

RESOLUTION NUMBER R- **315380**

DATE OF FINAL PASSAGE **MAR 04 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A THREE-YEAR FLAT RATE GROUND LEASE, INCLUDING TWO THREE-YEAR MUTUAL OPTIONS TO EXTEND THE TERM, WITH THE SAN DIEGO COMMUNITY COLLEGE DISTRICT FOR A 6,300 SQUARE FOOT AIRCRAFT HANGAR AND 18,289 SQUARE FEET OF LAND LOCATED AT MONTGOMERY-GIBBS EXECUTIVE AIRPORT AT 3873 KEARNY VILLA ROAD, BUILDING 120, AND WAIVING APPLICATION OF COUNCIL POLICY 700-10 RELATED TO SECURITY DEPOSITS.

WHEREAS, on or about August 28, 1984, the City and the San Diego Community College District (Tenant) entered into that certain Flat Rate Lease filed with the Office of the City Clerk as Document No. RR-261360 for an approximately 6,300 square foot aircraft hangar and 18,289 square feet of land located at Montgomery-Gibbs Executive Airport at 3873 Kearny Villa Road, Building 120 (Property); and

WHEREAS, the term of the Flat Rate Lease expired on June 30, 1987, and Tenant continued to occupy the Property as a month-to-month holdover tenant as provided in the Flat Rate Lease; and

WHEREAS, on August 1, 2018, the City and Tenant entered into that certain Lease Agreement for the Property for a month-to-month term for a period not to exceed three years; and

WHEREAS, the City and Tenant have negotiated a new flat rate Ground Lease for the Property (Lease) with an initial three-year term and two three-year mutual extension options; and

WHEREAS, under Council Policy 700-10, the City obtained an appraisal of the Property to determine its fair market rent, and the rent negotiated by the City for the Lease is equal to or higher than the appraised fair market rent for the Property; and

WHEREAS, as specified in the proposed Lease (included in the docket materials accompanying this Resolution), the monthly rent will be \$4,410.00 for the first year and will increase annually by a set percentage through the sixth year, then will adjust to market rate starting in the seventh year; and

WHEREAS, as additional consideration for the Lease, Tenant agrees to make improvements to the Property as provided in the Lease, including painting the hangar exterior, repaving approximately 3,832 square feet of the Property, and inspecting and replacing, if necessary, the hangar roof; and

WHEREAS, Council Policy 700-10, Part T on page 15, states that security deposits for City leases shall be equivalent to three month's rent, and the Lease does not require a security deposit from Tenant; and

WHEREAS, the Council of the City of San Diego (City Council) intends to waive the requirement in Council Policy 700-10 related to security deposits because Tenant is a public agency and the City did not require security deposits in prior leases with Tenant for the Property; and

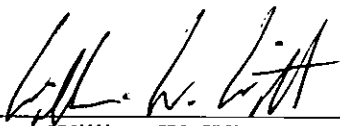
WHEREAS, the Lease is not subject to the Surplus Land Act, Government Code sections 54220 through 54234, because it (a) is not for a term longer than 15 years, including renewal options; and (b) does not involve any development or demolition; and

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 City Council as follows:

1. The City Council waives the requirement in Council Policy 700-10, Part T on page 15, relating to security deposits.
2. The City Council approves the Lease and authorizes the Mayor or designee, on behalf of the City, to sign and deliver the Lease and all documents necessary or appropriate to perform the City's obligations under the Lease. A copy of the Lease, once fully executed, shall be placed on file in the Office of the City Clerk as Document No. RR- **315380**.
3. The Chief Financial Officer is authorized and directed to accept the rent payable to the City under the Lease and deposit such rent into the Airport Enterprise Fund 700033.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
William W. Witt
Senior Deputy City Attorney

WWW:jdf
01/22/2024
Or.Dept: DREAM
Doc. No.: 356928

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/4/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 27 2024, 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"/>
District 4 - vacant	<input 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 04 2024

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
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