

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04361

DATE OF FINAL PASSAGE DEC 15 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (i) ACKNOWLEDGING THE EXPIRATION AND TERMINATION OF THE SAN DIEGO SKATEWORLD CENTER, INC. LEASE ON DECEMBER 31, 2008; (ii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY OR DESIGNEE TO TAKE ASSOCIATED ACTIONS IN CONNECTION WITH TERMINATION OF THE LEASE; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY OR DESIGNEE TO NEGOTIATE MONTH TO MONTH TENANCIES WITH SAN DIEGO SKATEWORLD CENTER, INC., THE EXISTING RETAILERS ON THE SKATEWORLD SITE, AND/OR OTHER POTENTIAL TENANTS FOR THE SKATEWORLD SITE; AND (iv) AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS AND/OR REQUEST FOR PROPOSALS FOR DEVELOPMENT OF THE SKATEWORLD SITE AND THE ADJACENT VACANT PARCEL OWNED BY THE REDEVELOPMENT AGENCY.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Linda Vista Redevelopment Project Area [Project Area]; and

WHEREAS, on December 30, 2002, the Redevelopment Agency of the City of San Diego [Agency] entered into a Lease Agreement [Lease] with San Diego Skateworld Center, Inc. [Lessee] for a term of three (3) years commencing on January 1, 2003, whereby the Agency leased to Lessee certain real property [Skateworld Site] located within the Linda Vista Redevelopment Project Area for the operation and maintenance of a roller skating rink and retail complex; a copy of the Lease is on file in the office of the secretary to the Agency; and

WHEREAS, on November 30, 2005, July 11, 2007, and June 17, 2008, the Agency and Lessee entered into Amendments to the Lease which ultimately extended the term of the Lease through December 31, 2008; copies of the First Amendment, Second Amendment, and Third Amendment to the Lease are on file in the office of the secretary to the Agency as Document Nos. D-03977 / R-03997, D-04153 / R-04153, and D-04297 / R-04297, respectively; and

WHEREAS, Agency staff recently performed comprehensive evaluations of the operations conducted under the Lease and of the physical conditions of the Skateworld Site to evaluate potential future uses of the Site; and

WHEREAS, in light of the evaluations conducted and in order to carry out and implement the objectives of the Redevelopment Plan for the Project Area, Agency staff recommends that the Agency acknowledge the expiration and termination of the Lease on December 31, 2008; and

WHEREAS, in order to allow for the Agency's prospective development of the Skateworld Site and adjacent vacant parcel while continuing business activity on the Skateworld Site, the Agency staff recommends that the Agency authorize the Agency Executive Director or designee to negotiate new month to month lease agreements with the existing tenant and/or subtenants of the Skateworld Site, including San Diego Skateworld Center, Inc. and the existing retailers, and/or other potential tenants for the Skateworld Site; and

WHEREAS, in order to allow additional time for the Agency Executive Director or designee to negotiate new month to month lease agreements with the existing tenant and/or subtenants of the Skateworld Site and/or other potential tenants for the Skateworld Site, the Agency staff recommends that the Agency authorize San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site for one additional month on holdover status with

termination at 5:00p.m. on January 31, 2009 and for the Agency Executive Director or designee to accept the monthly rental payment from San Diego Skateworld Center, Inc. for the month of January 2009; and

WHEREAS, in light of the above, the Agency staff recommends that the Agency authorize the Agency Executive Director or designee to send a letter to San Diego Skateworld Center, Inc. (i) communicating the Agency's non-renewal of the Lease and its scheduled expiration and termination on December 31, 2008, (ii) advising of the Agency's authorization to permit San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site for one additional month on holdover status with termination at 5:00p.m. on January 31, 2009 and for the Agency Executive Director or designee to accept the monthly rental payment from San Diego Skateworld Center, Inc. for the month of January 2009, (iii) requesting San Diego Skateworld Center, Inc. to execute, acknowledge and deliver to the Agency within five (5) business days upon receipt of the Agency's letter a valid and recordable quitclaim deed covering all of the Skateworld Site, pursuant to Section 2.3 of the Lease, (iv) requesting San Diego Skateworld Center, Inc. to immediately provide written notice to its sublessees on the Skateworld Site of the Agency's non-renewal and termination of the Lease on December 31, 2008, and (v) requesting San Diego Skateworld Center, Inc. to deliver the Skateworld Site to the Agency free and clear of all liens and encumbrances and in a decent, safe, and sanitary condition upon Lease termination, pursuant to Section 2.3 of the Lease; and

WHEREAS, the Agency staff further recommends that the Agency issue a request for qualifications and/or request for proposals for development of the Skateworld Site and the adjacent vacant parcel owned by the Agency; and

WHEREAS, the Agency has duly considered all of the terms and conditions of the transactions stated above and determines that the actions requested are in the best interests of the City of San Diego, the Project Area and the health, safety, morals and welfare of the City's residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

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

1. That the Redevelopment Agency of the City of San Diego [Agency] acknowledges the expiration and termination of the Lease Agreement [Lease] with San Diego Skateworld Center, Inc. on December 31, 2008.
2. That the Agency authorizes San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site for one additional month on holdover status with termination at 5:00p.m. on January 31, 2009 and the Agency Executive Director or designee to accept the monthly rental payment from San Diego Skateworld Center, Inc. for the month of January 2009 in the amount as required under the Lease.
3. That, if San Diego Skateworld Center, Inc. executes a Lease Termination Agreement with the Agency by December 31, 2008, then the Agency authorizes San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site on holdover status for an additional five months with termination at 5:00p.m. on June 30, 2009, and authorizes the Agency Executive Director or designee to negotiate and execute said Lease Termination Agreement on behalf of the Agency and to accept the monthly rental payments from San Diego Skateworld Center, Inc. for the months through June 30, 2009 in the amount as required under the Lease; and
4. That the Agency authorizes the Agency Executive Director or designee to send a letter to San Diego Skateworld Center, Inc. (i) communicating the Agency's non-renewal of the

Lease and its scheduled expiration and termination on December 31, 2008, (ii) advising of the Agency's authorization to permit San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site for one additional month on holdover status with termination at 5:00p.m. on January 31, 2009 and for the Agency Executive Director or designee to accept the monthly rental payment from San Diego Skateworld Center, Inc. for the month of January 2009, (iii) advising that, if San Diego Skateworld Center, Inc. executes a Lease Termination Agreement with the Agency by December 31, 2008, then the Agency authorizes San Diego Skateworld Center, Inc. to continue to occupy the Skateworld Site on holdover status for an additional five months with termination at 5:00p.m. on June 30, 2009 and authorizes the Agency Executive Director or designee to negotiate and execute said Lease Termination Agreement on behalf of the Agency and to accept the monthly rental payments from San Diego Skateworld Center, Inc. for the months through June 30, 2009; and (iv) requesting San Diego Skateworld Center, Inc. to execute, acknowledge and deliver to the Agency within five (5) business days upon receipt of the Agency's letter a valid and recordable quitclaim deed covering all of the Skateworld Site, pursuant to Section 2.3 of the Lease, (v) requesting San Diego Skateworld Center, Inc. to immediately provide written notice to its sublessees on the Skateworld Site of the Agency's non-renewal and termination of the Lease on December 31, 2008, and (vi) requesting San Diego Skateworld Center, Inc. to deliver the Skateworld Site to the Agency free and clear of all liens and encumbrances and in a decent, safe, and sanitary condition upon Lease termination, pursuant to Section 2.3 of the Lease.

5. That the Agency authorizes the Agency Executive Director or designee to negotiate on behalf of the Agency new individual month to month lease agreements with the existing tenant and/or subtenants of the Skateworld Site, including San Diego Skateworld Center,

Inc. and the existing retailers, and/or other potential tenants for the Skateworld Site, in order to allow for the Agency's prospective development of the Site.

6. That the Agency authorizes the Agency Executive Director or designee to issue a request for qualifications and/or request for proposals for development of the Skateworld Site and the adjacent vacant parcel owned by the Agency, referencing with and without a skating rink and as a potential historical resource.

7. That the Agency Executive Director or designee is hereby authorized for and on behalf of the Agency to execute all documents necessary and appropriate to carry out and implement the actions taken herein and to administer the Agency's obligations, responsibilities and duties to be performed under the actions taken herein.

8. That this activity is not a "project" for purposes of the California Environmental Quality Act [CEQA] because it does not meet the criteria set forth in CEQA Guidelines Section 15378. Therefore, this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3). Further, this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Therefore, this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2).

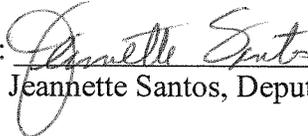
APPROVED: MICHAEL J. AGUIRRE, General Counsel

By:   
Kendall D. Berkey  
Deputy General Counsel

KDB:nda  
11/21/08Cor.Copy  
12/05/08Rev.Copy  
Or.Dept:Redev.Agency  
RA-2009-42  
MMS#845

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of DEC 02 2008.

REDEVELOPMENT AGENCY

By:   
Jeannette Santos, Deputy Secretary

Approved: 12-15-08  
(date)

  
JERRY SANDERS, Executive Director

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

\_\_\_\_\_  
JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on DEC 02 2008, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 15 2008

AUTHENTICATED BY:

JERRY SANDERS

Executive Director of The City of San Diego, California.

ELIZABETH S. MALAND

Secretary of The City of San Diego, California.

(Seal)

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number

R 04361