

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2726**

**ORDINANCE GRANTING AMENDMENT NO. 9 TO  
LEASE WITH SUNROAD MARINA PARTNERS, LP  
TO UPDATE CURRENT LEASE PROVISIONS**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

**WHEREAS**, Sunroad Marina Partners, LP (Sunroad) has a 50-year lease with the District to operate a 600-slip marina located at 955 Harbor Island Drive in San Diego that will expire in 2037, a copy of which is on file in the Office of the District Clerk as Document No. 20323 including Amendment Nos. 1 through 8, also on file in the Office of the District Clerk as Document Nos. 31941, 32710, 36837, 38082, 42710, 43118, 49394 and 54614 accordingly; and

**WHEREAS**, Amendment No. 8 of Sunroad's lease provides that as a condition of the lease encumbrance, the lease language be updated to current District standards; and

**WHEREAS**, Amendment No. 9 includes the new rent review language that includes the baseball appraisal provisions, as well as updated indemnity language that requires Sunroad to cover any costs associated with processing environmental and coastal approvals and new labor and prevailing wage language.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That Amendment No. 9 to the lease agreement between the San Diego Unified Port District and Sunroad Marina Partners, LP, a California limited partnership to update to current lease provisions is hereby approved and granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute Amendment No. 9 to the lease agreement between the San Diego Unified Port District and Sunroad Marina Partners, LP.

Section 3. This ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of June, 2013, by the following vote:

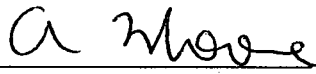
AYES: Malcolm, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: Castellanos.



Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

SDP

(Seal)