

**RESOLUTION 2013-36**

**RESOLUTION ESTABLISHING MINIMUM ANNUAL  
RENT OF \$895,000 PER YEAR FOR HIW  
ASSOCIATES DBA HARBOR ISLAND WEST  
MARINA FOR THE PERIOD APRIL 1, 2013  
THROUGH MARCH 31, 2018**

**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**, HIW Associates, a California general partnership, dba Harbor Island West Marina (HIW) has a lease with the District wherein it operates a marina located at 2040 Harbor Island Drive, San Diego, California on file in the Office of the District Clerk as Document No. 14085; and

**WHEREAS**, pursuant to its lease, a minimum annual rent (MAR) adjustment is required for the five-year period from April, 1 2013 through March 31, 2018; and

**WHEREAS**, BPC (Board of Port Commissioners) Policy No. 355 provides that MAR be set at no less than 75% of the average percentage rent paid during the last three years of the preceding rental period; and

**WHEREAS**, HIW's last rent review took place in 2008; and

**WHEREAS**, based on a decrease in marina revenues their MAR is currently 85% of the average percentage rent paid from the past three accounting years; and

**WHEREAS**, staff's analysis of current market values for marina properties on Harbor Island determined that the minimum annual rent should remain the same for the next five year rental period April 1, 2013 through March 31, 2018 at \$895,000 per year; and

**WHEREAS**, the current percentage rental rates under the lease are consistent with the BPC adopted percentage rental rates and therefore are proposed to remain the same.

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

That the Executive Director or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to establish Minimum Annual Rent of \$895,000 per year for HIW Associates, a California general partnership dba Harbor Island West Marina for the period April 1, 2013 through March 31, 2018.

**PASSED AND ADOPTED** by the Board of Port Commissioners of the San Diego Unified Port District, this 5th day of March, 2013, by the following vote:

**AYES:** Malcolm, Moore, Nelson, Smith, Valderrama

**NAYS:** None.

**EXCUSED:** None.

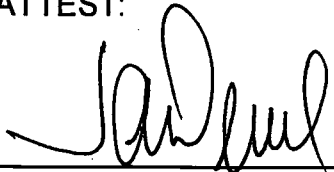
**ABSENT:** None.

**ABSTAIN:** None.



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Ann Y. Moore, Chair  
Board of Port Commissioners

**ATTEST:**



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Timothy A. Deuel  
District Clerk



(Seal)