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SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE GRANTING SIXTY-SIX (66) 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 sixty-six (66) year easement (the “Harbor District Easement”) (Attachment A – Form of Proposed Harbor District 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 construction and maintenance of 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 Harbor District Easement; and

WHEREAS, the proposed Harbor District Easement will allow SDG&E to install and maintain facilities consisting of underground gas and electrical facilities for the transmission and distribution of electricity, gas, and related public utility purposes to provide long term service within the Harbor District; and

WHEREAS, the form and substance of the Harbor District Easement has been agreed to between the District and SDG&E and the term will commence on the date the Harbor District Easement is executed by the District and SDG&E; however, the BPC authorization for the Executive Director to execute the Harbor District Easement will be conditioned upon SDG&E providing notice to the District that it has scheduled installation of the infrastructure to be covered by the Harbor District Easement; and

WHEREAS, staff recommends the BPC adopt an Ordinance granting the proposed Harbor District 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) upon SDG&E providing notice to the District that it has scheduled installation of the relevant utility infrastructure, to execute the Harbor District Easement, in substantial form, to 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 Harbor District 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: