

MAR 27 1978

220541

RESOLUTION NO. _____ (R.78-1488)

WHEREAS, on November 26, 1975, City Council approved the Assignment of Lease between the City and Monte Mansfield, dba Hana Kai Landing, to Mission Bay Marina covering two acres of City-owned property in Quivira Basin, Mission Bay Park and the Lease provides for the operation and maintenance of a boat repair, marina, boat sales, and a retail marine hardware facility; and

WHEREAS, as a condition of the 1975 Assignment, the City required the Lessee to: (1) Expend over \$100,000 in boat repair equipment; (2) increase boat slip percentage rents and minimum annual rent; and (3) refurbish the landside improvements and these requirements were all accomplished in a timely manner, and the premises and subsequent increase in revenues reflected the efforts; and

WHEREAS, in the fall of 1976, the Lessee began a replacement and refurbishment program of the docks, floats and slips which had been neglected by the previous Lessee and the work was well underway when wind and water surge problems occurred in March of 1977 and the resulting extensive damage was reported to the City and repairs to the marina were commenced by the Lessee; and

WHEREAS, concurrently with the repairs, the Lessee requested and received from the City Manager's Office, a temporary percentage rent abatement, which required that proper income records be

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maintained and the percentage arrearages be repaid by January 1, 1978 and the temporary abatement covered the period from February 1, 1977 through May 31, 1977 and the Lessee under this program has accumulated a rental deficiency of \$1,519.70; and

WHEREAS, the repairs of the March storm damage were interrupted by high winds in November which brought on another extensive surge problem in Quivira Basin and this, in turn, created over a dozen new breaks in the Lessee's docks and the Lessee has had to evacuate forty boats from the marina, and may be required to empty the remaining 102 slips, if the winter continues to be one of moderate to heavy storm conditions and the continuing loss of slip rental income and repair costs prompted the Lessee to request a rental adjustment; and

WHEREAS, it is proposed that the Lessee, Mission Bay Marina, be permitted to pay only the minimum rental of \$20,000 per year for two years with all percentage rentals forgiven retroactive to February 1, 1977 and percentage rentals to be reinstated:

(1) When all slips, floats and docks are repaired and/or replaced; or (2) when the interim solution to the surge problems in Mission Bay are implemented as set out in the City Council resolution adopted on December 14, 1977; or (3) on January 31, 1979, whichever event first occurs; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That in consideration of the above recitals, the City

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Manager is hereby authorized and empowered to accept as full rent under the above described lease for the sum of \$20,000 per year for the two-year period commencing February 1, 1977 and ending January 31, 1979.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:dm
2-7-78
Or.Dept.:Property
Job:13264

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Passed and adopted by the Council of The City of San Diego on MAR 27 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

RECEIVED POLICE DEPARTMENT
 CITY OF SAN DIEGO
 1978 FEB 10 11:20 AM '78
 SAN DIEGO, CALIFORNIA

Office of the City Clerk, San Diego, California	
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Adopted	MAR 27 1978

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