

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2795

**ORDINANCE GRANTING AMENDMENT NO. 4 TO
LEASE WITH POINT LOMA MARINA, LLC AT 4980
NORTH HARBOR DRIVE TO REVISE THE
DESCRIPTION OF THE LEASED PREMISES**

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, with a term of 32 years and eight (8) months, expiring in January 2040, to operate a marina and commercial site on at 4980 North Harbor Drive on America's Cup Harbor in Shelter Island; and

WHEREAS, on September 16, 2014, the Board of Port Commissioners (Board) granted Ordinance 2783 adopting Amendment Number 3 to Lease (Amendment No. 3) with PLM, which increased the leased premises from approximately 75,650 square feet of land (1.74 acres) and 163,172 square feet of water (3.75 acres) to approximately 95,679 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres); and

WHEREAS, the legal description and plat map attached to Amendment No. 3 incorrectly delineated the area of premises that was to be used for a covered trash enclosure and associated landscaping; and

WHEREAS, the premises area for the trash enclosure was originally identified as approximately 497 square feet in Amendment No. 3, but the actual area required for the trash enclosure is approximately 1,315 square feet, a difference of approximately 818 square feet; and

WHEREAS, Amendment Number 4 to Lease with PLM increases the leased premises by approximately 818 square feet to accommodate the trash enclosure and landscaped area.

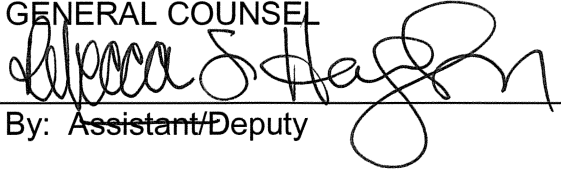
NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. Amendment Number 4 to Lease with Point Loma Marina, LLC at 4980 North Harbor Drive increasing and revising the description of the leased premises by approximately 818 square feet is hereby granted.

Section 2. The Assistant Executive Director or his designated representative is hereby directed to execute said Amendment Number 4 to Lease with Point Loma Marina, LLC at 4980 North Harbor Drive.

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 13th day of January 2015, by the following vote:

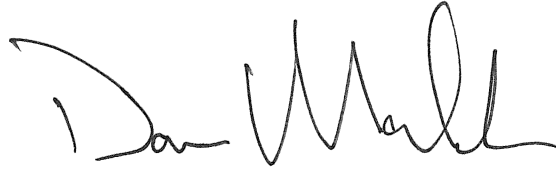
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

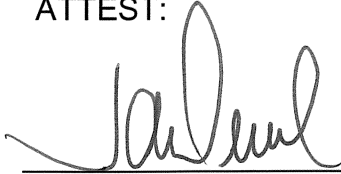
ABSENT: None.

ABSTAIN: None.

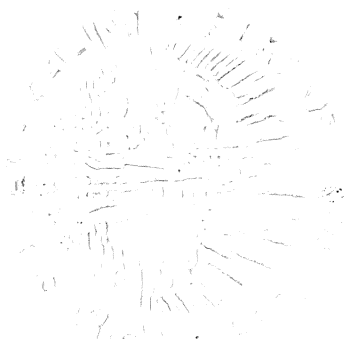


Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)