

RESOLUTION NO. 2014-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF CHULA VISTA FOR THE COLOCATION OF A CITY OF SAN DIEGO WATERLINE WITHIN SEGMENTS OF LA MEDIA ROAD AND OTAY VALLEY ROAD AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, City of San Diego is engaged in the activity of conveying water to the environs of City of San Diego, State of California; and

WHEREAS, certain water conveyance facilities owned by San Diego are located within Chula Vista, and on occasion, development within Chula Vista may be in conflict with San Diego's water transportation facilities; and

WHEREAS, Otay Land, LLC (Otay Land), a developer of a certain real property within Chula Vista, commonly known as Otay Ranch Village 8 West wishes to amend the Village 8 W development plans; and

WHEREAS, the Plan Amendment is in conflict with certain water transportation facilities owned and operated by San Diego ("Otay Pipeline"); and

WHEREAS, as a condition of the approval of Otay Land's Plan Amendment and a tentative map, Otay Land shall be required to relocate Otay Pipeline into an area described in Exhibit "A" and shown on Exhibit "B" attached hereto, which exhibits are incorporated herein by this reference. The areas described on Exhibit "A" and shown on Exhibit "B" are hereinafter referred to as "Joint Use Area"; and

WHEREAS, San Diego is willing to allow the relocation of Otay Pipeline into the Joint Use Area and will thereafter operate and maintain all associated facilities located in, under and across that certain right-of-way dedicated to CV by Otay Project, LLC as La Media Road and Otay Valley Road on property located in San Diego County, California; and

WHEREAS, Chula Vista desires to construct, operate and maintain a future regional public transportation facility and related improvements, including but not limited to: sewer and storm drain pipelines and appurtenances, traffic signals and signal interconnections, irrigation lines and irrigation control devices located in, upon, over, under and across the La Media Road and Otay Valley Road rights-of-way; and

WHEREAS, Otay Land will perform the actual relocation of Otay Pipeline which will result in the placement of Otay Pipeline within the Joint Use Area; and

WHEREAS, Chula Vista and San Diego desire to set forth their respective rights and obligations in the event of actual or potential present or future conflicts in the construction, operation or maintenance of their respective facilities within the Joint Use Area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby approve the Joint Use Agreement, with such minor, nonsubstantive alterations as may be required by the City Attorney, and authorize the City Manager or his Designee to execute said agreement on behalf of the City of Chula Vista.

Presented by

Approved as to form by

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney