

**Agreement Between the City of Chula Vista and
the Metropolitan Transit Development Board
for Continuation of the Chula Vista Billboard Reserve Fund
and Expenditure of Revenues within the Fund**

This Agreement ("Agreement") is entered into effective as of 9-21-, 1999, by and between the City of Chula Vista ("City") and Metropolitan Transit Development Board ("MTDB") with reference to the following facts:

Whereas, in March 1984, the City, as part of a litigation settlement between MTDB, SDA&E and two billboard companies, agreed to allow Gannet Outdoor Co. and Metromedia, Inc. to place two billboards in the MTDB right-of-way along Interstate 5; and

Whereas, at the same time, MTDB developed a Chula Vista Billboard Reserve Fund which is funded by the lease revenues from billboard owners; and

Whereas, in December 1990, City issued a CUP for another billboard company allowing the relocation of one billboard into the SDA&E right of way in exchange for the removal of 5 billboards and an annual contribution to the Billboard Reserve Fund; and

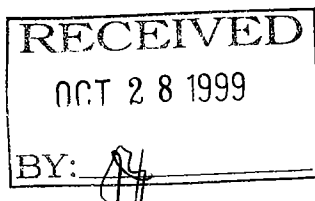
Whereas, City and MTDB have maintained and disbursed funds from the Billboard Reserve Fund for projects which benefit mass transit; and

Whereas, the parties now desire to memorialize their understanding of the terms and conditions under which monies for this fund are generated and disbursed.

NOW, THEREFORE, in consideration of the recitals and the mutual obligation of the parties set forth herein, MTDB and City agree as follows:

1. Chula Vista Billboard Reserve Fund

MTDB shall maintain a reserve fund known as the "Chula Vista Billboard Reserve Fund" ("Fund"). Revenues for this Fund shall be generated from lease payments from private parties for the use of billboards located within the SD&AE right-of-way within the City of Chula Vista. City shall determine all terms and conditions related to the permitting of the billboards. This includes, but is not limited to, the time period the billboards will be permitted for and fees to be charged to the applicant. MTDB shall determine all terms and conditions related to the leasing of the SD&AE right-of-way. These revenues shall be held in trust by MTDB for use by the City on projects which benefit mass transit occurring within the City ("Qualified Projects"). Qualified projects shall include, but are not limited to, landscaping the areas along the right-of-way, graffiti and litter removal in these same areas, pedestrian improvements along the trolley line within city limits, and other projects as may be agreed to by City and MTDB.



219613

2. Expenditure of Billboard Reserve Fund Revenues

In order to access Fund monies, City shall submit a written request to MTDB. The request shall include a description of the Qualified Project, the amount of funds requested, and a schedule for expenditure. Each request shall be subject to approval by a majority vote of MTDB and the Chula Vista City Council.

3. Entire Agreement

This Agreement, together with any other written document referred to or contemplated herein, embodies the entire Agreement and understanding between the parties relating to the subject matter hereof. Neither this Agreement nor any provision hereof may be amended, modified, waived or discharged except by an instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

4. Capacity of Parties

Each signatory and party hereto hereby warrants and represents to the other party that it has legal authority and capacity and direction from its principal to enter into this Agreement, and that all resolutions or other actions have been taken so as to enable it to enter into this Agreement.

5. Governing Law/Venue

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.

**Agreement Between the City of Chula Vista and
the Metropolitan Transit Development Board
for Continuation of the Chula Vista Billboard Reserve Fund
and Expenditure of Revenues within the Fund**

City of Chula Vista

Metropolitan Transit Development
Board

by *Shirley Horton*
Shirley Horton, Mayor

by *Thomas F. Larwin*
Thomas F. Larwin
General Manager

Date 10/26/99

Date 10/15/99

ATTEST:

Stuart Sigala
City Clerk

Approved in form by:

Approved in form by:

Elizabeth Wagner Hall
City Attorney

Jack Limber
Jack Limber
General Counsel/Deputy General
Manager

Date 10/25/99

Date 10/12/99

MTDB

DOCUMENT/CONTRACT LOG SHEET

Failure to complete appropriate sections will cause a delay in contract processing.

Please Use Ink (Black or Blue)

General Information VOOAA9
Firm/Agency/Contractor Name and Address:

City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

File #(s) 66400 (PC 40099) Federally Funded: Yes No

Document/Contract #: 5200-00-102 W.O. # _____

This Contract Amendment Amount: 0

Total Contract Amount (including all amendments): 0

Refile -

Initial Amount: 0

Effective Date: 10/2/99 Agenda Item # 12

fully executed contract file

Corporation Partnership
 Public Agency Sole Proprietor
Local: Yes No

Circle One: (Revenue/Expenditure).

Document/Contract Purpose.

BILLBOARD ROYALTY
FUND CONDITIONS

Line Item(s)/Project/WBS #	Amount	Remaining Budget Balance
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

Type of Contract: Construction (C) Services (S) Goods & Commodities (P) Specialty (L) Sole Source/Other (N)

DBE Firm (Yes/No) Goal _____ Actual _____ PPR _____

List of Certified Firms/Subcontractors:

Name	Type of Work	Amount	Ethnicity/Gender
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

Insurance - Monitored by: MTDB Insurance Consultant N/A
 Less than 100k 100k or more

Total _____

Routing Review/Approval

- Project Manager: _____ Date: 10/12
- Director: _____ Date: 10/12
- Finance: BHW Date: 10/15/99
- Counsel: _____ Date: 10/12
- Gen. Manager: J Date: 10/15/99

Document Mailout

Date: 10/20/99
Letter type: TLI
Mailed by: TERRI OSWAYA Database Entry:
Special Handling: _____
Distributions:
Tickler Finance (Log Sheet) Ym Read _____ Chron. _____

Executed Document

Date: 10-28-99
Distributions: Project Manager JPL
Insurance Consultant _____ Date Sent: _____
Other cc: _____

Completion Date: _____

Comments:

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

October 20, 1999

LEG 400 (40099)

Ms. Colleen M. Kelly
Intergovernmental Affairs
Coordinator
276 Fourth Avenue
Chula Vista, CA 91910

City of Chula Vista

Dear Ms. Kelly:

Subject: MTDB DOC. NO. S200-00-102; CHULA VISTA BILLBOARD RESERVE FUND

Enclosed are two copies of the above-referenced document, signed by MTDB. (Note: Only two copies of the agreement were received, not three, as you stated in your memo). Upon full execution of the agreement, please return ^{one} copy to Jeanne Yamamoto at MTDB.

If you have any questions, please contact Jack Limber at (619) 231-1466.

Thank you for your cooperation in this matter.

Sincerely,

Jerris Osanya





for Jeanne Yamamoto
Contract Specialist

T Osanya
TL1-S200

Enclosures

Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration
Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

For personal trip planning or route information, call 1-800-COMMUTE or visit our web site at sdcommute.com!