

RESOLUTION 2013-154

RESOLUTION CONSENTING TO SUBLEASE FROM SEAPORT VILLAGE OPERATING COMPANY, LLC DBA THE HEADQUARTERS (FORMERLY THE OLD POLICE HEADQUARTERS) LOCATED ON WEST HARBOR DRIVE AT THE FOOT OF PACIFIC HIGHWAY, WITH THE SUBTENANT VENISSIMO CHEESE, INC. DBA VENISSIMO CHEESE FOR 5 YEARS WITH ONE 5- YEAR OPTION TO EXTEND

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, pursuant to Ordinance No. 2331 adopted by the Board of Port Commissioners (BPC) on January 11, 2005 the District entered to an Option to Lease Agreement with Seaport Village Operating Company, LLC a Delaware limited liability company (SPV), on file in the Office of the District Clerk as Document No. 48201; and

WHEREAS, pursuant to Ordinance No. 2663 adopted by the BPC on January 10, 2012 the District entered into a Lease Agreement with SPV covering 273,887 square feet of tidelands located on West Harbor Drive at the foot of Pacific Highway, in the City of San Diego, California, the Old Police Headquarters (OPH), for an entertainment oriented specialty retail development, on file in the Office of the District Clerk as Document No. 58599 (Master Lease); and

WHEREAS, on January 11, 2012, SPV entered into a lease with the District and began construction for the adaptive reuse of the OPH building, since re-branded to be called The Headquarters; and

WHEREAS, SPV is currently in the process of securing long term subtenants for the project; and

WHEREAS, BPC consent is required for subleases of more than five years; and

WHEREAS, SPV is now requesting District consent for the following subtenant for the project: Venissimo Cheese, Inc. dba Venissimo Cheese, a gourmet specialty cheese shop for a 5-year term with one 5-year option.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the San Diego Unified Port District hereby consents to the sublease between Seaport Village Operating Company, LLC, a Delaware limited liability company and Venissimo Cheese, Inc. dba Venissimo Cheese, a gourmet specialty cheese shop for approximately 833 square feet of its leased premises (Suite A-3) located at 789 West Harbor Drive in the City of San Diego for a 5-year term with one 5-year option subject to the terms and conditions of the Master Lease.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in cursive script, appearing to read "David A. Salas", is written over a horizontal line.

PORT ATTORNEY

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of September, 2013, by the following vote:

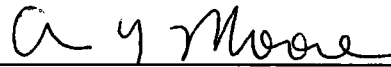
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

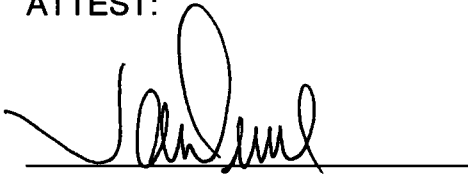
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)