

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2733**

**ORDINANCE GRANTING AMENDMENT NO. 1 TO  
EICHENLAUB MARINE, INC. TO INCLUDE 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**, Eichenlaub Marine, Inc. (Eichenlaub), a California corporation has a 30-year Lease with the District which commenced November 1, 2008 and expires October 31, 2038 to operate a small marine sales and service facility on file in the Office of the District Clerk as Document No. 54213; and

**WHEREAS**, Eichenlaub's lease provides that as a condition of the assignment and assumption of leasehold, the lease language be updated to current District standards; and

**WHEREAS**, rent will be increased to market two months in advance by applying the Los Angeles All Urban Consumer Price Index; and

**WHEREAS**, Amendment No. 1 includes the new rent review language that includes the baseball appraisal, as well as updated indemnity language that requires Eichenlaub 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. 1 to the 30-year lease agreement between the San Diego Unified Port District and Eichenlaub Marine, Inc., a California corporation to update to current lease provisions that includes rent review language that includes baseball appraisal, indemnity language that requires Eichenlaub to cover any costs associated with processing environmental and coastal approvals and new labor and prevailing wage language on file in the Office with the District Clerk as Document No. 60668, is hereby approved and granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute Amendment No. 1 to the lease agreement between the San Diego Unified Port District and Eichenlaub Marine, Inc.

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

APPROVED AS TO FORM AND LEGALITY:

  
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PORT ATTORNEY

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 13th day of August, 2013, by the following vote:

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

NAYS: None.

EXCUSED: Malcolm.

ABSENT: None.

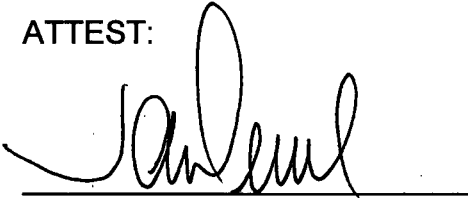
ABSTAIN: None.



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Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)