

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2858**

**ORDINANCE GRANTING 45-YEAR AND SIX-MONTH NON-EXCLUSIVE EASEMENT TO THE CITY OF SAN DIEGO TO RELOCATE A PUBLIC WATER LINE TO FACILITATE THE CONSTRUCTION OF MARRIOTT HALL LOCATED AT 333 W. HARBOR DRIVE**

**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 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**, Section 21 of the Port Act requires that all grants, franchises, leases, permits or privileges for more than five years shall be made by ordinance; and

**WHEREAS**, Host Hotels & Resorts, LP owns Pacific Gateway Ltd. dba Marriott Marquis San Diego Marina (Marriott) located at 333 West Harbor Drive in San Diego; and

**WHEREAS**, Marriott has a 66-year lease with the District covering its hotel and marina operations, which expires in 2061 (Lease); and

**WHEREAS**, Marriott is investing approximately \$182 million in the Marriott Marquis & Marina Facilities Improvement Project (Project) which will make significant improvements and renovations throughout the leasehold to be competitive with the newer convention center headquarters hotels in the vicinity; and

**WHEREAS**, the Project includes replacement of the existing Marriott Hall with a new building including ballroom and meeting space, the construction of a new pedestrian walkway between Marriott and the adjacent Manchester Grand Hyatt known as Marina Walk, which would connect pedestrians from Harbor Drive to the Embarcadero and the addition of a public/private event space along the Embarcadero known as Marina Terrace; and

**WHEREAS**, to facilitate construction of the Project, an existing public water line was relocated; and

**WHEREAS**, the relocation of the water line required that new infrastructure easements be granted from the District to the City of San Diego (City); and

**WHEREAS**, the non-exclusive water easement between the District and the City would grant the City the right to construct, operate, maintain and repair the water main facilities within the Marriott leasehold; and

**WHEREAS**, the term of the easement is co-terminus with Marriott's Lease.

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

Section 1. The 45-year and six-month non-exclusive easement to the City of San Diego to relocate a public water line to facilitate the construction of Marriott Hall located at 333 W. Harbor Drive is hereby granted.

Section 2. The Executive Director or her 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

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of May, 2016, by the following vote:

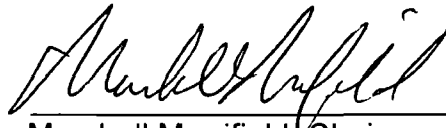
AYES: Bonelli, Castellanos, Malcolm, Merrifield, and Nelson.

NAYS: None.

EXCUSED: Moore and Valderrama.

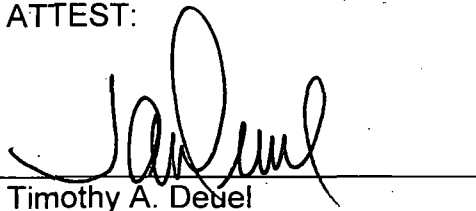
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)