



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
6

Meeting Date: **MARCH 7, 2013**

Subject:

Grant a Drainage Easement to the City of San Diego and Accept a Partial Vacation of an Existing Drainage Easement

Recommendation:

Adopt Resolution No. 2013-0020, authorizing the President/CEO to negotiate and execute a storm water drainage Easement with the City of San Diego and accept a partial vacation of an existing storm water drainage Easement by the City of San Diego in part on the Rental Car Center and other Northside Development sites.

Background/Justification:

In October 2011, the Board of the San Diego County Regional Airport Authority ("Authority") authorized an increase in the Airport Capital Improvement Program to accommodate the Rental Car Center ("RCC") construction costs and use of certain Customer Facility Charge funds for design of the RCC facility and design and construction of enabling projects. The RCC will provide a long-term facility for the rental car industry consistent with the Authority's goals for operational efficiency, commitment to environmental stewardship, regulatory compliance, and financial performance by providing a single consolidated facility.

In order for the RCC construction and other north side development (such as the proposed Fixed Base Operator ("FBO") project) to commence, it is necessary to remove a section of an existing 42" storm water drainage line that currently runs through the proposed RCC building footprint and the proposed FBO site. The easement rights covering the existing storm water drainage line were reserved by the City of San Diego ("City") under the 1963 Conveyance of State Tidelands property from the City to the San Diego Unified Port District ("Port").

The removal of a section of the existing storm water drainage line will require a partial vacation of the existing easement that must be approved by the City. An application to partially vacate the easement will be submitted by the Authority. The entire existing storm water drainage line starts north of the proposed RCC at Pacific Highway and extends to the San Diego Bay. The purpose of the vacation is to have the City relinquish all property rights in the portion of the existing easement area conflicting with the Authority's planned development.

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A new storm water line section connecting to unimpacted portions of the line will be constructed by the Authority in an area that will not impact the RCC and other northside development. The RCC project schedule requires the new section of the storm water drainage line to be constructed in spring of 2013 and the proposed Easement must be executed prior to its relocation.

The proposed Easement is necessary to allow the Authority to build the RCC and other northside development and provides the City of San Diego the appropriate Easement for the right to construct and reconstruct future drainage improvements, maintain, operate and repair the storm water drainage line, including any and all appurtenances thereto, together with the right of ingress and egress along the Easement area.

The new storm water drainage line serves neighborhoods north of the San Diego International Airport and will serve the proposed FBO development. Monetary consideration is not proposed to be assessed under the new Easement because: 1) the storm water drainage line benefits/will benefit the Authority; 2) the relocation is being initiated by the Authority; and 3) the existing easement does not provide for monetary consideration to be paid to the Authority.

Attachment A delineates the existing and proposed location of the storm water line in relationship to the proposed RCC and new FBO sites.

The property covered by the subject easements is leased by the Authority from the Port under the December 17, 2002 Master Lease covering the former General Dynamics property. The duration of the term for the proposed Easement is proposed to be coterminous with the term of the Authority's Lease from the Port which expires on December 31, 2068; and any extensions thereof.

Fiscal Impact:

The proposed Easement and the partial vacation of the existing easement does not provide for monetary consideration to be paid to or by the Authority. Therefore, there is no direct fiscal impact.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy
 Customer Strategy
 Employee Strategy
 Financial Strategy
 Operations Strategy

Environmental Review:

- A. California Environmental Quality Act: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Pub. Res. Code §21065. The relocation of the 42" storm drain is a categorical exemption in accordance with CEQA Section 15302, Replacement or Reconstruction, Class 2(c).

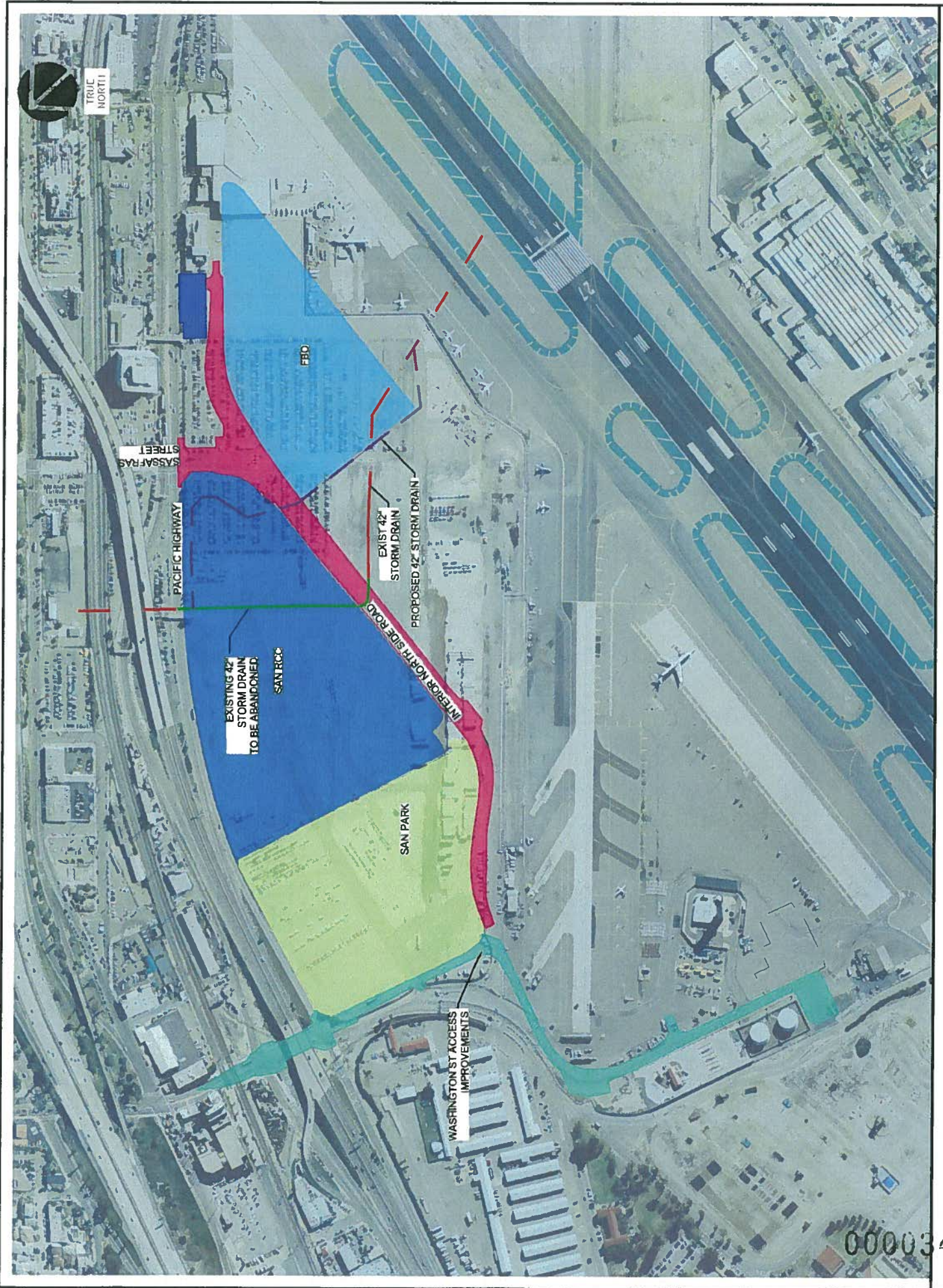
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act Pub. Res. Code §30106.

Equal Opportunity Program:

Not Applicable

Prepared by:

VERNON D. EVANS
VICE PRESIDENT, FINANCE/TREASURER



ATTACHMENT A

RESOLUTION NO. 2013-0020

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AUTHORIZING THE PRESIDENT/CEO TO NEGOTIATE AND EXECUTE A STORM WATER DRAINAGE EASEMENT WITH THE CITY OF SAN DIEGO AND ACCEPT A PARTIAL VACATION OF AN EXISTING STORM WATER DRAINAGE EASEMENT BY THE CITY OF SAN DIEGO IN PART ON THE RENTAL CAR CENTER AND OTHER NORTHSIDE DEVELOPMENT SITES

WHEREAS, the San Diego County Regional Airport Authority ("Authority") currently leases Airport property from the San Diego Unified Port District ("Port") pursuant to that certain Lease dated December 17, 2002 and bearing Authority Document No. LE-0008; and

WHEREAS, paragraph 4 in said Lease specifies that Authority may, at its own expense, make alterations or changes, or cause to be made, built, installed, or remove any structures, machines, appliances, utilities, signs, or other improvements necessary or desirable for the authorized use of the Leased Airport without the approval of the Port; and

WHEREAS, in October 2011, the Board of the San Diego County Regional Airport Authority ("Board") authorized an increase in the Airport Capital Improvement Program to accommodate the Rental Car Center ("RCC") construction costs and use of certain Customer Facility Charge funds for design of the RCC facility and design and construction of enabling projects; and

WHEREAS, the RCC will provide a long-term facility for the rental car industry consistent with the Authority's goals for operational efficiency, commitment to environmental stewardship, regulatory compliance, and financial performance by providing a single consolidated facility; and

WHEREAS, in order for the RCC construction and other northside development to commence such as the proposed Fixed Base Operator ("FBO") development, it is necessary to remove a section of an existing 42" storm water drainage line that currently runs through the proposed RCC building footprint and the proposed FBO site and accept a partial vacation of the storm water drainage Easement by the City of San Diego; and

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WHEREAS, the new section of the storm water drainage line will be constructed in an area that will not conflict with the RCC and other northside development and serves neighborhoods north of the San Diego International Airport and the proposed FBO development; and

WHEREAS, the proposed Easement is necessary to allow the Authority to build the RCC and other northside development and provides the City the appropriate easement for the right to construct and reconstruct future improvements, maintain, operate and repair the storm water drainage line, including any and all appurtenances thereto, together with the right of ingress and egress along the Easement area; and

WHEREAS, because 1) the storm water drainage line benefits/will benefit the Authority, 2) the relocation is being initiated by the Authority, and 3) the existing easement does not provide for monetary consideration to be paid to the Authority; monetary consideration is not proposed to be assessed under the new Easement.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the President/CEO to negotiate and execute a storm water drainage Easement with the City of San Diego and accept a partial vacation of an existing storm water drainage Easement by the City of San Diego in part on the Rental Car Center and other northside development sites; and

BE IT FURTHER RESOLVED that the Board finds that this Board action is not a "project" that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended 14 Cal. Code Regs. §15378; this Board action is not a "project" subject to CEQA Pub. Res. Code §21065; and under the California Coastal Act Review, this Board action is not a "development" as defined by the California Coastal Act Pub. Res. Code Section §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 7TH day of March, 2013, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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