

RESOLUTION NUMBER R- 314280

DATE OF FINAL PASSAGE AUG 10 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR, OR HIS
DESIGNEE, TO ENTER INTO A JOINT USE AGREEMENT
WITH SAN DIEGO GAS & ELECTRIC COMPANY FOR THE
RELOCATION OF A GAS MAIN TO A PORTION OF PUBLIC
RIGHT-OF-WAY IDENTIFIED AS EASTGATE MALL.

WHEREAS, the City of San Diego (City) owns real property in San Diego, California
adjacent to Eastgate Mall and identified as Assessor's Parcel No. 343-122-07 (City Property);
and

WHEREAS, San Diego Gas & Electric Company (SDG&E) holds an easement for gas
pipeline facilities (SDG&E Facilities) on the City Property, as further described on that certain
easement granted to SDG&E by the City and recorded May 24, 1964 at Recorder's File/Page
No. 92879 of the Official Records of the County of San Diego (Easement); and

WHEREAS, the City is in the process of developing the North City Pure Water Facility
on the City Property as part of the Pure Water Project (Project) and determined that the SDG&E
Facilities are incompatible with the Project and must be relocated; and

WHEREAS, the City has requested that SDG&E relocate its SDG&E Facilities from the
City Property into the public right-of-way within a portion of Eastgate Mall (Joint Use Area);
and

WHEREAS, SDG&E has agreed to relocate the SDG&E Facilities from the Easement to
the Joint Use Area to accommodate the construction and operation of the Project; and

WHEREAS, the City and SDG&E entered into a Reservation of Rights Agreement dated January 2, 2019 (Reservation of Rights Agreement) to move forward with the relocation of known utility conflicts and set forth a payment and reimbursement process for the cost of relocating SDG&E's Facilities to accommodate the design and construction of the Project; and

WHEREAS, the City and SDG&E identified the SDG&E Facilities as a known conflict and intended for the provisions of the Reservation of Rights Agreement to apply to the relocation of the SDG&E Facilities from the City Property into the Joint Use Area; and

WHEREAS, the City and SDG&E desire to enter into a Joint Use Agreement to govern the construction, operation, and maintenance of City infrastructure and SDG&E Facilities in, over, under, and across the Joint Use Area; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute the Pure Water Project - Gas Line Joint Use Agreement with San Diego Gas & Electric Company on file with the City Clerk as Document No. 314280 for the joint use of a portion of public right-of-way identified as Eastgate Mall.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the transactions contemplated by this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

MAV:sc
12/16/2021
Or.Dept: READ
Doc. No.: 2840797

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2022

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 8/10/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 02 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 10 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Cennie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314280**