

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING THE SAN DIEGO  
UNIFIED PORT DISTRICT TO ENTER INTO A  
CONSENT FOR THE USE OF LAND  
AGREEMENT AND GRANT INDEMNITY TO SAN  
DIEGO GAS & ELECTRIC COMPANY 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

**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

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**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 a Consent to the Use of Land Agreement with SDG&E, for a term of twenty-five (25) years, along with granting of indemnity to SDG&E 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 grants indemnity to the successor agency to San Diego Gas & Electric to allow construction and the public use of the Sweetwater Path.

**BE IT FURTHER RESOLVED** that the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into the Consent to the Use of Land Agreement with San Diego Gas & Electric, for a term of twenty-five (25) years, to allow construction and the public use of the Sweetwater Path.

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 11<sup>th</sup> day of December 2018, by the following vote: