

RESOLUTION NUMBER R- 313758

DATE OF FINAL PASSAGE OCT 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO ACQUIRE
AND ACCEPT AN EASEMENT GRANT AND ENTER
INTO AN EASEMENT, USE, AND MAINTENANCE
AGREEMENT FOR OPEN SPACE WITH IQHQ-RADD I, LLC,
FOR THE PROPERTY AT THE SOUTHEAST CORNER OF
BROADWAY AND HARBOR DRIVE, COMMONLY KNOWN
AS BLOCK 1A.

WHEREAS, the City of san Diego (City) and the United States of America by and
through the Southwest Division, Naval Facilities Engineering Command, entered into that
certain Agreement between the City and the United States of America Adopting a Development
Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex
dated December 2, 1992, on file in the Office of the City Clerk as Document No. 00-17858, as
amended by that certain First Amendment dated December 17, 2001, on file in the Office of the
City Clerk as Document No. OO-19016, and that certain Second Amendment dated January 14,
2003, on file in the Office of the City Clerk as Document No. 00-19141 (Development
Agreement); and

WHEREAS, the Navy Broadway Complex consists of eight blocks located between
Broadway, Harbor Drive, and Pacific Highway in San Diego, California; and

WHEREAS, Manchester Pacific Gateway LLC, a Delaware limited liability company
(MPG), as lessee, entered into that certain Real Estate Ground Lease for portions of the
Navy Broadway Complex, with the United States of America, as lessor, dated November 22,
2006, a memorandum of which was recorded on November 29, 2006, as Instrument
No. 2006-0847923 of the Official Records of San Diego County, as amended by that certain
(i) Amended and Restated Real Estate Ground Lease dated December 14, 2016,

(ii) First Amendment to Amended and Restated Real Estate Ground Lease dated September 27, 2017, and (iii) Second Amendment to Amended and Restated Real Estate Ground Lease dated May 31, 2018 (Ground Lease); and

WHEREAS, MPG assigned to IQHQ-RaDD I, LLC (IQHQ) all of MPG's interest under the Ground Lease with respect to that portion of the premises demised under the Ground Lease commonly known as Blocks 1A, 2A, 2B, 3A, 4A and 4B; and

WHEREAS, Pursuant to the Development Agreement, IQHQ is required to offer to lease to City at no cost the surface area of Block 1A of the Ground Lease (Block 1A) for development of open space (Open Space) in accordance with the Development Agreement (City Open Space Lease Offer). If the City Open Space Lease Offer is rejected or the lease with City is not executed within the timeframes prescribed in the Development Agreement, IQHQ is required to integrate the design, development and use of Block 1A in a compatible manner with the development of the remainder of Block 1 and shall be subject to the provisions of the Development Agreement as they apply to Block 1A; and

WHEREAS, IQHQ desires to develop, maintain, and operate a world-class open space area on Block 1A in a compatible manner with the development of the remainder of Block 1 and subject to the provisions of the Development Agreement as they apply to Block 1A; and

WHEREAS, in exchange for City relinquishing its rights to lease Block 1A under the Development Agreement, IQHQ has agreed to incorporate additional design, development, use, maintenance, and operational requirements and limitations in the design, operation, use and maintenance of the Open Space and grant the City an easement for open space and recreational purposes for the duration of the Ground Lease in accordance with the terms of the

Easement, Use, and Maintenance Agreement for Open Space on file in the Office of the City Clerk as Document No. RR 313758 NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or designee, is hereby authorized to acquire and accept the grant of an easement from IQHQ-RaDD I, LLC for open space and recreational purposes on, upon, over, and across the property at the southeast corner of Broadway and Harbor Drive in San Diego, California, commonly known as Block 1A.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to enter into the Easement, Use, and Maintenance Agreement for Open Space on file in the Office of the City clerk as Document No. RR- 313758.

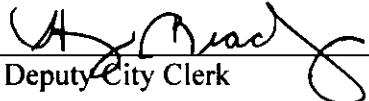
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

MAV:sc
10/18/2021
Or.Dept: READ
Doc. No.: 2788154

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 25 2021.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/27/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 25 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 27 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

Resolution Number R- 313758