

RESOLUTION NO. \_\_\_\_\_

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 THE CITY OF  
SAN DIEGO'S EXISTING 27-INCH OTAY VALLEY TRUNK  
SEWER IN THE FUTURE EXTENSION OF FAIVRE STREET

WHEREAS, City of San Diego ("San Diego") is engaged in the activity of conveying wastewater to the environs of the City of San Diego, State of California; and

WHEREAS, San Diego owns, operates and maintains the existing 27-inch Otay Valley Trunk Sewer commonly known as San Diego Faivre Street Sewer Pipeline ("SDFSSP"), located within an existing San Diego easement ("Easement") within a new segment of Faivre Street ("Street Segment"); and

WHEREAS, SDFSSP is located within the development commonly known as Otay River Business Park ("ORBP") project; and

WHEREAS, the Street Segment is a proposed public road to be located within the jurisdictional boundaries of the City of Chula Vista ("Chula Vista") between Broadway and Fourth Avenue, south of Main Street; and

WHEREAS, Otay River Business Park, LP ("Developer") is the developer of ORBP project approved on March 6, 2018, by Tentative Map PCS 16-0006, pursuant to CV Resolution No. 2018-041; and

WHEREAS, as a condition of the approval of the ORBP tentative map, Developer is required to construct the Street Segment over a Chula Vista sewer easement as described in the Joint Use Agreement and depicted in the exhibits to the Joint Use Agreement, to establish the "Joint Use Area"; and

WHEREAS, as a condition of approval of the ORBP tentative map, Developer is required to construct the Street Segment over the Easement as described and depicted in the exhibits to the Joint Use Agreement; and

WHEREAS, Developer desires to construct, and Chula Vista desires to operate and maintain the Street Segment, a future public transportation facility and related improvements, including but not limited to: landscape, sewer and storm drain pipelines and appurtenances; traffic signals and signal interconnections; along with other improvements located in, upon, over, under, across, or abutting the Street Segment; and

WHEREAS, City of San Diego's Public Utilities Department approves of the construction of the Street Segment over the Easement and will continue to operate and maintain

SDFSSP and associated facilities and appurtenances for such purpose, under and across the to be constructed Street Segment; 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 by the City Council of the City of Chula Vista that it approves the Joint Use Agreement By and Between the City of San Diego and City of Chula Vista, 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 the City Manager or his designee to execute the agreement.

Presented by

Approved as to form by

---

Kelly G. Broughton, FASLA  
Director of Development Services

---

Glen R. Googins  
City Attorney