

RESOLUTION 2014-174

**RESOLUTION ESTABLISHING RENT FOR
CALIFORNIA YACHT MARINA - CHULA VISTA,
LLC FOR THE PERIOD FROM JULY 1, 2014
THROUGH JUNE 30, 2019**

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 1, (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, California Yacht Marina (CYM) operates a 352-slip marina located at 640 Marina Parkway in the City of Chula Vista; and

WHEREAS, CYM has a 40 year lease with the District, which expires June 30, 2029; and

WHEREAS, the lease provides for periodic rent adjustments; and

WHEREAS, the next rent adjustment is for the 5-year period commencing July 1, 2014 and ending June 30, 2019; and

WHEREAS, the minimum annual rent (MAR) is currently \$222,000 and the lease provides that the MAR shall be set at no less than 75% of the average percentage rental paid during the last three accounting years of the previous rental period; and

WHEREAS, during the three-year period commencing July 1, 2011 and ending June 30, 2014, CYM paid the District an average of approximately \$227,000 per year in rent under the subject lease; and

WHEREAS, the current MAR of \$222,000 is well above the 75% required under the lease; and

WHEREAS, the percentage rental rates currently in effect are consistent with those adopted by the Board of Port Commissioners in December 2004 and therefore staff proposes that they remain the same.

NOW, THEREFORE, BE IT RESOLVED that 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 the current minimum annual rent of \$222,000 be maintained and current percentage rental rates stay in effect for California Yacht Marina - Chula Vista, LLC for the period July 1, 2014 through June 30, 2019.

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.

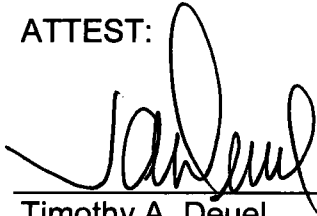
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)