

**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 466 SQUARE FEET  
OF LAND LOCATED EAST OF AND ADJACENT TO  
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 466 square feet of the Barrio Logan segment of the Bayshore Bikeway is to be located on District property east of Harbor Drive between Schley Street and 28th Street; and

**WHEREAS**, pursuant to the terms of the Easement and Maintenance Agreement in the form of Attachment D 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 466 square feet of District tidelands east of Harbor Drive between Schley Street and 28th Street; and

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

**WHEREAS**, 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 466 square feet of land located east of and adjacent to 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 D 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 466 square feet of land located east of and adjacent to Harbor Drive in the City of San Diego.

Section 2. This Ordinance shall take effect on the 31<sup>st</sup> 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: