DUPLICATE

FIRST AMENDMENT TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION AIRSPACE GROUND LEASE

This first amendment dated August _____, 2018, by and between the State of California, acting by and through its Department of Transportation, hereinafter called Landlord, and City of San Diego hereinafter called Tenant.

RECITALS

A. Landlord and Tenant are parties to the State of California, Department of Transportation Airspace Ground Lease, number SDX005- 0026-01 (FLA), dated October 4, 1990 (the "Lease") covering certain real property located at 299 17th Street, San Diego, California.

B. The term of the Lease is for five (5) years with five (5) 5-year options for a total of 30 years, commencing on November 1, 1990 and ending on October 31, 2020. The Lease is currently within the last option period.

C Tenant has requested an extension of two (2) years.

D. The parties now desire to amend the Lease to change the expiration date from October 31, 2020 to October 31, 2022

AGREEEMNT

NOW, THEREFORE, the parties hereby agree as follows:

1. TERM. The expiration date of the Lease will be extended to October 31, 2022.

2. STATUS OF LEASE. Except as amended hereby, all other terms and conditions the Lease shall remain in full force and effect.

In WITNESS WHEREOF, the parties have executed this amendment as of the date first above written.

LANDLORD:

State of California
Department of Transportation

By _____
Amy Lamott Vargas
Deputy District Director
Right of Way Division

TENANT:

City of San Diego

_____
Cybele L. Thompson,
Director, Real Estate Assets Department

Document No. RR-311954
Filed AUG 07 2018
Office of the City Clerk
San Diego, California

Environmental Analysis Section Environmental Clearance:

This activity is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Date: 8/28/18 By: _____
Alyssa Muto, Deputy Director
Environment & Policy Analysis

Approved as to form this 4th day
of September, 2018.

MARA W. ELLIOTT, City Attorney

By: _____
Name: _____
Title: Deputy City Attorney

I:\READ\FARST\CALTRANS\FIRSTAMENDMENT TO LEASE 7.31.18

R-311954

(R-2019-50) #334-A 8/7/18

RESOLUTION NUMBER R- 311954

DATE OF FINAL PASSAGE AUG 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION AIRSPACE GROUND LEASE WITH THE STATE OF CALIFORNIA, FOR THE REAL PROPERTY LOCATED AT 299 17TH STREET, SAN DIEGO, CALIFORNIA, KNOWN AS THE NEIL GOOD DAY CENTER.

WHEREAS, the State of California, acting by and through the Department of Transportation (State), owns the real property located at 299 17th Street, San Diego, California (Property), which is improved with a homeless day center, known as the Neil Good Day Center; and

WHEREAS, the Property is leased to the City of San Diego (City) pursuant to the State of California Department of Transportation Airspace Ground Lease (Lease), on file in the Office of the City Clerk as Document No. RR-275416, and is used and operated by Father Joe's Villages for emergency shelter and feeding program purposes as set forth in California Streets and Highways Code section 104.18 during daylight hours; and

WHEREAS, the Property was recently updated with necessary repairs and maintenance items utilizing United States Department of Housing and Urban Development (HUD) funds, which require the City have a lease in effect for a period of five years; and

WHEREAS, the Lease is scheduled to expire on October 31, 2020, prior to the 5-year requirement for the HUD funds; and

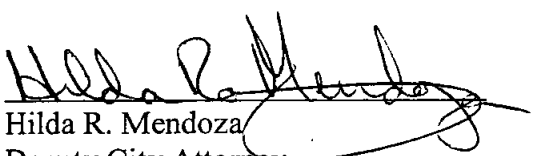
WHEREAS, the City has requested of the State to extend the term of the Lease by two years, to expire on October 31, 2022, and the State has agreed to this extension recognizing the growing need for emergency shelter services and food programs for the homeless; and

WHEREAS, City will pay the monthly rental rate of $1.00 and the annual administrative fee in the amount of $500.00, as set forth in California Streets and Highways Code section 104.18, for the two-year extension to the term; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized and directed to execute the First Amendment to the State of California, Department of Transportation Airspace Ground Lease, with the State of California, acting by and through the Department of Transportation, to extend the term of the Lease by 2 years to a total term of thirty-two (32) years for the real property located at 299 17th Street, San Diego, California, the terms of which are more fully set forth therein, and which is on file in the Office of the City Clerk as Document No. RR- 311954.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed $1,024.00, for 2 years of rent and the annual administrative fee, from the Community Development Grant Fund No. 600000, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:nja:als
07/26/18
Or. Dept: READ
Doc. No.: 1791562

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 07 2018.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 8/20/18
(date)

_____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 07 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Chris Ward	☐	☐	☒	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Chris Cate	☐	☐	☒	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☒	☐	☐	☐
Georgeine Gomez	☒	☐	☐	☐

Date of final passage AUG 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.

(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- 311954

Passed by the Council of The City of San Diego on August 7, 2018, by the following vote:

YEAS:	**BRY, ZAPF, COLE, KERSEY, SHERMAN, ALVAREZ, GÓMEZ.**
NAYS:	**NONE.**
NOT PRESENT:	**WARD, CATE.**
RECUSED:	**NONE.**

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

(Seal)

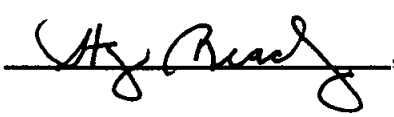
By: **Stacy D. Ready**, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. **R-311954**, approved on **August 7, 2018**. The date of final passage is **August 20, 2018**.

ELIZABETH S. MALAND

City Clerk of the City of San Diego, California

(Seal)

By:  , Deputy