

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2864

**ORDINANCE GRANTING A 30-YEAR EASEMENT
TO THE CITY OF CORONADO FOR THE
OWNERSHIP AND OPERATION OF A STORM
DRAIN LOCATED NORTH OF THE INTERSECTION
OF I AVENUE AND FIRST STREET IN THE CITY
OF CORONADO**

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, the City of Coronado (City) has been experiencing flooding in the vicinity of Fourth Street and Alameda Boulevard during storm events; and

WHEREAS, the flooding has been especially extensive along the south side of Fourth Street where property damage has occurred from storm water runoff exceeding the capacity of the existing curbs and gutters; and

WHEREAS, the City's 1980 Master Plan of Drainage determined that the storm drain facilities in the vicinity of Fourth Street and Alameda Boulevard were inadequate to handle moderately large storms; and

WHEREAS, to mitigate this flooding problem, the City, as the project proponent, is proposing to install storm drain improvements running the length of I Avenue from Fourth Street to San Diego Bay in the City (Project); and

WHEREAS, the Project includes installation of new inlets, construction of a new storm drain system, upsizing of an existing storm drain outfall, installation of a rock energy dissipater, and other related improvements; and

WHEREAS, the Project includes both landside and waterside components, with the majority of the landside components being located within the City's

jurisdiction and a small portion of the landside and all waterside components being located within the District's jurisdiction; and

WHEREAS, the components located within the District's jurisdiction include an approximately 25-foot-long section of a new storm drain, an upsized 48-inch storm drain outfall, anchor collar, an 8-foot-long grouted rip-rap bedding, a 16-foot-long rock energy dissipater, and a 268-square-foot proposed rock rubble mitigation area; and

WHEREAS, an easement from the District is required for the City to own, construct, operate, and maintain the components of the Project located within the District's jurisdiction; and

WHEREAS, the proposed storm drain easement contains approximately 830.1 square feet of tideland area located north of the intersection of I Avenue and First Street, in City; and

WHEREAS, the easement allows for the ownership, construction, operation, maintenance, repair, replacement, and inspection of storm drain facilities and appurtenances within the District's jurisdiction by the City as part of a larger storm drain rehabilitation project; and

WHEREAS, the proposed storm drain easement has a term of 30 years, which commences December 1, 2016 and ends November 30, 2046; and

WHEREAS, the easement contains a provision allowing the easement to be terminated upon one hundred eighty (180) days' written notice by either party, with a condition that the City must be given sufficient time to diligently design and construct, at their cost, an alternate storm drain outlet structure; and

WHEREAS, rent will not be charged to the City as the improvements are a public benefit and will mitigate an existing flooding problem; and

WHEREAS, the improvements in the easement area will include approximately forty-nine (49) linear feet of the new storm drain, the storm drain outfall, and the energy dissipater; and

WHEREAS, the existing storm drain is a legacy storm drain in existence prior to the formation of the District, and was not previously covered by an easement; and

WHEREAS, the City will need to obtain other approvals before commencing construction, including Regional Water Quality Control Board and Army Corps of Engineers permits; and

WHEREAS, Project construction is anticipated to begin in early 2017 and take approximately four months.


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

Section 1. The 30-year easement to the City of Coronado for the ownership and operation of a storm drain located north of the intersection of I Avenue and First Street 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 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM/AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 15th day of June, 2016, by the following vote:

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

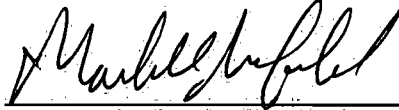
NAYS: None.

EXCUSED: Malcolm.

ABSENT: None.

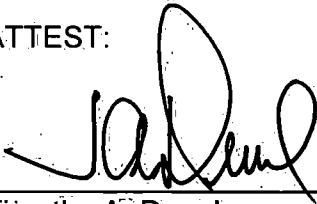
ABSTAIN: None.

RECUSED: Bonelli.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)