

DRAFT

RESOLUTION 20xx-xxx

**RESOLUTION AUTHORIZING THE SAN DIEGO
UNIFIED PORT DISTRICT TO ACCEPT AN
EASEMENT FROM AND GRANT INDEMNITY TO
UTC AEROSPACE SYSTEMS, INC., SUBJECT TO
REASONABLE INDEMNITY PROVISIONS AND
EXCLUDING PRE-EXISTING CONDITIONS OF THE
EASEMENT AREA, AS APPROVED BY THE
GENERAL COUNSEL, FOR THE IMPLEMENTATION
OF THE SWEETWATER BICYCLE PATH AND
PROMENADE PROJECT LOCATED IN THE CITY OF
CHULA VISTA**

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 21 of the Port Act states that the Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, in 2018, the District entered into a Grant Agreement with the State of California Natural Resources Agency (Agency) for Urban Greening Grant funding for the implementation of the Sweetwater Bicycle Path and Promenade Project (Sweetwater Path); and

WHEREAS, the Sweetwater Path includes the construction of a Class 1 bike path and pedestrian promenade on portions of certain properties not within the District's site control; including property owned by the Successor Agency of the Redevelopment Agency of the City of Chula Vista (City of Chula Vista), UTC Aerospace Systems, Inc. (UTC) and San Diego Gas & Electric Company (SDG&E); and

WHEREAS, the schedule to accommodate the grant requires that the District provide evidence of site control to the Agency for all of the land included in the project that is not within the District's jurisdiction no later than December 31, 2018; and

WHEREAS, completion of the Sweetwater Path will provide much access to the Chula Vista Bayfront and will further the vision of the Chula Vista Bayfront Master Plan; and

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WHEREAS, the Sweetwater Path includes the construction of three-quarters of a mile of a Class 1 bike path and promenade within the Sweetwater District in the Chula Vista Bayfront; and

WHEREAS, the project site is located within one half-mile of San Diego Bay, the San Diego National Wildlife Refuge, the Sweetwater Mudflats, and the F&G Street Marsh; and

WHEREAS, the Sweetwater Path will begin in the vicinity of the Living Coast Discovery Center parking lot and ends near the Marine Group Boat Works facility; and

WHEREAS, most of the route is currently unavailable to the public; and

WHEREAS, in order to facilitate the construction and use of the Sweetwater Path and provide enhanced access to the Chula Vista Bayfront, the District must enter into various agreements for those properties not within the District's site control; and

WHEREAS, staff has worked with the City of Chula Vista, UTC and SDG&E to negotiate no-cost site control agreements along with granting indemnity, to allow the construction, operation and maintenance of the Sweetwater Path; and

WHEREAS, District staff has negotiated with UTC to grant an easement to the District, for a term of twenty-five (25) years, along with the District granting indemnity to UTC to allow construction and the public use of the Sweetwater Path.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners (BPC) of the San Diego Unified Port District (District), hereby accepts the easement from UTC Aerospace Systems, Inc. for a term of twenty-five (25) years.

BE IT FURTHER RESOLVED that the BPC of the District, hereby grants indemnity to UTC Aerospace Systems, Inc., subject to reasonable indemnity provisions and excluding pre-existing conditions of the easement area, as approved by the General Counsel, to allow construction and the public use of the Sweetwater Path.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of December 2018, by the following vote: