

DRAFT

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

**ORDINANCE GRANTING A TWENTY (20) YEAR
EASEMENT TO COX COMMUNICATIONS SAN
DIEGO FOR THE CONSTRUCTION, OPERATION,
MAINTENANCE, REPAIR AND REPLACEMENT OF
CABLE TELEVISION FACILITIES AND
APPURTENANCES LOCATED ALONG SHELTER
ISLAND DRIVE, IN THE CITY OF SAN DIEGO**

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 grant leases or franchises on and privileges in 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, Section 21 of the Port Act requires that all grants, franchises, leases, permits, or privileges for more than five (5) years shall be made by ordinance; and

WHEREAS, Cox Communications San Diego (Cox) has various Communication Facilities installed along Shelter Island Drive to serve various District tenants and their respective subtenants; and

WHEREAS, Cox has submitted a project with the District to perform maintenance on and upgrade existing infrastructure as well as install new infrastructure to serve the local tenants and businesses; and

WHEREAS, this proposed easement covers all areas along Shelter Island Drive and Anchorage Lane where new infrastructure is proposed, in addition to any existing infrastructure that is not covered by an existing easement; and

WHEREAS, this easement will result in a one-time, upfront payment of rent in the amount of \$41,478; and

WHEREAS, this easement results in a continuation and improvement of services offered to District tenants through Cox; and

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WHEREAS, staff recommends the Board of Port Commissioners grant Cox a twenty (20) year easement for Communication Facilities for various locations along Shelter Island Drive totaling approximately 742.14 square feet of Tideland area.

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

1. The BPC finds that the facts recited above are true and further finds that the BPC has jurisdiction to consider, approve, and adopt the subject of this Ordinance.

2. Based on the entire record available to the BPC and the findings set forth in this Ordinance, the Executive Director or their designated representative is hereby authorized to administratively approve and execute the Easement to Cox Communications San Diego in substantially the form attached as Attachment A to the Agenda Sheet to which this Ordinance relates, for a term of 20 years for construction, operation, maintenance, repair and replacement of cable television facilities and appurtenances located along Shelter Island Drive, in the City of San Diego.

3. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy General Counsel

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of March 2025, by the following vote: