

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2764**

**ORDINANCE AUTHORIZING EXECUTION OF 49  
YEAR LEASE WITH NORTH C.V. WATERFRONT,  
L.P. (PACIFICA) TO BE TRIGGERED BY DISTRICT  
IF NECESSARY FOR DISTRICT TO MAKE  
IMPROVEMENTS PRIOR TO CLOSE OF ESCROW  
OF LAND EXCHANGE**

**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 of the District to exercise its land management authority and powers over any other lands of interests in lands acquired by the District in furtherance of the District's powers and purposes as provided in Section 87; and

**WHEREAS**, on February 2, 2010, North C.V. Waterfront, L.P., dba Pacifica Companies (Pacifica) entered into a Land Exchange Agreement (Agreement) with the District for property located in the Chula Vista Bayfront Master Plan (CVBMP) Resolution No. 2010-28; and

**WHEREAS**, the Agreement currently requires completion of certain conditions precedent prior to the outside closing date of escrow on March 15, 2014; and

**WHEREAS**, several of the conditions include actions to be taken by the City of Chula Vista and Chula Vista Redevelopment Agency; and

**WHEREAS**, in December 2011, the California Supreme Court ruled that the California Legislature had the right to eliminate local redevelopment agencies in the State and thereafter, all redevelopment agencies in California were dissolved; and

**WHEREAS**, due to the dissolution of the Chula Vista Redevelopment Agency and other changed circumstances such as the satisfaction of certain conditions contained in the Agreement, an Amended and Restated Land Exchange Agreement was executed by the parties; and

**WHEREAS**, if the close of Escrow is delayed, it may be necessary for District to begin making improvements to the property it will acquire prior to the close of Escrow; and

**WHEREAS**, to ensure District has control of the property needed, staff recommends the District enter into a lease of such property which can be triggered by District if necessary; and

**WHEREAS**, the District has the power to acquire this land by lease pursuant to the Section 25 of the Port Act, it is adjacent to the tidelands granted to the District under the Port Act, is necessary for the Chula Vista Bayfront Master Plan consistent with Section 87 of the Port Act, and no other adequate area for these uses exists on the tidelands granted to the District under the Port Act; and

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

Section 1. The 49-year lease between San Diego Unified Port District as tenant and North C.V. Waterfront, L.P. as landlord, for property located in Chula Vista, to be triggered by District if necessary to begin making improvements to the property prior to the close of Escrow of the Amended and Restated Land Exchange Agreement is hereby approved.

Section 2. The Executive Director or his designated representative is hereby directed to execute said lease.

Section 3. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:

PORT ATTORNEY

  
\_\_\_\_\_  
By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6<sup>th</sup> day of May 2014, by the following vote:

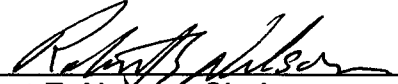
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



Laura Nicholson  
Deputy District Clerk

(Seal)