

RESOLUTION NO. 2018-_____

RESOLUTION NO. 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 THE JOINT USE AREA LOCATED IN PORTIONS OF OLYMPIC PARKWAY, LA MEDIA ROAD, OTAY VALLEY ROAD AND ALL TO BE CONSTRUCTED AND NAMED STREETS IN THE OTAY RANCH VILLAGE 2, VILLAGE 8 WEST, AND VILLAGE 9 COMMUNITIES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, City of San Diego (“San Diego”) owns potable water pipelines within the Otay Ranch Community in the City of Chula Vista (“Chula Vista”); and

WHEREAS, Baldwin & Sons, LLC (“Baldwin”), a developer of a certain real property within Chula Vista, commonly known as Otay Ranch Village 2 (“V2”) amended the V2 development plan (“Baldwin Plan Amendment”) on November 4, 2014; and

WHEREAS, Otay Land, LLC (“OLC”), the developer of Otay Ranch Village 8 West (“V8W”) and Otay Ranch Village 9 (“V9”), amended the V8W and V9 development plans on June 3, 2014 (“OLC Plan Amendment”); and

WHEREAS, the Baldwin Plan Amendment and OLC Plan Amendment conflict with certain water transportation facilities owned and operated by San Diego commonly known as Otay 2nd Pipeline, Otay 3rd Pipeline, and South San Diego Pipelines 1 and 2 (collectively referred to as the “Otay Pipelines”); and

WHEREAS, the Baldwin Plan Amendment and OLC Plan Amendment required Baldwin and OLC to relocate the Otay Pipelines into portions of Olympic Parkway, portions of La Media Road, Otay Valley Road and to be constructed and named public streets in the City of Chula Vista, State of California within the Joint Use Area (as defined in the Joint Use Agreement); and

WHEREAS, the Joint Use Area, as described in the Joint Use Agreement and depicted in the associated exhibits to the Joint Use Agreement, will be established and will set forth the San Diego’s and Chula Vista’s respective rights and obligations within the Joint Use Area until the Otay Pipelines are relocated; and

WHEREAS, Sans Diego’s Public Utilities Department agreed to allow the relocation of Otay Pipelines into the Joint Use Areas and will thereafter operate and maintain the pipelines and all appurtenances for such purposes located in, under and across that certain right-of-way previously dedicated to Chula Vista by Baldwin as Olympic Parkway and La Media Road, and certain right-of-way previously dedicated to Chula Vista by OLC 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: a bus guideway; landscape, sewer and storm drain pipelines and appurtenances; traffic signals and signal interconnections; irrigation lines and irrigation control devices along with existing facilities and other improvements located in, upon, over, under and across Olympic Parkway, La Media Road and Otay Lakes Road rights-of way; 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 approves the Joint Use Agreement between the City of Chula Vista and City of San Diego for the colocation of a City of San Diego waterline within the Joint Use Area located in portions of Olympic Parkway, La Media Road, Otay Valley Road and all to be constructed and named streets in the Otay Ranch Village 2, Village 8W, and Village 9 communities in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the City Manager or his designee to execute same.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney