

RESOLUTION 2013-66

RESOLUTION ESTABLISHING MINIMUM ANNUAL RENT OF \$91,089 FOR DRISCOLL MARINA, LTD DBA DRISCOLL'S WHARF FOR THE PERIOD MAY 1, 2013 THROUGH APRIL 30, 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, Driscoll Marina, Ltd., dba Driscoll's Wharf (Driscoll), operates a commercial fishing facility and commercial center on America's Cup Harbor in San Diego located at 4918 North Harbor Drive in San Diego under a long-term lease that commenced on May 1, 1983 and ends on April 30, 2023; and

WHEREAS, the lease requires a minimum annual rent (MAR) review every five years and as a result the proposed rent is for the period from May 1, 2013 through April 30, 2018; and

WHEREAS, the Coastal Development Permit for the commercial fisheries revitalization project and lease contain provisions intended to protect commercial fishing by restricting the use and limiting the amount of rent that can be charged to the fisherman by Driscoll; and

WHEREAS, the MAR is \$90,400 and percentage revenue typically does not exceed the MAR; and

WHEREAS, in 2012, the total rent paid to the District was \$91,089; and

WHEREAS, it is now proposed to set the new MAR at \$91,089 taking into account the commercial fishing rent restriction set forth in the lease.

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 \$91,089 per year for Driscoll Marina, Ltd., dba Driscoll's Wharf located at 4918 North Harbor Drive in San Diego for the period May 1, 2013 through April 30, 2018.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 7th day of May, 2013, by the following vote:

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

NAYS: None.

EXCUSED: None.

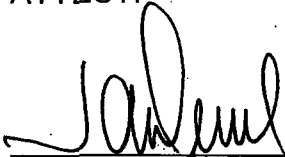
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)