

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2805**

**ORDINANCE GRANTING A 25-YEAR UTILITY  
EASEMENT TO SWEETWATER AUTHORITY FOR  
SUBSURFACE AND ABOVEGROUND WATER  
FACILITIES LOCATED WITHIN "H" STREET 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 1, (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**, in November 2014, the "H" Street Extension Project (Project) was completed by the District in the Chula Vista Bayfront (CVB); and

**WHEREAS**, the Project included the construction of a major underground potable water line and aboveground fire hydrant system with a connection to an existing Sweetwater Authority (Sweetwater) water main; and

**WHEREAS**, through the proposed utility easement, the District will convey the constructed improvements to Sweetwater and in exchange, Sweetwater will be required to operate, maintain, repair, replace and inspect these improvements to facilitate the CVB; and

**WHEREAS**, since these improvements will serve future District tenants within the CVB, and Sweetwater has agreed to assume all costs associated with operation and maintenance, no rent is required for the term of the agreement; and

**WHEREAS**, the proposed utility easement area contains an underground potable water main line of approximately 1,765 linear feet of welded steel pipe, valves, fire hydrant with blow-off and air relief valve assembly and covers an area of approximately 29,080 square feet of land located within the new "H" Street extension and a portion of Marina Parkway, in the City of Chula Vista; and

**WHEREAS**, the improvements were constructed by the District as a part of the Project and will be conveyed to Sweetwater through this utility easement; and

**WHEREAS**, the utility easement requires Sweetwater to operate, maintain, repair, replace and inspect the improvements at its sole cost; and

**WHEREAS**, at Sweetwater's request, the District required the contractor who constructed the improvements to guaranty the improvements for one year; and

**WHEREAS**, the utility easement provides Sweetwater a one year warranty from the District, which the District will enforce through the warranty provided by the contractor; and

**WHEREAS**, the utility easement also contains a standard provision allowing the easement to be terminated upon one hundred eighty (180) days' written notice by either party; and

**WHEREAS**, the term of the proposed easement commences April 1, 2015 and ends March 31, 2040; and

**WHEREAS**, rent will not be charged to Sweetwater as the improvements support the implementation of the CVB and future District tenants and Sweetwater is assuming responsibility for operation and maintenance.

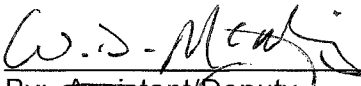
**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. A 25-year utility easement to Sweetwater Authority for underground water facilities and aboveground fixtures and appurtenances located within "H" Street in the City of Chula Vista is hereby granted.

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

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:  
GENERAL COUNSEL

  
By: Assistant/Deputy

2805

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14<sup>th</sup> day of April, 2015, by the following vote:

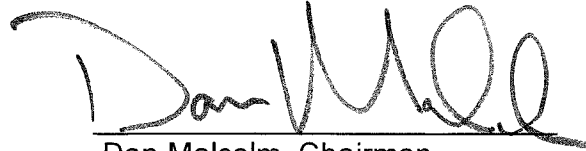
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Moore.

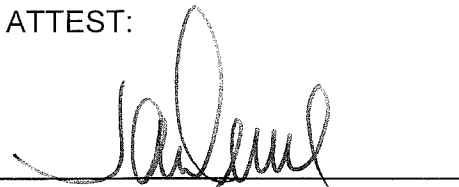
ABSENT: None.

ABSTAIN: None.

A handwritten signature in black ink, appearing to read "Dan Malcolm", written over a horizontal line.

Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:

A handwritten signature in black ink, appearing to read "Timothy A. Deuel", written over a horizontal line.

Timothy A. Deuel  
District Clerk

(Seal)