

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING THE SAN DIEGO
UNIFIED PORT DISTRICT TO ENTER INTO AN
EASEMENT WITH NORTH C.V. WATERFRONT L.P.,
SUBJECT TO REASONABLE INDEMNITY
PROVISIONS, AS APPROVED BY THE GENERAL
COUNSEL, FOR THE IMPLEMENTATION OF THE H-
23 PHASE 2 GRADING 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 (Act); and

WHEREAS, at the January 19, 2021 meeting of the Board of Port Commissioners ("Board"), the Board approved the Site H-23 Phase 2 Grading Project ("Project"), which is part of the final phase of the CIP South Campus Pavement and Demolition Project at Chula Vista Bayfront redevelopment and needed to complete the final phase of the demolition of the South Campus; and

WHEREAS, the Board action authorized the approval of the plans and specifications ("Plans") and the awarding of the contract for the Project to Sierra Pacific West, Inc. in the amount of \$886,616.33 ("Contract"); and

WHEREAS, the authorization of the award was conditioned on the future execution and Board approval of an easement agreement ("Easement") (Attachment A to the corresponding agenda sheet) with North C.V. Waterfront L.P. a subsidiary of Pacifica Companies ("Pacifica"), the landowner adjacent to parcel H-23 within the Chula Vista Bayfront Master Plan (the "Pacifica Parcel"), allowing the District to install a portion of an underground stormwater drain (see Attachment B to the corresponding agenda sheet); and

WHEREAS, the Easement requires the District to indemnify Pacifica for certain damages caused by the District during installation and maintenance of the stormwater drain on the Pacifica Parcel; and

WHEREAS, those portions of the stormwater drain constructed as part of the Project on the Pacifica Parcel will ultimately be replaced by Pacifica's completion of new stormwater and drainage facilities installed as part of certain road and infrastructure improvements expected to be constructed on the Pacifica Parcel within the next three years; and

20xx-xxx

WHEREAS, once the initially installed stormwater improvements located on the Pacifica Parcel are no longer needed, the Easement requires the District to pay for their removal at an estimated cost of \$25,000; and

WHEREAS, locating a portion of the stormwater drain to be constructed as part of the Project on the Pacifica Parcel will avoid the costly rerouting of gas lines on tidelands, benefit Pacifica's future anticipated road and infrastructure project, and aid in the redevelopment of the Chula Vista Bayfront; and

WHEREAS, staff recommends that the Board adopt a Resolution authorizing the Executive Director or his designee to enter into the Easement, including the indemnity set forth therein, substantially in the form attached to the accompanying agenda sheet and following Pacifica's execution of the same.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby authorizes the Executive Director or his designated representative to enter into the Easement with its accompanying indemnity substantially in the form attached to the accompanying agenda sheet and following the execution of the Easement by North C.V. Waterfront L.P., for the implementation of the H-23 Phase 2 Grading project located in the City of Chula Vista.

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 11th day of February 2021, by the following vote: