

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2771

ORDINANCE GRANTING A TEN-YEAR LEASE WITH ONE, FIVE-YEAR OPTION TO OLD TOWN TROLLEY TOURS OF SAN DIEGO, INC. TO OPERATE THE NORTH EMBARCADERO VISIONARY PLAN PHASE 1 INFORMATION AND VISITORS CENTER

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, at the April 15, 2014 meeting, the Board of Port Commissioners (BPC) authorized staff to enter into negotiations with Old Town Trolley Tours of San Diego, Inc. (OTT) for operation of the North Embarcadero Visionary Plan (NEVP) Phase 1 Information and Visitors Center; and

WHEREAS, staff has negotiated a 10-year lease with one, five-year option to extend (for a total term of 15 years) with OTT, for the operation of a visitor and information center including sales of tickets for SEAL Tours and Trolley Tours, as well as other attractions in San Diego; and

WHEREAS, the lease will commence upon delivery of the completed Information Center structure to OTT, anticipated in late September; and

WHEREAS, OTT must commence tenant improvements within three months of the commencement date of the lease and complete construction within nine months of the commencement date of the lease.

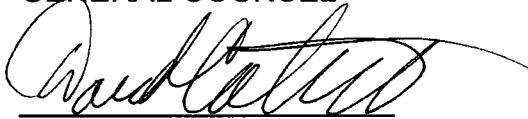
NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That the ten-year lease with one, five-year option to extend the term to Old Town Trolley Tours of San Diego, Inc. to operate the North Embarcadero Visionary Plan Phase 1 Information and Visitors Center 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 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of August 2014, by the following vote:

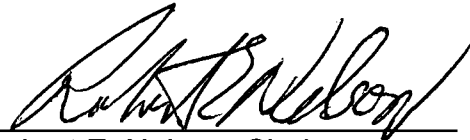
AYES: Bonelli, Castellanos, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Malcolm, Merrifield.

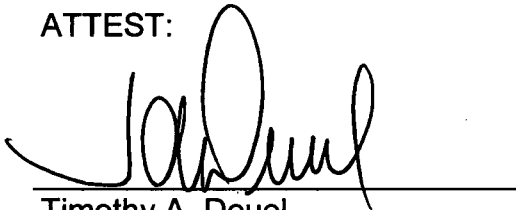
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)