

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A GRANT OF EASEMENTS,
LICENSE, AND MAINTENANCE AGREEMENT TEMPLATE
BETWEEN THE CITY OF CHULA VISTA AND PROPERTY
OWNERS IN THE CITY OF CHULA VISTA

WHEREAS, during the land development process, City staff processes Grant of Easements, License, and Maintenance Agreements (“GELMA(s)” or “Agreement(s)”) with the property Owner(s) (“Owner”), to grant certain non-exclusive easements and rights-of-way across public rights-of-way (“ROW”) and City-owned property (“Public Areas”) to private property owners to maintain, repair, and replace certain public improvements including but not limited to landscaping, bioretention and biofiltration basins, street trees, decorative lighting, benches, and other improvements located within the Public Areas; and

WHEREAS, in accordance with the Agreement, the property owners agree, at their sole cost and expense, to maintain, repair, and replace, or cause to be maintained, repaired, and replaced, those public improvements within the Public Areas at a level equal to or better than the level of maintenance which is acceptable to the Director of Public Works; and

WHEREAS, in accordance with the Agreement, the property owners are permitted to assign their obligations under the Agreement to a homeowner’s association or other entity subject to approval by the City; and

WHEREAS, the Agreement requires the property owners to maintain insurance and indemnify the City in order to protect the interests of the City; and

WHEREAS, City staff recommends that the City Council approve the GELMA template, presented as Attachment 1 to the accompanying Agenda Statement, which is incorporated herein by this reference, and authorize the City Engineer, or designee, to approve and execute future GELMAs to ensure adequate maintenance of the public improvements within Public Areas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby approves the Grant of Easements, License, and Maintenance Agreement template, in the form presented, and authorizes the City Engineer, or designee, to approve and execute future GELMAs on behalf of the City, in a form approved by the City Attorney, copies of which shall be kept on file in the Office of the City Clerk.

Presented by

Approved as to form by

Tiffany Allen
Director of Development Services

Glen Googins
City Attorney