

RESOLUTION 2015-157

RESOLUTION CONSENTING TO A WATER EASEMENT LOCATED ON THE LANE FIELD NORTH HOTEL LEASEHOLD NEAR THE NORTHWEST CORNER OF PACIFIC HIGHWAY AND BROADWAY FROM LFN DEVELOPERS, LLC TO THE CITY OF SAN DIEGO, TERMINATING APRIL 30, 2080

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, the District has an existing lease with LFN Developers, LLC dba Lane Field North (LFN) for a 400-room dual branded Marriott Springhill Suites and Residence Inn development (Lane Field North Hotel) located on Pacific Highway in the City of San Diego; and

WHEREAS, on April 28, 2014, LFN entered into a lease (Master Lease) with the District and began construction of the Lane Field North Hotel project; and

WHEREAS, LFN is expected to complete the project by January 2016 and is working on identifying subtenants for the retail spaces and negotiating all of the ancillary agreements required to open for business; and

WHEREAS, due to site constraints, the Lane Field North Hotel's water meter assembly was required to be placed inside of the building, in a meter room off of Pacific Highway, instead of in the public right-of-way; and

WHEREAS, the proposed water easement between LFN and the City of San Diego (City) grants the City the right to construct, operate, maintain and repair the necessary water facilities within the LFN hotel premises which would only serve the LFN premises; and

WHEREAS, the termination of the water easement is coterminous with the LFN lease; and

WHEREAS, the proposed water easement shall be, and remain, subject and subordinate to the lease between LFN and the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, hereby consents to a water easement between LFN Developers, LLC and the City of San Diego terminating April 30, 2080.

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 8th day of December, 2015, by the following vote:

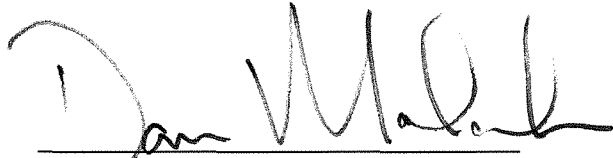
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

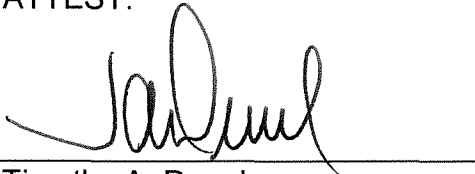
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)