

DRAFT**SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE xxxx****ORDINANCE GRANTING A TEN (10) YEAR
EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR
THE OPERATION AND MAINTENANCE OF A
TEMPORARY ELECTRICAL FACILITY IN THE CITY
OF CHULA VISTA, CALIFORNIA**

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 (5) years shall be made by ordinance; and

WHEREAS, the Board of Port Commissioners ("Board") recently approved a Ground Lease between the District and RIDA Chula Vista, LLC ("RIDA") and subsequently a Project Implementation Agreement ("Project Implementation Agreement") among RIDA, the District, the City of Chula Vista (the "City"), the Chula Vista Bayfront Facilities Financing Authority ("Authority"), and the Bayfront Project Special Tax Financing District at the May and June 2021 Board meetings, respectively; and

WHEREAS, these agreements, among others, are to allow the construction of the following improvements within the Harbor District of the Chula Vista Bayfront: (i) a single-branded resort hotel with approximately 1,600 rooms ("Resort Hotel"); (ii) a convention center consisting of approximately 275,000 net usable square feet of associated meeting space ("Convention Center"); and (iii) surrounding streets and infrastructure improvements (collectively, "Phase 1A Improvements"); and

WHEREAS, RIDA requested early access to Parcel H-3 (excluding the Chula Vista RV Park located on Parcel H-3) and adjacent areas to perform some of the Phase 1A Improvements required under the Project Implementation Agreement ("Early Work") which will allow for greater efficiency in the construction of the Convention Center, Resort Hotel, and remaining Phase 1A Improvements once full construction begins and shorten RIDA's construction schedule; and

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WHEREAS, to allow RIDA to perform this Early Work, a Chula Vista Bayfront Project Phase 1A Early Work Implementation and Right of Entry License Agreement (the “Right of Entry”) was entered into among the District, the City, the Authority, and RIDA on September 1, 2021 after being approved by the Board at its August 2021 Board meeting; and

WHEREAS, in addition to the Right of Entry, a San Diego Gas and Electric (“SDG&E”) easement was also approved by the Board at its August 2021 meeting for Early Work in Sandpiper Way; and

WHEREAS, in addition to the previously approved easement in Sandpiper Way and as part of the Early Work, RIDA similarly needs to demolish and relocate an existing SDG&E electric facility in G-Street to clear Parcel H-3 for future construction while maintaining power to adjacent existing tenants; and

WHEREAS, the relocated facility will be located north of G-Street and configured in such a way to be clear of the construction on Parcel H-3; and

WHEREAS, in connection with this newly relocated electric facility currently located in G-Street to be constructed as part of the Phase 1A Improvements, and similar to the Sandpiper Way easement, a new easement in the form attached as Attachment A in the corresponding agenda sheet (the “Power Easement”) is to be entered between the District and SDG&E; and

WHEREAS, the proposed Power Easement is substantially in the same form as the Sandpiper Way easement and will allow SDG&E to install and maintain facilities for the transmission and electrical distribution of electricity and related public utility purposes; and

WHEREAS, the Power Easement will have a term of 10 years commencing on the date the District executes the Power Easement, which shall occur five (5) days after RIDA provides notice to the District and SDG&E that RIDA has completed the necessary work to allow SDG&E to complete the necessary cabling work in the easement area and SDG&E has provided notice to the District that it has scheduled such cabling work to be completed; and

WHEREAS, the Power Easement encompasses a land area of approximately 13,382 square feet, as further described in the Power Easement; and

WHEREAS, the ten (10) year term may be terminated early by the District upon the District providing a relocation notice to SDG&E that the facilities are to be relocated, at which time the District and SDG&E plan to construct a permanent electrical facility on G-Street and enter into either a longer-term easement

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agreement or have the facility become part of the newly dedicated right-of-way;
and

WHEREAS, staff recommends the Board adopt an Ordinance granting the Power Easement attached as Attachment A in the corresponding agenda sheet to SDG&E for a temporary electrical facility needed to expedite the construction of the Convention Center, Resort Hotel, and the remaining Phase 1A Improvements, subject to the conditions set forth below.

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

Section 1. Conditioned upon (a) RIDA providing notice to the District and SDG&E that RIDA has completed the necessary work to allow SDG&E to install the cabling work in the easement area and (b) SDG&E providing notice to the District that it has scheduled such cabling work to be completed (together, the "Requisite Notices"), the ten (10) year Power Easement to San Diego Gas & Electric Company for the operation and maintenance of the relocated temporary electric facility in the City of Chula Vista, California is hereby granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute said Power Easement attached as Attachment A in the corresponding agenda sheet within five (5) business days of the District receiving the Requisite Notices.

Section 3. This Ordinance shall take effect on the later to occur of the 31st day from its passage by the Board of Port Commissioners and the District's receipt of the Requisite Notices.

Section 4. If the Requisite Notices have not been received on or before December 31, 2022 thereby preventing the effectiveness of this Ordinance, this Ordinance shall be automatically null and void and of no further force and/or effect.

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 9th day of November 2021, by the following vote: