

RESOLUTION 2014-91

**RESOLUTION CONSENTING TO SUBLEASE AND
SUBLEASE AMENDMENT BETWEEN SAN DIEGO
YACHT CLUB AND SAN DIEGO YACHT CLUB
SAILING FOUNDATION FOR 21 YEARS AND 5
MONTHS, TERMINATING ON SEPTEMBER 30,
2035**

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. 2009-165 adopted by the Board of Port Commissioners (BPC) on September 1, 2009, the District entered into a lease with the San Diego Yacht Club for the property located at 1011 Anchorage Lane in the Shelter Island Area of San Diego, on file with the District Clerk as Document No. 55634; and

WHEREAS, San Diego Yacht Club entered into a Shared Use Agreement and an Amendment with the San Diego Yacht Club Sailing Foundation which allows the Foundation use of a portion of the premises through the term of the lease; and

WHEREAS, a recent audit of the San Diego Yacht Club by the District found that the Shared Use Agreement had not been consented to by the District pursuant to the lease provisions regarding subleases; and

WHEREAS, San Diego Yacht Club requests District consent to the sublease; and

WHEREAS, the proposed sublease is consistent with the terms of the lease and the District's real estate practices; and

WHEREAS, BPC approval is required because the total term of the proposed sublease would exceed five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby consents to the sublease between San Diego Yacht Club and San Diego Yacht Club Sailing Foundation documented by the Shared Use Agreement and Amendment thereto.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of May 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

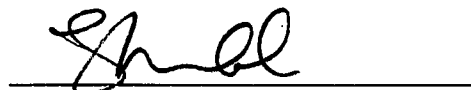
ABSENT: None.

RECUSED: Malcolm.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Laura Nicholson
Deputy District Clerk

(Seal)