

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2823

ORDINANCE ACCEPTING (A) AN 8-YEAR LEASE FROM THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION FOR USE OF APPROXIMATELY 20,100 SQUARE FEET OF LAND FOR SURFACE PARKING LOCATED AT 3405 PACIFIC HIGHWAY IN THE CITY OF SAN DIEGO, CALIFORNIA AND GRANTING INDEMNITY TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION AND (B) AN 8-YEAR LEASE FROM THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION FOR USE OF APPROXIMATELY 56,100 SQUARE FEET OF LAND FOR SURFACE PARKING LOCATED AT 3275 PACIFIC HIGHWAY IN THE CITY OF SAN DIEGO, CALIFORNIA AND GRANTING INDEMNITY TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

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, Port Act section 30.5 sets forth criteria and process for the District to make capital expenditure off tidelands; and

WHEREAS, in accordance with these criteria and process, the District proposes to lease two parcels of land adjacent to tidelands from the State of California, Department of Transportation (Caltrans) and sublease the parcels to current District tenants operating attended parking lots, which are likely to result in new net revenue to the District and provide additional parking for tidelands activities; and

WHEREAS, the proposed Caltrans leases are each for a term of eight (8) years and are terminable by the District for any reason on 30 days' notice, the first covers approximately 20,100 square feet and the District will pay \$25,176 annually and the second covers approximately 56,100 square feet and the District will pay \$108,834 annually, and both leases contain provisions whereby the District indemnifies Caltrans; and

WHEREAS, in accordance with Port Act section 30.5, written notification was sent to the California State Lands Commission (CSLC) on July 8, 2015, and if CSLC objects, the leases can be terminated on 30 days' notice by the District with no penalty.

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

Section 1. In accordance with Port Act section 30.5, the Board finds:

- A) The proposed leases from Caltrans are for land adjacent to District tidelands;
- B) Adequate areas for the additional parking activities planned for the new land does not presently exist within tidelands; and
- C) The additional parking activities and revenue generation is necessary or incidental to carrying out the purposes described in Port Act Section 87.

Section 2. The Executive Director or her designated representative is hereby directed to accept and execute said leases from Caltrans.

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:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of July, 2015, by the following vote:

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

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)