

DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE GRANTING A FIFTEEN (15) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL FACILITIES IN CONNECTION WITH PHASE 1A OF THE CHULA VISTA BAYFRONT PROJECT 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 (“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 (5) years shall be made by ordinance; and

WHEREAS, the Board of Port Commissioners (“BPC”) previously approved a Ground Lease between the District and RIDA Chula Vista, LLC (“RIDA”) and subsequently a Project Implementation Agreement among RIDA, the District, the City of Chula Vista and the Chula Vista Bayfront Facilities Financing Authority at the May and June 2021 BPC meetings, respectively; and

WHEREAS, these agreements, among others, are to allow the construction of the following improvements within the Harbor District of the Chula Vista Bayfront (collectively, the “Project”): (i) a single-branded resort hotel with approximately 1,600 rooms; (ii) a convention center consisting of approximately 275,000 net usable square feet of associated meeting space; and (iii) surrounding streets and infrastructure improvements; and

WHEREAS, a fifteen (15) year easement (the “Bayside Park Easement”) (Attachment B – Form of Proposed Bayside Park Easement of the agenda sheet to which this Ordinance relates) between the District and San Diego Gas & Electric Company (“SDG&E”) is needed to facilitate the maintenance of currently installed gas and electrical facilities in the Chula Vista Bayfront Master Plan Project site as shown on Attachment C of the agenda sheet to which this Ordinance relates and

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in the specific locations described and depicted on the plat and legal description attached to the Bayside Park Easement; and

WHEREAS, the BPC previously approved an easement dated March 8, 1983 and recorded in the Office of the District Clerk as Document No. 15668 as well as an easement dated September 5, 1985 and recorded in the Office of the District Clerk as Document No. 18561, both with SDG&E (collectively, the “Original Easements”); and

WHEREAS, the Original Easements are all for the placement and maintenance of infrastructure currently located within the same area as is proposed to be covered by the Bayside Park Easement; and

WHEREAS, both Original Easements will be terminated as of the commencement date of the Bayside Park Easement and superseded by the Bayside Park Easement, provided that any obligations of SDG&E under the Original Easements accruing or arising on or prior to their termination or are otherwise required to be performed in connection with termination (such as removal), or which by their terms survive termination, shall remain enforceable by the District; and

WHEREAS, the proposed Bayside Park Easement will allow SDG&E to maintain the facilities previously installed under the Original Easements consisting of underground gas and electrical facilities for the transmission and distribution of electricity, gas, and related public utility purposes to provide service to the existing Chula Vista Bayside Park; and

WHEREAS, the Bayside Park Easement’s term of 15 years is because the location of the relevant infrastructure is expected to be relocated in connection with development of the future Harbor Park; the Bayside Park Easement allows for this relocation at the District’s cost upon providing notice to SDG&E; and

WHEREAS, the form and substance of the Bayside Park Easement has been agreed to between the District and SDG&E and the term will commence on the date the Bayside Park Easement is executed by the District and SDG&E; and

WHEREAS, staff recommends the BPC adopt an Ordinance granting the proposed Bayside Park Easement, in substantial form, to SDG&E for underground gas and electric facilities to provide utility service to the Project, subject to conditions.

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

1. The Executive Director or his designated representative is hereby authorized: (a) to execute the Bayside Park Easement, in substantial form, to

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SDG&E for underground gas and electric facilities to provide utility service to the Chula Vista Bayfront Project; and (b) to update the plat and legal description of the area subject identified in the Bayside Park Easement to conform with the District's standard requirements.

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 11th day of April 2023, by the following vote: