

RESOLUTION 2014-186

**RESOLUTION FINDING CONSISTENCY WITH SECTION 30.5 OF
THE SAN DIEGO UNIFIED PORT DISTRICT ACT TO EXPEND
DISTRICT FUNDS OFF TIDELANDS FOR THE POND 20 PALM
AVENUE FENCE REPLACEMENT PROJECT**

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, in accordance with Port Act Section 30.5, the District may take certain actions and make capital expenditures off tidelands when certain findings are made and notice is given to State Lands Commission; and

WHEREAS, Pond 20 is an irregularly shaped, 95.13-acre undeveloped parcel of land located at the south end of San Diego Bay north of Palm Avenue; and

WHEREAS, funding in the amount of \$300,000 for the Pond 20 Palm Avenue Fence Replacement Project was approved by the Board at the June 7, 2012 Capital Improvement Program Workshop/Special Meeting and this project replaces a chain-link fence (approximately 950 linear feet) with a more aesthetically designed fence along Palm Avenue within Caltrans' right-of-way, and protects the wetlands open space of Pond 20 from debris as well as improves public safety; and

WHEREAS, the installation is on property directly adjacent to the tidelands Pond 20 parcel, the fence cannot be relocated onto the tidelands property because it would be placed in wetlands and the fence would be below the street elevation, therefore it would not prevent airborne debris from entering Pond 20 or enhance public safety; and

WHEREAS, the fence replacement carries out the purpose described in Port Act Section 87 to maintain lands for open space and preserve trust assets; and

WHEREAS, pursuant to Port Act, Section 30.5, the District is required to give written notice to the California State Lands Commission (CSLC) at least 60 days before making an off-tidelands capital expenditure in excess of one hundred thousand dollars, but not more than one million dollars; and

WHEREAS, on August 27, 2014, CSLC was noticed of the proposed capital expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That, in accordance with Port Act Section 30.5:

- (1) The Pond 20 Palm Avenue Fence Replacement Project will be adjacent to tidelands.
- (2) Given the goals of the project, it could not be located on tidelands.
- (3) The off-tidelands expenditure is consistent with the District purposes described in Section 87 of the Port Act.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: ~~Assistant~~/Deputy

2014-186

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of October 2014, by the following vote:

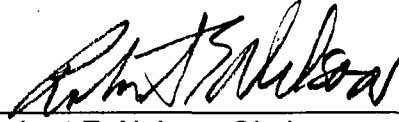
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

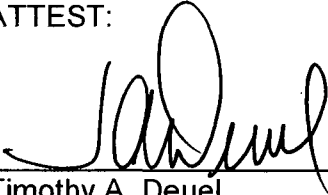
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)