

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ORDERING THE SUMMARY VACATION OF
THE IRREVOCABLE OFFER OF DEDICATION FOR OPEN
SPACE PURPOSES AND THE SUMMARY VACATION OF
THE PEDESTRIAN ACCESS EASEMENT IN LOT "O" OF
FINAL MAP NO. 16081, WITHIN THE OTAY RANCH
MILLENNIA (EASTERN URBAN CENTER) PROJECT

WHEREAS, the Millenia Development, also known as the Eastern Urban Center (EUC), has had two final maps recorded: Final Map No. 15942, Chula Vista Tract No. 09-03, Otay Ranch Millenia (Eastern Urban Center), recorded on September 23, 2013; and Final Map No. 16081, Chula Vista Tract No. 09-03, Otay Ranch Millenia Phase 2 (Eastern Urban Center), recorded on December 28, 2015; and

WHEREAS, with the recordation of the second map, Open Space Lot "O" was created and an Irrevocable Offer of Dedication (IOD) for Open Space Purposes in addition to a 11-foot wide Pedestrian Access Easement were given to the City for a jogging path; and

WHEREAS, the IOD for Open Space was acknowledged, but rejected; and the 11-foot wide Pedestrian Access Easement was accepted by the City; and

WHEREAS, during the design review process for the proposed project of Lot 2 of Final Map No. 16081 (the "Sudberry Project"), staff determined that a 7 ft. wide jogging path would suffice and that the need for the entire 11-foot wide Pedestrian Access Easement was not needed, and therefore, the acceptance of the IOD was not required; and

WHEREAS, City staff recommends vacating the existing 11-foot wide easement and acquiring an alternative 7-foot wide Pedestrian Access Easement that will be granted with the recordation of a proposed Final Map, currently being reviewed by City staff, for Lot 2 of Final Map No. 16081; and

WHEREAS, in accordance with Section 7050 of the California Government Code, such offer of dedication may be terminated and the right to accept such offer abandoned; and

WHEREAS, in accordance with Streets and Highways Code Section 8333, the approval of the summary vacation requires a finding that the Pedestrian Access Easement dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date; and

WHEREAS, the Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted/certified Final Second Tier Environmental Impact Report (EIR 07-01) for the Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan. Thus, no further environmental review or documentation is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find:

- a) The vacation of the Pedestrian Access Easement within Lot "O" of Final Map No. 16081 is made under the California Streets and Highways Code Section 8335.
- b) The 11-foot wide Pedestrian Access Easement within Lot "O" granted by Final Map No. 16081 will be superseded by a 7-foot wide Pedestrian Access Easement that will be granted to the City in a Final Map for the site, which will record in the following months.
- c) The new 7-foot wide Pedestrian Access Easement will follow the footprint of the jogging path that will provide a north-south connection from the Otay Ranch Town Center, through the Millenia Development, to the future Otay Ranch Village 9.
- d) That from and after the date this resolution is recorded, the Pedestrian Access Easement within Lot "O" of Final Map No. 16081 is hereby vacated and no longer constitutes a public easement.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby order the summary vacation of Pedestrian Access Easement and the Irrevocable Offer of Dedication for Open Space Purposes in Lot "O," according to map thereof No. 16081, incorporated herein by reference as if set forth in full and hereby requests that the City Clerk cause the recordation of this resolution with the San Diego County Recorder.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney