

**RESOLUTION NO. 2023-14**

**A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT AUTHORIZING THE CEO/HARBORMASTER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH PORT O’PINTS BREWING COMPANY, LLC FOR THE PROPERTY LOCATED AT 201 CITIZENS DOCK ROAD**

**WHEREAS**, the District is the owner of record of certain real property located at 201 Citizens Dock Road; and

**WHEREAS**, in order to develop the property and make mutually agreed upon improvements, Port O’Pints Brewing Company, LLC desires to enter into a long-term lease with the District (the “Lease”); and

**WHEREAS**, the Lease would support four strategic goals, established in the District’s 10-Year Strategic Plan (2018-2028), including developing a new revenue stream, increasing income to the District, developing and improving District infrastructure, and increasing awareness of the District as a tourism destination and enhancing the visitor experience; and

**WHEREAS**, the Board hereby finds that the Lease is in the best interests of the District because it promotes public recreation by providing additional opportunities for the public to access and enjoy the harbor.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF HARBOR COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT THAT:**

**Section 1**, The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2**, The Board finds that entering into the Lease will directly further several express purposes of the District’s work and operations, as stated in the District’s 10-Year Strategic Plan (2018-2028), including (1) increasing net revenue to the District, (2) diversifying the District’s revenue streams, (3) developing new and improving existing infrastructure at the Park, which will serve to (4) increase awareness of the Park as a tourism destination and enhance the experience of visitors to the Park.

**Section 3**, The Board hereby approves the essential terms of the Lease in the form indicated on the attachment to this Resolution as Exhibit “A.”

**Section 4**, The CEO & Harbormaster (“Authorized Officer”) is hereby authorized and directed to execute the Lease to which the District is a party, with such changes, insertions and omissions as may be approved by the Authorized Officer and District Counsel.

**Section 5**, The Authorized Officer is hereby authorized and directed to do any and all things necessary to execute the Lease, and to execute and deliver any and all documents which the Authorized Officer or District Counsel deem necessary or advisable, in order to consummate the transactions contemplated by the Lease and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution and the documents referred to herein.

**Section 6**. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are severable. The Board declares that the Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 7**. This Resolution shall take effect immediately upon its adoption.

**APPROVED, ADOPTED AND SIGNED this 21st day of November, 2023, by the following vote, to wit:**

AYES:

APPROVED:

NOES:

ABSENT:

\_\_\_\_\_  
WES WHITE, PRESIDENT OF THE BOARD

ATTEST:

\_\_\_\_\_  
CLERK OF THE BOARD

**EXHIBIT “A”**

**TERM SHEET**

**[Attached behind this cover page]**