

**DRAFT**

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE xxxx**

**ORDINANCE GRANTING AN APPROXIMATELY SIXTY-THREE (63) YEAR NINE (9) MONTH EASEMENT, IN SUBSTANTIAL FORM, TO THE CITY OF SAN DIEGO FOR WATER FACILITIES LOCATED WITHIN THE SETBACK PARK, NORTH OF WEST BROADWAY BETWEEN NORTH HARBOR DRIVE AND PACIFIC HIGHWAY IN THE CITY OF SAN DIEGO, TERMINATING MAY 31, 2082**

**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 District entered into a 66-year Lease (Lease) from June 1, 2016 to May 31, 2082 with LFS Developers, LLC, (Lane Field South) on June 1, 2016 to operate a 400-room single-branded Intercontinental Hotel located between Pacific Highway and North Harbor Drive, north of West Broadway, in the City of San Diego; and

**WHEREAS**, Lane Field South's Lease with the District covers approximately 69,278 square feet of land area located between Pacific Highway and North Harbor Drive, north of West Broadway, in the City of San Diego; and

**WHEREAS**, as part of the Lease, Lane Field South was required to build a 55-foot setback park from West Broadway to the south property line of Lane Field South's leasehold (Broadway Setback Park); and

**WHEREAS**, as part of completing Broadway Setback Park on the Lane Field South project, the City is requesting an approximately 550-square foot easement for access and maintenance of a 6-inch domestic water line and above

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ground water meters located along West Broadway within Broadway Setback Park; and

**WHEREAS**, the water line and meters are public and serve the Lane Field South leasehold; and

**WHEREAS**, the proposed easement would be co-terminus with the Lease, which terminates May 31, 2082.

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

1. That the sixty-three (63) year nine (9) month easement to the City of San Diego for the water facilities location within the Broadway Setback Park north of West Broadway between North Harbor Drive and Pacific Highway in the City of San Diego, terminating May 31, 2082, is hereby granted.
2. The Executive Director or her designated representative is hereby directed to execute said easement attached as Attachment B in the corresponding agenda sheet or an easement in substantially the same form.
3. 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

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 17<sup>th</sup> day of July 2018, by the following vote: