

DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

**ORDINANCE GRANTING A ONE (1) YEAR LEASE
WITH NINETEEN (19) ADDITIONAL ONE (1) YEAR
OPTION PERIODS TO THE UNITED STATES OF
AMERICA, ACTING THROUGH THE UNITED
STATES COAST GUARD, FOR THE OPERATION
OF A REAR RANGE LIGHT LOCATED AT THE
WEST END OF SHELTER ISLAND 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 District's lease agreement with the Coast Guard for a rear range light on Shelter Island expires on September 30, 2018; and

WHEREAS, the Coast Guard has leased this site since 1954 and the District does not charge rent due the public benefit that the rear range light provides; and

WHEREAS, the Coast Guard wishes to continue using the site for a rear range light, which provides a navigational aid to seafaring vessels; and

WHEREAS, the Coast Guard is requesting a new one (1) year lease, commencing October 1, 2018 with nineteen (19) additional one (1) year option periods, commencing October 1, 2019 to replace the expiring lease agreement; and

WHEREAS, the proposed lease agreement may be terminated by either party by giving sixty (60) days written notice; and

WHEREAS, as the Coast Guard is subject to the Anti-deficiency Act, the Coast Guard's funding for lease agreements is approved on an annual basis,

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resulting in all Coast Guard lease agreements being structured as one (1) year leases with additional one (1) year option periods.

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

1. That the one (1) year lease, commencing October 1, 2018 with nineteen (19) additional one (1) year option periods, commencing October 1, 2019 to the Coast Guard for a rear range light on Shelter Island, is hereby granted.
2. The Executive Director or her designated representative is hereby directed to execute said lease agreement attached as Attachment B in the corresponding agenda sheet or a lease agreement in substantially the same form.
3. 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 12th day of September 2018, by the following vote: