

RESOLUTION NUMBER R- 299832

ADOPTED ON NOV 15 2004

WHEREAS, Braemar Partnership, a California limited partnership, and 9th & A Limited Partnership, a California limited partnership [collectively, Lessee], in connection with the operation of the Catamaran Resort Hotel and pursuant to a lease with the City [the Catamaran Pier Lease], maintain and operate a pier on a .588 acre land area and .902 acre water area extending from the hotel property into Mission Bay; and

WHEREAS, the Catamaran Pier Lease provides for the negotiation and renewal of the Lease; and

WHEREAS, the City of San Diego and Lessee have negotiated a ten year lease (an initial five year term with one five year option to extend) to operate and maintain a docking facility for the temporary berthing of boats, the storage and rental of small boats and watercraft, the operation of a beach chair, umbrella and boat rental concession, the sale of food and non-alcoholic beverages and the storage and moorings of sight-seeing and excursion boats operated by Bahia Sternwheelers, Inc., all for the general public and patrons of the Catamaran Resort Hotel, at the initial rental rate of ten percent of all gross revenues from operations on the leased property and not less than \$17,500 per year; and

WHEREAS, as additional consideration, the proposed Catamaran Pier Lease requires Lessee to spend one percent of gross income annually for maintenance, upkeep and replacement upgrades to keep the pier in first class condition; and

WHEREAS, the City's valuation staff has determined the fair market rental value of the property to be ten percent of gross revenue; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute a ten year lease agreement (an initial five year term with one five year option to extend) with Braemar Partnership and 9th and A Limited Partnership for the operation and maintenance of a docking facility for the temporary berthing of boats, the storage and rental of small boats and watercraft, the operation of a beach chair, umbrella and boat rental concession, the sale of food and non-alcoholic beverages and the storage and moorings of sight-seeing and excursion boats operated by Bahia Sternwheelers, Inc., all for the general public and patrons of the Catamaran Resort Hotel, at the initial rental rate of ten percent of all gross revenues from operations on the leased property and not less than \$17,500 per year, under the terms and conditions and as more specifically set forth in that certain Catamaran Pier Lease Agreement on file in the office of the City Clerk as Document No. RR- 299832.

APPROVED: CASEY GWINN, City Attorney

By



Carrie Gleeson
Deputy City Attorney

CLG:mm
10/26/04
Or.Dept:READ
Job Order No.223506
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