

RESOLUTION NUMBER R- 314678

DATE OF FINAL PASSAGE MAR 28 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE THIRD AMENDMENT TO
THE FLAT RATE AVIATION LEASE WITH RAMP 5
HOLDINGS, LLC FOR 3.76 ACRES OF REAL PROPERTY AT
BROWN FIELD MUNICIPAL AIRPORT.

WHEREAS, the City and Aviation Consulting International Corporation, dba Aviation International (Aviation International), entered into the Flat Rate Aviation Lease (Lease) effective December 1, 1998, filed with the Office of the City Clerk as Document No. RR-290937, related to approximately 3.76 acres (Premises) at Brown Field Municipal Airport (Airport) in the Otay Mesa community of the City of San Diego; and

WHEREAS, the City and Aviation International entered into a First Amendment to the Lease effective December 1, 1999, filed with the Office of the City Clerk as Document No. RR-294450; and

WHEREAS, the City consented to an assignment of the Lease from Aviation International to Tactical Air Operations, Inc., under a Consent to Assignment of Lease Agreement, effective September 23, 2009; and

WHEREAS, the City consented to an assignment of the Lease from Tactical Air Operations, Inc., to RAMP 5 Holdings, LLC (Lessee), under a Consent to Assignment, effective September 10, 2018; and

WHEREAS, the City and Lessee entered into a Second Amendment to the Lease effective September 17, 2018; and

WHEREAS, the City and Lessee have negotiated a proposed Third Amendment to the Lease (Third Amendment) to reduce the size of the Premises by approximately 1.56 acres and incorporate the City's standard lease requirements; and

WHEREAS, concurrently with the Third Amendment, the City and Brown Field Aviation Ventures, Inc. have negotiated a proposed Third Amendment to the Third Amended and Restated Flat Rate Lease (BFAV Third Amendment) for 20.29 acres of property (BFAV Premises) located adjacent to the Premises; and

WHEREAS, the BFAV Third Amendment proposes to reduce the size of the BFAV Premises by approximately 2.29 acres; and

WHEREAS, as discussed in the City staff report dated March 2, 2023, the City Council will consider the Third Amendment with Lessee and the BFAV Third Amendment at the same meeting; and

WHEREAS, if approved by the City Council, the Third Amendment with Lessee and the BFAV Third Amendment will result in a contiguous 8.3-acre parcel retained by the City for future aviation development opportunities at the Airport; and

WHEREAS, under the Lease authorized by the City Council in 1998, the Premises are needed for the City's general aviation purposes (i.e., a valid public use) in accordance with the Airport Master Plan approved for Brown Field by the City Council, and as such, the Third Amendment is not a disposition of surplus land and is not subject to the Surplus Land Act as set forth in California Government Code sections 54220 through 54234; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and

verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

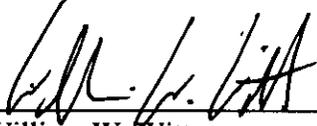
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council approves the Third Amendment. The Council's approval of the Third Amendment shall take effect and be in force upon the Council's approval of the BFAV Third Amendment.

2. The Mayor, or designee, is authorized and directed to sign the Third Amendment on the City's behalf. The Third Amendment, once fully executed, shall be placed on file in the Office of the City Clerk as Document No. RR- 314678 .

APPROVED: MARA W. ELLIOTT, City Attorney

By

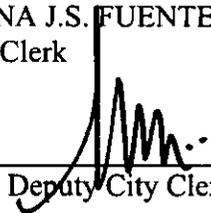


William W. Witt
Deputy City Attorney

WWW:jdf
02/22/2023
Or.Dept: DREAM
Doc. No. 3242194

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 21 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/27/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

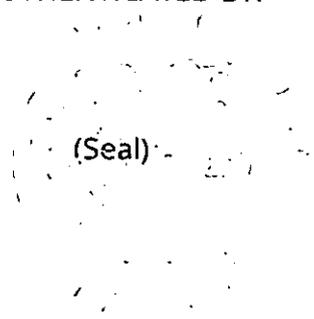
Passed by the Council of The City of San Diego on MAR 21 2023, by the following vote:

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Kent Lee	<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 MAR 28 2023.

(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.)

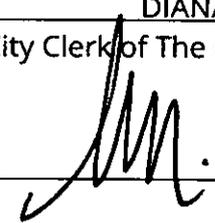
AUTHENTICATED BY:



(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314678