

RESOLUTION NUMBER R- 299833

ADOPTED ON NOV 15 2004

WHEREAS, Braemar Partnership, a California limited partnership, and 9th & A Limited Partnership, a California limited partnership, 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 for purposes that include the operation of a beach chair, umbrella and boat rental concession and the sale of food and non-alcoholic beverages; and

WHEREAS, in addition to the Catamaran Pier Lease, the Braemar Partnership [Licensee] holds a license to operate a beach chair, umbrella and boat rental concession and food and non-alcoholic beverage service on a 0.133 acre area adjoining the Catamaran Pier leasehold pursuant to a non-exclusive license granted by the City of San Diego in 1992 which expired on June 30, 2004 and is currently on holdover; and

WHEREAS, the license was issued to assist in the operations on the Catamaran Pier leasehold to meet seasonal demands; and

WHEREAS, the City of San Diego has negotiated a new Catamaran Pier Lease; and

WHEREAS, in conjunction with the new proposed Lease, the City of San Diego and Licensee have negotiated a ten year license agreement (an initial five year term with one five year option to extend) for the operation of a beach chair, umbrella and boat rental concession and food and non-alcoholic beverage service 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 property and not less than \$500 per year; and

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

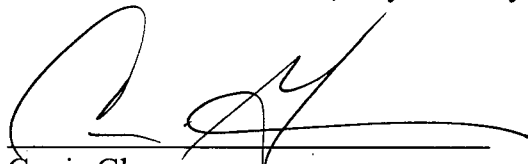
WHEREAS, based on the Licensee's right to carry on the same concession activities on the adjacent property pursuant to the Catamaran Pier Lease and the purpose of the license agreement to facilitate operations at the Catamaran Pier, the City Manager recommends the waiver of Council Policy 700-41 relating to the use of a request for proposal process as being in the best interests of the City. 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 license agreement (an initial five year term with one five year option to extend) with Braemar Partnership for operation of a beach chair, umbrella, boat rental and food and beverage service for the general public and the guests of the Catamaran Resort Hotel, at an initial rental rate of ten percent of all gross revenue and not less than \$500 per year, under the terms and conditions and as more specifically set forth in that certain License Agreement on file in the office of the City Clerk as Document No. RR- 299833.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that Council Policy 700-41 is hereby waived as it relates to the above-referenced License Agreement.

APPROVED: CASEY GWINN, City Attorney

By



Carrie Gleeson
Deputy City Attorney

CLG:mm
10/26/04
Or.Dept:READ
Job Order No.220732
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