

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2711

**ORDINANCE GRANTING A THIRTY-NINE YEAR
UTILITY EASEMENT TO SAN DIEGO GAS &
ELECTRIC COMPANY FOR SUBSURFACE
ELECTRICAL EQUIPMENT LOCATED ON THE
OLD POLICE HEADQUARTERS LEASEHOLD**

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 5(b)(4) of the Port Act grants authority to the District to exercise its land management authority and powers over any other lands or interests in lands acquired by the District in furtherance of the District's powers and purposes as provided in Section 87; and

WHEREAS, Seaport Village Operating Co., LLC (SPVOC) exercised its option to lease and redevelop the Old Police Headquarters (OPH) and entered into a 40-year lease with the District commencing January 11, 2012 on file in the Office of the District Clerk as Document No 58599; and

WHEREAS, the OPH project is now under construction and requires a utility easement for subsurface electrical equipment located on the OPH leasehold; and

WHEREAS, the utility easement will allow San Diego Gas & Electric Company (SDG&E) to construct, operate, maintain, repair, upgrade, relocate and replace subsurface electrical and gas facilities and necessary aboveground fixtures and appurtenances which will connect to existing electrical facilities located on Pacific Highway; and

WHEREAS, the utility easement primarily serves a District tenant, no rent is required for the term of the agreement; and

WHEREAS, staff recommends the Board of Port Commissioners (BPC) grant a utility easement to SDG&E for a term of thirty-nine (39) years expiring on January 31, 2052.

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

Section 1. The easement between the San Diego Unified Port District and San Diego Gas & Electric Company, a California corporation for a thirty-nine (39) year term for subsurface electrical equipment located on the Old Police Headquarters Leasehold on file in the Office of the District Clerk as Document No. 60281 is hereby granted and approved.

Section 2. The Executive Director or his designated representative is hereby directed to execute said easement with San Diego Gas & Electric Company on behalf of the San Diego Unified Port District for a term of thirty-nine (39) years, expiring January 31, 2052

Section 3. This ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of April, 2013, by the following vote:

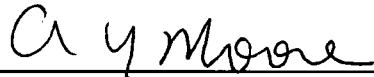
AYES: Malcolm, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

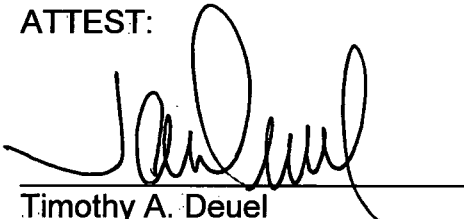
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)