DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 1,737 SQUARE FEET OF LAND LOCATED WEST OF AND ADJACENT TO NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Section 21 of the Port Act requires that all grants, franchises, leases, permits or privileges for more than five years shall be made by ordinance; and

WHEREAS, the Bayshore Bikeway is a planned 24-mile bike path around San Diego Bay, providing a vital and scenic connection to major bayfront employers, as well as tourist and recreational destinations, with approximately 18 miles of bike paths built to date; and

WHEREAS, the San Diego Association of Governments (SANDAG) is developing additional improvements to the Bayshore Bikeway based on the Bayshore Bikeway Plan, which was adopted by SANDAG in 2006 to identify opportunities to improve the bikeway primarily along the east side of the San Diego Bay; and

WHEREAS, the objective is to develop a continuous Class I bike path that would allow bike riders to ride all the way around the San Diego Bay on a dedicated path separated from city streets; and

WHEREAS, as part of the project, SANDAG will perform the design environmental review, right-of-way acquisition, and construction of the Bayshore Bikeway in coordination with the District, and in accordance with the Cooperative Agreement between SANDAG and the City of San Diego; and

xxxx

WHEREAS, the Barrio Logan segment of the Bayshore Bikeway will be constructed almost exclusively within the City of San Diego public right-of-way; and

WHEREAS, approximately 1,737 square feet of the Barrio Logan segment of the Bayshore Bikeway is to be located on District property west of Harbor Drive between Park Blvd. and Switzer Street; and

WHEREAS, pursuant to the terms of the Easement and Maintenance Agreement in the form of Attachment C to the corresponding agenda to which this Ordinance relates, the City of San Diego has agreed to operate, maintain repair, replace, and inspect the Bayshore Bikeway from and after completion of construction that pertains to the approximately 1,737 square feet of District tidelands west of Harbor Drive between Park Boulevard and Switzer Street; and

WHEREAS, the relevant improvements to be constructed are being funded by SANDAG; and

WHEREAS, in light of the foregoing, staff recommends the Board adopt an Ordinance granting the sixty-six (66) year Easement and Maintenance Agreement for the operation and maintenance of a segment of the Bayshore Bikeway to the City of San Diego for approximately 1,737 square feet of land located west of and adjacent to North Harbor Drive in the City of San Diego.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. A sixty-six (66) year Easement and Maintenance Agreement in the form attached as Attachment C to the corresponding agenda to which this Ordinance relates for the operation and maintenance of a segment of the Bayshore Bikeway be granted to the City of San Diego for approximately 1,737 square feet of land located west of and adjacent to North Harbor Drive in the City of San Diego.

Section 2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

_____

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of August 2022, by the following vote: