PORT OF STOCKTON

Phone: (209) 946-0246 Fax: (209) 465-7244

ORDINANCE NO. 262

AN ORDINANCE OF THE STOCKTON PORT DISTRICT PROVIDING FOR THE APPROVAL OF A LEASE AGREEMENT WITH BAYOTECH, INC, FOR A HYDROGEN PRODUCTION AND FILLING FACILITY LOCATED AT 3034 NAVY DRIVE FOR A TERM OF TEN YEARS

The Stockton Port District shall consider for adoption Ordinance No. 262 at their regular meeting on ~~June 17, 2024~~ July 15, 2024 at 3:30 p.m. (or as soon thereafter as the matter may be heard) at 2201 West Washington Street, Stockton, CA 95203. Proposed Ordinance No. 262 and the proposed lease will be available for review at the Stockton Port District offices beginning on July 5, 2024 at 2201 West Washington Street, Stockton, CA, 95203 during normal business hours and at www.portofstockton.com. Any person interested may appear at the hearing and be heard on any matter relating to Proposed Ordinance No. 262.

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AN ORDINANCE OF THE STOCKTON PORT DISTRICT PROVIDING FOR THE APPROVAL OF A LEASE AGREEMENT WITH BAYOTECH, INC FOR THE BAYOTECH HYDROGEN PRODUCTION AND FILLING FACILITY LOCATED AT 3034 NAVY DRIVE FOR A TERM OF TEN YEARS

WHEREAS, The Stockton Port District ("Port"), a California Port District formed pursuant to the Harbors and Navigation Code section 6200 et seq., acting by and through its Board of Port Commissioners, has certified and adopted an Initial Study/ Mitigated Negative Declaration (BayoTech Hydrogen Production and Filling Facility Project Final IS/MND) and related Findings, in compliance with and pursuant to the California Environmental Quality Act (CEQA) Public Resources Code section 21000 et seq.; and

WHEREAS, The Board of Port Commissioners has, utilizing its independent judgment and analysis, reviewed, considered and adopted all documents required in accordance with CEQA.

WHEREAS, The Board of Port Commissioners has authorized Port staff to file a Notice of Determination related thereto in accordance with CEQA.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE STOCKTON PORT DISTRICT, THAT:

1. Board of Port Commissioners, has approved a lease agreement with BAYOTECH, INC for the construction and operation of a hydrogen production and filling facility located on 5 acres at 3034 Navy Drive. Included in the lease are:
    a. a lease term of ten years;
    b. BAYOTECH, INC intends to develop a Hydrogen Production and Filling Facility Project on approximately 5 acres at 3034 Navy Drive of the Port's East Complex;
    c. the lease agreement with BayoTech, Inc. contains other and further provisions such as rental payments and basis for rental adjustments during the term of the lease, reservations of utilities, streets and insurance provisions, Port approval of improvements and other further provisions normally a part of Port leases, all of which are fully set forth in the proposed lease document, a copy of which is on file with the Port.
2. The Port Director is authorized, empowered and directed in the name of and as the act and deed of, this Stockton Port District to make, execute and deliver all necessary documents in the accomplishment thereof;
3. This Ordinance shall take effect, and be in full force and effect, thirty (30) days from and after its final adoption.

CERTIFICATE

This is to certify that this notice of proposed Ordinance No. 262 was passed-to-print by Port Director Kirk DeJesus on behalf of the Board of Commissioners of the Stockton Port District on the 28th day of June, 2024.

Dated this 28th day of June, 2024 in Stockton, California.

Melanie Rodriguez
Secretary
STOCKTON PORT DISTRICT