

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2879**

**ORDINANCE GRANTING A 30-YEAR PIPELINE EASEMENT TO CALIFORNIA AMERICAN WATER COMPANY FOR A SUBSURFACE AND SUBAQUEOUS WATER MAIN LOCATED SOUTH OF 333 WEST HARBOR DRIVE IN THE CITY OF SAN DIEGO AND WEST OF 1201 "A" AVENUE 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**, the District granted a 49-year easement to California American Water Company for the construction, maintenance and use of a 24-inch subsurface and subaqueous water main pipeline which expires May 5, 2018; and

**WHEREAS**, the pipeline supplies drinking water to the City of Coronado; and

**WHEREAS**, the pipeline enters the bay to the south of the San Diego Marriott Marquis & Marina and enters Coronado between Peohe's and Il Forniao restaurants at the Coronado Ferry Landing; and

**WHEREAS**, the easement includes approximately 11,155 square feet of tideland area located in the City of San Diego and approximately 6,756 of tideland area located in the City of Coronado while the California State Lands Commission has jurisdiction over the center portion of the bay; and

**WHEREAS**, the easement is subject to rent in accordance with District easement guidelines; and

**WHEREAS**, a rent increase is currently due for the period ending May 31, 2018; and

**WHEREAS**, since the easement term is nearing expiration, California American Water Company and the District have agreed to a new thirty (30) year easement agreement with updated terms and conditions; and

**WHEREAS**, fair market value was determined by appraisal to be \$17,905 for the first year's rent with 3% annual increases; and

**WHEREAS**, this represents an increase in rent of \$12,452 per year; and

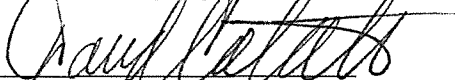
**WHEREAS**, the proposed easement will commence February 1, 2017 and terminate on January 31, 2047.

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

1. That the District grant the 30-year pipeline easement to California Water Company for a subsurface and subaqueous water main pipeline located south of 333 West Harbor Drive in the City of San Diego and west of 1201 "A" Avenue in the City of Coronado.
2. The Executive Director or her designated representative is hereby directed to execute said Easement on behalf of the District.
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 13<sup>th</sup> day of December, 2016, by the following vote:

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

NAYS: None.

EXCUSED: None.

ABSENT: None.

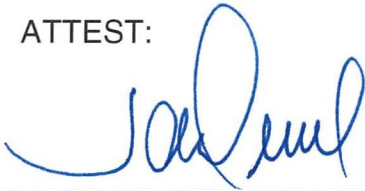
ABSTAIN: None.

RECUSED: Malcolm and Nelson.



Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)

