

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2744**

**ORDINANCE GRANTING A 10 YEAR LEASE WITH ONE 5-YEAR OPTION TO EXTEND WITH OLD TOWN TROLLEY TOURS OF SAN DIEGO, INC. FOR A TICKET KIOSK LOCATED AT 1040 NORTH HARBOR DRIVE IN SAN DIEGO**

**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**, the North Embarcadero Visionary Plan (NEVP) is a multi-phased public improvement project to enhance San Diego's North Embarcadero by creating a destination waterfront gathering point for visitors; and

**WHEREAS**, three of the kiosks have been leased and staff has negotiated a lease for the fourth kiosk with Old Town Trolley Tours of San Diego, Inc. (OTT); and

**WHEREAS**, OTT is a long-term tenant in good standing, operating on short-term agreements of five years or less since 2003; and

**WHEREAS**, under the proposed lease, OTT has agreed to reimburse the District for all costs to construct its kiosk and to pay sales-based percentage rent; and

**WHEREAS**, the proposed lease will commence upon the District delivering a substantially completed ticket kiosk in the NEVP Phase I improvement area, which is anticipated to be mid-2014.

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

Section 1. The 10-year lease with one 5-year option to extend between the San Diego Unified Port District and Old Town Trolley Tours of San Diego, Inc. for a Ticket Kiosk located at 1040 North Harbor Drive in the City of San Diego is hereby granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute said lease.

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:

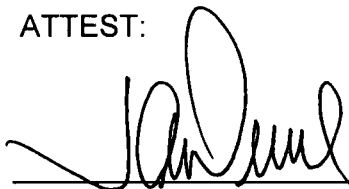
  
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PORT ATTORNEY

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 19th day of November, 2013, by the following vote:

- AYES: Castellanos, Merrifield, Moore, Nelson, Smith,
- NAYS: None.
- EXCUSED: Malcolm, Valderrama
- 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)