake the whole site modernization plan for the San Diego High School campus now and ensures that the San Diego High School campus will continue to be used for a public high school for educational, cultural, recreational, and civic programs and activities, and that Balboa Stadium will continue to be maintained by the District and used for park and recreation purposes, including those recreation uses related to the District's curricular and extra-curricular programs; and

WHEREAS, the Lease provides that the District will own all improvements on the Property during the Term of the Lease, and conveys to the District, upon the commencement date of the Lease, any ownership interest of the improvements that otherwise may transfer to the City upon the expiration of the current lease; and

WHEREAS, the market value of the Property, as determined by an independent fee appraiser and confirmed by qualified City staff is \$33,100,000; and

WHEREAS, in consideration for the City entering into the Lease, the District will convey to the City fee simple title to two parcels of real property, specifically an 11.73-acre parcel known as Camp Elliott #3 and further identified as Assessor's Parcel Number (APN) 373-030-03, which will expand the Mission Trails Regional Park and is a key location to welcome the public into one of the main entrances of the park, and a .394-acre portion of the Logan-Memorial

Educational Complex further identified as APN 545-591-01 (collectively, District Properties), on which the City has previously installed encroachments which are part of Memorial Park; and

WHEREAS, the appraised value of the Camp Elliott #3 parcel is \$3,400,000, and the appraised value of the relevant portion of the Logan-Memorial Education Complex is \$365,400; and

WHEREAS, the District will not pay rent during the Term of the Lease, but as additional consideration, will maintain and operate all existing improvements on the Property, contribute an estimated \$30 million in capital funds toward construction and maintenance of future improvements, which upon the termination of the Lease will become the property of the City, and be responsible for the administrative functions related to the Property, ensuring that the public, and non-profit organizations and clubs organized to promote youth, school or community activities, will be able to use facilities on the Property as scheduled by the District when available; and

WHEREAS, the Lease serves valid public purposes because it (i) carries out the use authorized by the local electorate's approval of Measure I, authorizing a portion of the Property to be used for San Diego High School; (ii) supports the joint efforts of the City and the District to ensure that District property is available for other public uses; (iii) provides facilities that the public, and non-profit organizations and clubs organized to promote youth, school or community activities, will be able to use as scheduled by the District when available; (iv) reduces City maintenance costs for the next 99 years for the improvements on the Property; (v) provides access to updated and improved public high school educational facilities located next to San Diego Community College; and (vi) ensures ongoing and uninterrupted access to educational facilities for City residents, which is a benefit to the City as a whole because it is part of

achieving safe and livable neighborhoods, fostering services that improve quality of life, and cultivating civic engagement and participation; and

WHEREAS, in accordance with the Surplus Land Act (California Government Code sections 54220 - 54234), on May 25, 2021, the Council declared the Property exempt surplus land as set forth in Resolution R-313551, contingent upon the Property being leased to the District for its use; NOW, THEREFORE,

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

1. The Council finds that the Lease serves valid public purposes, as set forth in greater detail above in this Resolution.
2. The Council approves the Lease, for the Term of 99 years.
3. The Mayor or designee is authorized and directed to execute the Lease, a copy of which, when fully signed, shall be placed on file in the Office of the City Clerk as Document No.

RR- 313728 .

4. The Mayor or designee is authorized to execute all additional documents necessary to implement the terms and conditions of the Lease, including any documents necessary to complete the District's conveyance of the District Properties to the City.

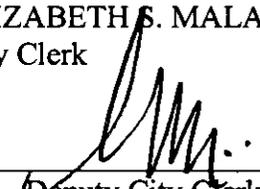
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables  
Melissa D. Ables  
Deputy City Attorney

MDA:nja  
09/16/2021  
Or. Dept: READ  
Doc. No.: 2761777  
Companion to Reso. R-2022-101, R-2022-102

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 05 2021.

ELIZABETH S. MALAND  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 10/8/21  
\_\_\_\_\_  
(date)

 \_\_\_\_\_  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT. 05 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT. 08 2021.

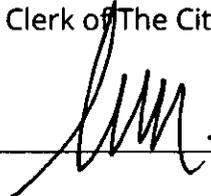
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
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

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