

## **RESOLUTION 2017-135**

### **RESOLUTION AUTHORIZING THE DISTRICT TO GRANT INDEMNITY TO SAN DIEGO GAS AND ELECTRIC PURSUANT TO AGREEMENT FOR APPLICANT DESIGN TERMS AND CONDITIONS FOR THE FORMER NAVY HEAD HOUSE DEMOLITION AND SITE IMPROVEMENTS**

**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 21 of the Port Act authorizes the Board of Port Commissioners to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the Former Navy Head House Demolition and Site Improvements (Project) is located on Navy Pier, on San Diego Bay just north of the aircraft carrier U.S.S. Midway; and

**WHEREAS**, the site is currently used for parking, primarily by Midway employees, volunteers and visitors; and

**WHEREAS**, the Project consists of demolishing the Former Navy Head House building, paving the pier in the demolished area, restriping the demolished area and reconfiguring the parking area to add an additional 129 parking spaces for a total of 639 parking spaces, installing public access amenities including a public viewing area and relocating existing utilities; and

**WHEREAS**, as part of the proposed Project design and construction, the existing electrical system must be relocated and upgraded to current standards; and

**WHEREAS**, in order to proceed with the design and construction of the new electrical facility, San Diego Gas & Electric (SDG&E) requires the District to sign an Applicant Design Terms and Conditions Form which also requires that the District indemnify SDG&E for any and all claims, demands, loss, liability or expense (including attorneys' fees) for injury to or death of any person, for damage to or destruction of any property, in any way resulting from or connected with the performance of the work by the District or its designers, employees or agents; and

**WHEREAS**, granting indemnity to SDG&E for this type of agreement is standard and routinely accepted by the District as the District will pass the indemnity requirements on to its designer and contractors who will be doing the work.

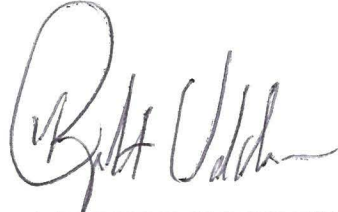
**NOW THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, hereby grants indemnity to San Diego Gas & Electric pursuant to Agreement for Applicant Design Terms and Conditions for the Former Navy Head House Demolition and Site Improvements.

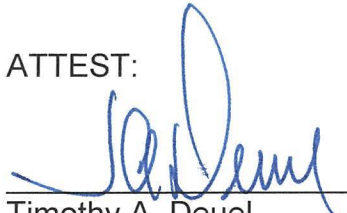
APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: ~~Assistant~~/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of September 2017, by the following vote:

- AYES: Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet
- NAYS: None.
- EXCUSED: Moore
- ABSENT: None.
- ABSTAIN: None.

  
Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:  
  
Timothy A. Deuel  
District Clerk

