

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2739

**ORDINANCE GRANTING A SIXTY-SIX YEAR
UTILITY EASEMENT TO PACIFIC BELL
TELEPHONE COMPANY, A CALIFORNIA
CORPORATION DBA AT&T CALIFORNIA
FOR SUBSURFACE TELECOMMUNICATIONS
EQUIPMENT LOCATED ON HARBOR DRIVE
BETWEEN "A" STREET AND THE
PROLONGATION OF "F" STREET**

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, Pacific Bell Telephone Company, a California Corporation dba AT&T California (AT&T) relocated existing telecommunications equipment on Harbor Drive between A Street and the prolongation of F Street at the District's request for the North Embarcadero Visionary Plan Phase I project; and

WHEREAS, the easement covers an area of approximately 18,580 square feet of land located on Harbor Drive for the purpose of construction, reconstruction, operation, maintenance, repair, replacement, ingress and egress and inspection of the relocated underground communication facilities and appurtenances by AT&T; and

WHEREAS, the utility easement serves District property including Broadway Pier and B Street Pier and District tenants; and

WHEREAS, rent is not applicable since the utility serves District property and tenants; and

WHEREAS, the term of the easement shall commence on November 7, 2013, and end November 6, 2079.

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 Pacific Bell Telephone Company, a California corporation dba AT&T California, for a sixty-six (66) year term for subsurface communication facilities and equipment serving District property and tenants along Harbor Drive in San Diego on file in the Office of the District Clerk as Document No. 60861, is hereby granted and approved.

Section 2. The Executive Director or his designated representative is hereby directed to execute said easement with Pacific Bell Telephone Company, a California corporation dba AT&T California on behalf of the San Diego Unified Port District, for a term of sixty-six (66) years expiring on November 6, 2079.

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

APPROVED AS TO FORM AND LEGALITY:



PORT ATTORNEY

2739

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of October, 2013, by the following vote:

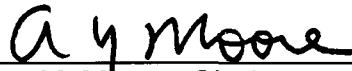
AYES: Castellanos, Malcolm, Merrifield, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: Moore

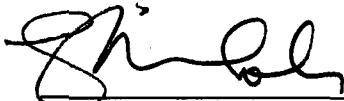
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Laura Nicholson
Deputy District Clerk

(Seal)