

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2783

ORDINANCE GRANTING AMENDMENT NO. 3 TO LEASE WITH POINT LOMA MARINA, LLC AT 4980 NORTH HARBOR DRIVE TO REMOVE FROM THE PREMISES APPROXIMATELY 5,881 SQUARE FEET NECESSARY FOR THE REALIGNMENT OF NORTH HARBOR DRIVE TO INCORPORATE INTO THE PREMISES AN EXISTING PUBLIC PARKING LOT, AND TO MODIFY CERTAIN OTHER LEASE TERMS

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, Point Loma Marina, LLC (PLM) has a Lease with the District to operate a marina and commercial site on 75,650 square feet of land (1.74 acres) and 163,285 square feet of water (3.75 acres) at 4980 North Harbor Drive on America's Cup Harbor in Shelter Island. The term of the Lease is for 32 years and eight (8) months, expiring in January 2040; and

WHEREAS, the currently designed North Harbor Drive Realignment Project (Project) includes an intersection and driveway that encroach onto the (PLM) leasehold by approximately 5,188 square feet; and

WHEREAS, the encroachment area has been developed by PLM and includes portions of a parking lot, event space, and public park space commonly referred to as Marina Green Park; and

WHEREAS, in order to facilitate the construction of the Project, the District and PLM have negotiated Amendment No. 3 to the PLM Lease which would allow the District to obtain the property necessary for implementation of the Project; and

WHEREAS, in return, PLM would be compensated for the loss of property by providing them additional land for use as a trash enclosure, public parking lot, non-exclusive vehicle staging area, and monument signage; and

WHEREAS, the Project is consistent with the certified Port Master Plan and pursuant to the District's Coastal Development Permit (CDP) Regulations, the Project requires issuance of an appealable CDP; and

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

Section 1. Amendment No. 3 to Lease with Point Loma Marina, LLC at 4980 North Harbor Drive to remove from the premises approximately 5,881 square feet necessary for the realignment of North Harbor Drive to incorporate into the premises an existing parking lot and modify certain other Lease terms is hereby granted.

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

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 16th day of September 2014 by the following vote:


AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

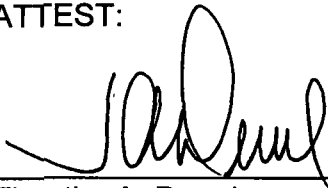
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

