

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2772**

**ORDINANCE GRANTING AN AMENDED AND  
RESTATED 40-YEAR LEASE WITH SAN DIEGO  
YACHT CLUB LOCATED AT 1011 ANCHORAGE  
LANE, SAN DIEGO, CA, EXPIRING  
SEPTEMBER 30, 2049**

**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**, San Diego Yacht Club operates an approximately 576-slip private yacht club located at 1011 Anchorage Lane in the Shelter Island area of San Diego Bay under a Lease, on file with the District Clerk as Document No. 55634 ("Lease"); and

**WHEREAS**, the Lease had a 26-year term with an option to extend, for a total potential term of 40 years, if a comprehensive marina replacement project was completed by September 30, 2028; and

**WHEREAS**, San Diego Yacht Club proposed to continue superior maintenance of the existing marina and replace sections of the docks, as needed, throughout the term of the Lease, and to amend the Lease to include marina audit language, ensuring it preserves its marina for the entire term of the Lease; and

**WHEREAS**, San Diego Yacht Club has also indicated that there are two City of San Diego stormwater drains that have been depositing sediment in and around the San Diego Yacht Club premises, the sediment is interfering with navigation and use of portions of the marina, and San Diego Yacht Club proposes to clarify the Lease regarding its responsibility in future dredging that may be needed in those areas and add non-exclusive water areas to the Lease premises; and

**WHEREAS**, staff recommends that the Board of Port Commissioners grant the proposed Amended and Restated Lease for a full 40-year lease term, expiring September 30, 2049, adding marina audit language, clarifying responsibility for dredging, updating lease language, and adding non-exclusive water areas.

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

Section 1. The Amended and Restated Lease between the San Diego Unified Port District and San Diego Yacht Club for a full 40-year lease term, expiring September 30, 2049, adding marina audit language, clarifying responsibility for dredging, updating lease language, and adding non-exclusive water areas is hereby granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute said Amended and Restated 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:  
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:

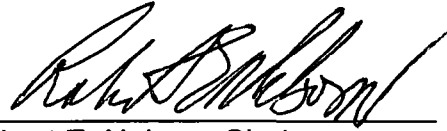
AYES: Bonelli, Castellanos, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Malcolm, Merrifield.

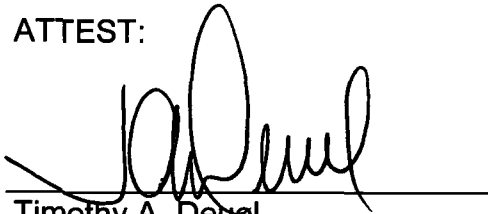
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)