

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2734**

**ORDINANCE GRANTING LEASE AMENDMENT  
NO. 2 TO THE CITY OF NATIONAL CITY TO  
MODIFY LEASE TERMS DUE TO THE  
DISSOLUTION OF THE STATE OF CALIFORNIA  
REDEVELOPMENT AGENCIES**

**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 30.5(e) of the Port Act states any property acquired by the District shall become an asset of the public trust and be subject to Section 87; 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**, pursuant to Ordinance No. 2613 adopted by the Board of Port Commissioners (BPC) on June 8, 2010 the District and the Community Development Commission of the City of National City (CDC), a Redevelopment Agency for the City of National City (City) entered into a Lease wherein the District leased approximately 8,412 square feet of land area located at the south end of Goesno Place in the City of National City for the development of an Aquatic Center, on file in the Office of the District Clerk as Document No. 56735; and

**WHEREAS**, In June 2011, the California legislature passed two bills that dissolved Redevelopment Agencies (RDA) throughout California, therefore dissolving the City's RDA; and

**WHEREAS**, District administratively approved, on the 8<sup>th</sup> day of July 2011, an assignment of the Lease from Community Development Commission of National City to the City of National City, which Assignment and Assumption Approval is on file in the Office of the Clerk of Lessor bearing Document No. 57887; and

**WHEREAS**, the dissolution of the RDA created set-backs for the City regarding progress with the development of the Aquatic Center and meeting its obligations of deadlines in its Lease with the District; and

**WHEREAS**, District and City, on the 11<sup>th</sup> day of January, 2013, mutually agreed to amend the commencement of construction of improvements to the National City Aquatic Center, which Amendment No. 1 is on file in the Office of the District Clerk bearing Document No. 59801; and

**WHEREAS**, concurrently with this Lease Amendment No. 2, the parties are amending a Memorandum of Understanding concerning financial contributions to the Aquatics Center and desire to amend the Lease in accordance therewith.

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

Section 1. That Amendment No. 2 to the Lease between the San Diego Unified Port District and the City of National City, a California municipal corporation is hereby granted and approved and is on file in the Office of the District Clerk.

Section 2. The Executive Director or his designated representative is hereby directed to execute Amendment No. 2 to the Lease with the City of National City on behalf of the San Diego Unified Port District.


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

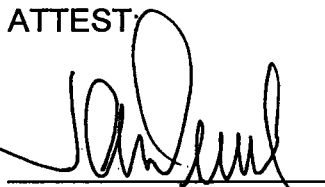
APPROVED AS TO FORM AND LEGALITY:

  
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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  
  
\_\_\_\_\_  
Timothy A. Deuel  
District Clerk

(Seal)