

1036
08/02/2022

(R-2023-51)

RESOLUTION NUMBER R- 314285

DATE OF FINAL PASSAGE AUG 10 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ACCEPTANCE OF THE GRANT OF TWO EASEMENTS FROM SAN DIEGO UNIFIED PORT DISTRICT AND APPROVING TWO 66-YEAR EASEMENT AND MAINTENANCE AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND SAN DIEGO UNIFIED PORT DISTRICT FOR THE CITY'S OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, AND INSPECTION OF A PORTION OF THE BAYSHORE BIKEWAY IN BARRIO LOGAN.

WHEREAS, the Bayshore Bikeway is a planned 24-mile path around San Diego Bay;
and

WHEREAS, San Diego Association of Governments (SANDAG) is the lead government agency funding and constructing improvements for the Bayshore Bikeway; and

WHEREAS, in 2009, the City of San Diego (City) and SANDAG entered into the Cooperative Agreement for Project Review Procedures, on file in the Office of the City Clerk as Document No. C-15015, which describes project review procedures and obligations between SANDAG and the City for SANDAG projects; and

WHEREAS, SANDAG will fund and construct the improvements for a 2.3-mile segment of the Bayshore Bikeway in the Barrio Logan community (Improvements) along Harbor Drive between Schley Street and 28th Street (Barrio Logan Segment); and

WHEREAS, a portion of the Barrio Logan Segment is located on San Diego Unified Port District (District) property (Property); and

WHEREAS, the District proposes to grant the City two easements (Easements) on the Property for the City's future operation, maintenance, repair, replacement, and inspection of a portion of the Barrio Logan Segment upon SANDAG's construction of the Improvements; and

WHEREAS, the easement areas for the two Easements shall be 1,732 square feet and 466 square feet, respectively (Easement Areas); and

WHEREAS, SANDAG offered to pay, on behalf of the City, a lump sum payment of \$164,600 as consideration for the Easements; and

WHEREAS, the District waived payment for the Easements in exchange for the City's future operation, maintenance, repair, replacement, and inspection of a bicycle lane, sidewalk, curb return, and storm drain inlet within the Easement Areas; and

WHEREAS, the City and the District have negotiated the terms and conditions of two 66-year Easement and Maintenance Agreements (Easement Agreements), copies of which are included in the docket materials accompanying this Resolution; and

WHEREAS, the provisions of the Easement Agreements are virtually identical, except that each agreement applies to a different Easement Area as described above; and

WHEREAS, in accordance with the Easement Agreements, the District will grant the Easements to the City for the City's future operation, maintenance, repair, replacement, and inspection of a bicycle lane, sidewalk, curb return, and storm drain inlet within the Easement Areas upon SANDAG's construction of the Improvements; and

WHEREAS, the Easement Agreements describe the respective rights and obligations of the parties with respect to the Easements; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council approves the Easement Agreements and authorizes the City's acceptance of the Easements in accordance with the Easement Agreements.

2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Easement Agreements and all other documents necessary to accept the Easements. Copies of the Easement Agreements, when signed by both parties, shall be placed on file in the Office of the City Clerk as Document Nos. RR- 314285¹ and RR- 314285-2

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Julie Gough Inman
Julie Gough Inman
Deputy City Attorney

JGI:cw
07/19/22
Or.Dept: DREAM
Doc. No.: 3034921

I hereby 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 Carrie Patterson, Deputy

Office of the City Clerk, San Diego, California

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