

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION CONSENTING TO A TEN-YEAR  
EASEMENT BETWEEN MARINE GROUP BOAT  
WORKS, LLC AND SAN DIEGO GAS AND ELECTRIC  
COMPANY, AS REQUIRED BY THE POWER YOUR  
DRIVE FOR FLEETS MAKE-READY  
INFRASTRUCTURE PROGRAM, FOR ELECTRIC  
VEHICLE CHARGING INFRASTRUCTURE AT 997 G  
STREET IN THE CITY OF CHULA VISTA,  
CALIFORNIA**

**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 (Act); and

**WHEREAS**, Marine Group Boat Works, LLC (MGBW) operates a full-service boat and super-yacht facility, that specializes in the repair and fabrication of personal, commercial, and government vessels located at 997 G Street in Chula Vista, California; and

**WHEREAS**, MGBW has enrolled in Power Your Drive for Fleets Make-Ready Infrastructure Program (Program), a San Diego Gas and Electric (SDG&E) program that installs electric vehicle (EV) charging infrastructure at businesses in San Diego County; and

**WHEREAS**, the purpose of the Program is to provide make-ready charging infrastructure for medium and heavy-duty electric vehicles, with SDG&E working with fleet operators from the initial planning stage through to design, construction, and ongoing maintenance of the charging infrastructure; and

**WHEREAS**, the Program would supply and install five (5) EV charging stations for MGBW's use at their leasehold, with the intention of servicing seven electric forklifts that MGBW intends to acquire, thereby replacing gas-powered fleet equipment; and

**WHEREAS**, the addition of the EV charging infrastructure not only supports the District's Climate Action Plan and Maritime Clean Air Strategy, but also the state of California's goal to facilitate 100% adoption of zero emission vehicles by 2035; and

**WHEREAS**, per the terms of the Program, MGBW would be responsible for all applicable fees related to the installation, maintenance, and operation of the EV charging infrastructure, including ongoing utility fees and bills; and

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**WHEREAS**, the Program participation agreement between SDG&E and MGBW requires that a ten-year easement be executed, commensurate to the term of the participation agreement and, pursuant to Board of Port Commissioners (BPC) Policy No. 355, BPC consent is required for such an agreement; and

**WHEREAS**, MGBW has an existing Amended, Restated, and Combined Lease (Lease) with the District, on file in the Office of the District Clerk as Document No. 54509, and staff, with the assistance of the Office of the General Counsel, is treating the proposed easement (Easement) (see Attachment B to the corresponding agenda sheet to which this Resolution relates) as a sublease between MGBW and SDG&E given that the District will not be a party to the Easement and the Easement will be subordinate in all respects to the Lease; and

**WHEREAS**, the Easement requires MGBW and SDG&E to each jointly and severally release and agree to indemnify, defend, and hold harmless the District from all loss or damage arising out of the Easement, except to the extent resulting from the District's negligence or intentional misconduct; and

**WHEREAS**, the Easement would terminate upon the expiration of the term of the Easement or upon the expiration or the earlier termination of the Lease, whichever occurs first; and

**WHEREAS**, the Easement would require SDG&E to remove any improvements from the Easement area within a reasonable period of time upon termination; and

**WHEREAS**, the Easement is entirely within the MGBW leasehold and would not impact the Chula Vista Bayfront Master Plan; and

**WHEREAS**, staff has reviewed the Easement and finds it to be consistent with the terms of the Lease and BPC Policy No. 355 and staff recommends the BPC grant its consent to the Easement.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District hereby consents to a Ten-Year Easement in the form of Attachment B included with the agenda sheet to which this Resolution relates between Marine Group Boat Works, LLC and San Diego Gas and Electric Company, as required by the Power Your Drive for Fleets Make-Ready Infrastructure Program, for electric vehicle charging infrastructure at 997 G Street in Chula Vista, California.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of October 2022, by the following vote: