

RESOLUTION 2014-58

RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE QUITCLAIM DEED, EASEMENT RESERVATION AND COVENANT AGREEMENT WITH SAN DIEGO GAS AND ELECTRIC TO CLARIFY RIGHTS TO THE SUBSTATION RELOCATION SITE

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, on April 22, 1999, San Diego Gas and Electric (SDG&E) and the District, entered into a Quitclaim Deed, Easement Reservation and Covenant Agreement ("Agreement") of certain real property in the Cities of Chula Vista and National City, County of San Diego, State of California, which Agreement is on file in the Office of the District Clerk as Document No. 38357, as amended on September 28, 2007, on file in the Office of the District Clerk as Amendment 1, Document No. 52376; and

WHEREAS, as set forth in Exhibit B, Paragraph 7 of the Agreement, SDG&E holds a non-exclusive easement in, on, over, across and through District property for the purpose of vehicular and pedestrian access to facilitate the use and enjoyment of the other easements reserved by SDG&E in the Agreement and for the performance of SDG&E's duties, obligations and responsibilities under the Agreement; and

WHEREAS, on March 22, 2010, the District and SDG&E entered into a Real Estate Exchange Agreement and Joint Escrow Instructions on file in the Office of the District Clerk as Document No. 56143; and

WHEREAS, SDG&E is in the process of relocating the South Bay Substation within the Chula Vista Bayfront to allow for the implementation of the Chula Vista Bayfront Master Plan (CVBMP); and

WHEREAS, the District is required to provide access to the new substation pursuant to a condition precedent of the Real Estate Exchange Agreement and Joint Escrow Instructions; and

WHEREAS, this Amendment No. 2 to the Agreement will clarify SDG&E's rights to access the new substation site through an existing utility corridor

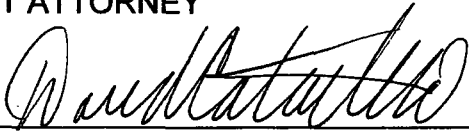
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easement which was reserved by SDG&E when the District acquired the South Bay Power Plant.

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

That the Executive Director or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into the Second Amendment to the Quitclaim Deed, Easement Reservation and Covenant Agreement with San Diego Gas and Electric to clarify access rights to the substation relocation site.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY

A handwritten signature in black ink, appearing to read "David Stutzman", is written over a horizontal line.

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 April 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

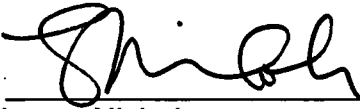
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Laura Nicholson
Deputy District Clerk

(Seal)