

Celia Brewer - RE: John: This sure appears "An in your Face" to you Doug and the Community

From: <john.lynch@utsandiego.com>
To: <scott@scottpeters.com>
Date: 8/10/2012 8:46 AM
Subject: RE: John: This sure appears "An in your Face" to you Doug and the Community
CC: <wdarbeau@portofsandiego.org>, <cbrewer@portofsandiego.org>

Thank you for responding Scott.

I am told that the MTS site is smaller than any footprint of an existing stadium in the NFL. Most importantly, due to a lack of perimeter, a Super Bowl could not be held there unless significant perimeter property was acquired.

We will continue to push for the TAMT site. We actually have made significant progress, with labor, Chargers, County, business, Navy, and one of the Mayoral candidates. It is our hope to work together with the PORT toward building a world class port at National City. Without cooperation, most of the above constituencies are open to disbanding the Port as an unnecessary layer of additional expense.

We should continue to discuss...



John Lynch | Vice Chairman & CEO

O: 619-293-1127
 john.lynch@utsandiego.com
 UTSanDiego.com
 350 Camino de la Reina, San Diego, CA 92108

From: Scott Peters [mailto:scott@scottpeters.com]
Sent: Thursday, August 09, 2012 5:42 PM
To: Lynch, John
Cc: Darbeau Wayne; cbrewer@portofsandiego.org
Subject: FW: John: This sure appears "An in your Face" to you Doug and the Community

John –

Thanks for writing – I don't believe that there is a conflict. The Port has rights to terminate the lease for a public purpose.

As a government entity, the Port retains its power of eminent domain, to take private property interests for a public purpose (paying just compensation). Although eminent domain is a fundamental power of government, the Port still writes it into its leases, including the Dole lease, so that the tenant acknowledges that the Port retains its rights in this regard. In the event that the Port determines that a public purpose, such as the UT's park/stadium development idea, is available and desirable, the Port would "take" the leasehold interests of its tenants – there are a number of them, not just Dole – for just compensation. Convention centers and parks are

currently qualified public purposes under the Port Act. A stadium use would have to be authorized by the state as part of permitting; it would then be a qualified public purpose as well. If you want to know more about how this would work, please contact our Interim Port Attorney Celia Brewer (copied on this email).

As you know, I was a huge supporter of Petco Park, and consider it one of my personal and proudest accomplishments as a community volunteer and council member. I also believe that a new stadium could be beneficial for our city. However, I personally prefer the Mayor's proposed stadium location – the MTS site – to the marine terminal, which is a precious asset for our economy and the military into the future and can't be replaced. I am sure that our Port businesses agree. Nevertheless, should the community and the Port decide that the UT's vision is possible and desirable, and assuming it could clear the enormous public opposition and permitting hurdles, there is nothing in the Dole lease or any of the other leases at 10th Avenue that would prevent that from happening.

As for National City, I understand that moving Dole would require dredging and an Army Corps of Engineers Permit, with State Lands Commission support. I see this as very unlikely. Dole would probably move to a different west coast port.

In the meantime, as trustees for the tidelands, it's our responsibility to continue support job creation at the waterfront as part of our mission of economic development. We have been working for three years to extend this lease, which will further take advantage of investments in facilities and equipment that the Port made over a decade ago, and I think it's good news for San Diego.

SHP

From: john.lynch@utsandiego.com [mailto:john.lynch@utsandiego.com]

Sent: Thursday, August 09, 2012 3:49 PM

To: Scott Peters

Subject: FW: John: This sure appears "An in your Face" to you Doug and the Community

Scott,

**Do you intend to vote for the extension at the Dole lease?
There should be a provision that the PORT of successor(if
PORT is disbanded) should be able to move Dole to National
City.**

**John Lynch | Vice
Chairman & CEO**

O: [619-293-1127](tel:619-293-1127)

john.lynch@utsandiego.com

UTSanDiego.com

350 Camino de la Reina, San Diego, CA
92108

 <http://www.portofsandiego.org/maritime.html>