

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE VACATION OF AN IRREVOCABLE OFFER OF DEDICATION FOR HIGHER EDUCATION AND RELATED COMPATIBLE USES, ACTIVE PUBLIC RECREATION, QUASI-PUBLIC AND ALL OTHER USES INCLUDING RESIDENTIAL USES, INDUSTRIAL AND COMMERCIAL FOR OTAY RANCH VILLAGES 3, PORTION OF 4, 8 EAST, AND 10

WHEREAS, on May 20, 2008, the City Council approved a resolution authorizing the Mayor to enter into a Land Offer Agreement (LOA) with JJJ&K Investments Two, LLC, and OV Three Two, LLC (Owner), titleholders of portions of Villages 3, 4, 8, 9, and 10 of the Otay Ranch Project; and

WHEREAS, On August 17, 2010, the City Council approved a resolution authorizing the Mayor to enter into an agreement that amended the LOA with JJJ&K Investments Two, LLC, and OV Three Two, LLC (Owner), titleholders of portions of Villages 3, 4, 8, 9, and 10 of the Otay Ranch Project. The LOA specifically excluded the Village 4 property from the provisions of the 2008 LOA because the Owner no longer owned the Village 4 property; and

WHEREAS, the amended LOA allowed the City to accept an Irrevocable Offer of Dedication (IOD) of Fee Interest for approximately 160 gross acres for higher education and related compatible uses. The IOD was recorded in the San Diego County Recorder's Office on August 16, 2010, as Document Number 2010-0421267 (Exhibit 1); and

WHEREAS, On July 8, 2014, the City of Chula Vista entered into a Restated and Amended LOA with SSBT LCRE V, LLC (New Owner) that was recorded on July 29, 2014 as Document Number 2014-0319703 Official Records of the County of San Diego, State of California that superseded the 2010 LOA; and

WHEREAS, Section 2.1.1 of the Restated and Amended LOA, requires the City to vacate the previously recorded IOD (Document Number 2010-0421267 of Official Records of the County of San Diego, State of California) and replace it with a new IOD; and

WHEREAS, new IOD's were previously recorded on July 25, 2014 as Document Number 2014-0315052 (the 130.68 acre IOD) and July 25, 2014 as Document Number 2014-0315051 (the 22.62 acre IOD). These new IOD's convey to the City 153.3 acres for the future university site (Exhibits 2 and 3); and

WHEREAS, in accordance with Section 7050 of the Government Code, which states that an IOD may be terminated and the right to accept such an offer may be

abandoned in the manner prescribed for the summary vacation of streets or highways by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code; and

WHEREAS, in order to vacate an IOD, City Council must adopt a resolution of vacation and a certified copy of the resolution attested to by the City Clerk must be recorded; and

WHEREAS, the Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Future entitlements associated with the LOA will be subject to further environmental review at the time specific projects are proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, after considering the evidence submitted, finds that the Irrevocable Offer of Dedication made by document recorded August 16, 2010, as Document Number 2010-0421267 Official Records of the County of San Diego, State of California, is unnecessary for present or prospective public use, since it has been replaced by documents recorded July 25, 2014, as Document Number 2014-0315052 and July 25, 2014, as Document Number 2014-0315051 of Official Records of the County of San Diego County Recorder, State of California; and the City Council does hereby order the vacation of said Irrevocable Offer of Dedication recorded August 16, 2010, as Document Number 2010-0421267 Official Records.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the City Clerk is hereby directed to cause a certified copy of the resolution of vacation, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgement, or further proof in the Office of the Recorder of the County of San Diego, State of California. Upon recordation, the vacation shall be complete.

Presented by

Approved as to form by

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Kelly G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney