

11-3-14

14-0574 Revision to item 10 – Otay Ranch Village 2 Parks Agreement

Please be advised that on the dais in front of you is a revised version of the attachment 2, the executed agreement. - Sheet 3 and exhibit A-2.

Following publishing of the agenda for the 11-4-14 meeting it was observed that one of the neighborhoods, R-6, was mistakenly omitted from the list of properties owned by the Master Developer. In this revised version of the document neighborhood R-6 has been added in clause 1.7.

Also Exhibit A-2 was not attached to the agreement. Slip sheets with these two changes will be inserted into the executed agreement.

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1.5 "CVMC" means City's Municipal Code.

1.6 "Deferred PAD Fees" means the amount of PAD Fees that the Master Developer would have paid had the Master Developer not chosen to provide Turnkey Parks in lieu of the payment of PAD Fees.

1.7 "Eligible Neighborhoods" means neighborhoods R4B(a), R-4B(b), R-5B, R-6, R-8A, R-8B, R-8C, R-9B, R-10A, R-10B, R-11, R-12, R-14, R-15B, R-16B, R-17B(a), R-17B(b), R-18A(b), R-18B(b), R-19B, R-20, R-21B, R-23, R-24, R-25A, R-27, R-31, MU-1, MU-2, MU-3 and C-1 of Village 2 of Otay Ranch.

1.8 "Maintenance Establishment Period" means the period of time between Completion of Construction and turnover of the park to the City in which the contractor is responsible for maintaining the park to ensure that the plant material is fully established before the park opens for public use. The duration of this period and maintenance operations will be specified in the contract documents for the specific park project, subject to adjustment as determined by the City in its sole discretion.

1.9 "Master Developer" means, collectively, the entities shown in the first column (labelled "Owner") of Exhibit A-1.

1.10 "Neighborhood Park" means a neighborhood park as shown on Exhibit B and more particularly described in the SPA Plan.

1.11 Net Deferred PAD Fees means the balance of Deferred Pad Fees identified in the Tracking Table.

1.12 "PAD Fees" means parkland acquisition and park development fee obligations pursuant to the Quimby Act and the City's PLDO.

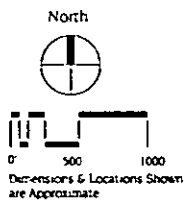
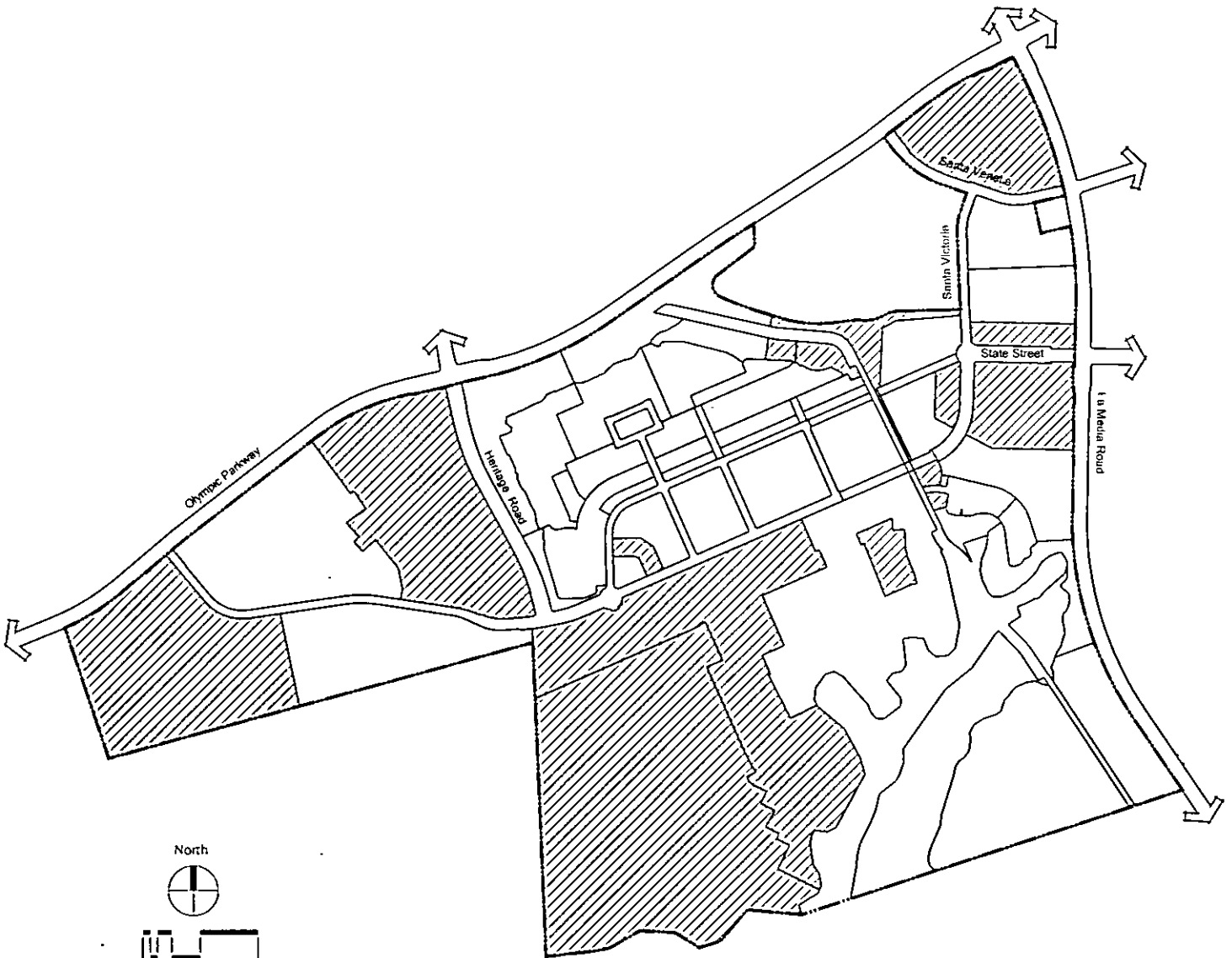
1.13 "Park Improvements" means the improvements per the City-approved park construction documents.

1.14 "Park Master Plan" means the Master Plan as defined in the Chula Vista Landscape Manual Section One – Submittals and approved by the Parks and Recreation Commission and the City Council.

1.15 "Tracking Table" means a PAD Fee/credit tracking table in the form attached to this agreement as Exhibit C as may be amended from time to time, which amendment may be accomplished administratively. The Tracking Table will track building permits issued, the parkland development portion of the PAD Fees deferred, cumulative totals, and any other items as determined by the parties.

1.16 "Turnkey" means designed and constructed consistent with the provisions of the Chula Vista Landscape Manual, the SPA Plan, and related Development Services Department specifications and policies in effect on the date of this Agreement, and ready for use

# Exhibit A-2



## LEGEND

 Master Developer's Property