

RESOLUTION 2015-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FREEWAY MAINTENANCE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR SELECT MAINTENANCE TASKS AT LOCATIONS WITHIN THE RIGHT-OF-WAY OF STATE ROUTE 125 (SR-125)

WHEREAS, the City of Chula Vista and South Bay Expressway, LLC (SBX) entered into an agreement, entitled *City of Chula Vista Toll Road Agreement with San Diego Expressway Limited Partnership (SDELP) and Agreement Affecting Real Property*, dated April 16, 2002 and recorded in the office of the San Diego County Recorder as Document No. 2002-0358671 on April 29, 2002 (the “Toll Road Agreement”), which sets forth certain actions with respect to completing State Route 125 (SR-125) as it exists within the jurisdictional boundary of the City (the “Project”); and

WHEREAS, On April 16, 2002, the City Council adopted Resolution 2002-119 approving the Toll Road Agreement to facilitate development of SR-125 through the City of Chula Vista; and

WHEREAS, Right-of-way was dedicated to the City as part of the development in the eastern territories and once SR-125 construction was environmentally cleared, the City took action several times to relinquish the right-of-way needed for SR-125 to Caltrans; and

WHEREAS, Caltrans also took action to relinquish right-of-way to the City of Chula Vista that was deemed excess as the design-build process of SR-125 construction was nearing completion; and

WHEREAS, Caltrans is the owner of the State Highway System including the right-of-way over and on which the SR-125 toll road is constructed; and

WHEREAS, SR-125 was opened to the public by SBX on November 16, 2007 and will be operated as a toll facility for 35-years, until November 15, 2042; and

WHEREAS, On or about April 2011, SBX emerged from bankruptcy proceedings and there is now a need to enter into a maintenance agreement (Agreement) for those areas on City streets that intersect SR-125 within the State Right-of-way, defined and shown in the Agreement; and

WHEREAS, On December 21, 2011, the San Diego Association of Governments (SANDAG) purchased SR-125; and

WHEREAS, SBX assigned all of its right, title and interest in and to the Development Franchise Agreement as amended, including, but not limited to, the associated leasehold interest held by SBX , to SANDAG with the consent of Caltrans; and

WHEREAS, Caltrans is the owner of the SR-125 right-of-way and SANDAG has entered into a lease with Caltrans for the use and the operation and maintenance of SR-125; and

WHEREAS, it is necessary to enter into an agreement with SANDAG in order to clarify the maintenance duties related, but not limited to, the preservation, protection, upkeep and restoration of the general physical features of the roadways crossing SR-125 including landscaping features and systems, roadsides as well as safety and regulatory features, devices and appurtenances built by the Project within the SR-125 right-of-way areas that the local streets pass through, over or under, the City of Chula Vista; and

WHEREAS, SANDAG and the City of Chula Vista desire to enter into a formal agreement which will be in place until the franchise ends on November 15, 2042 at which time, the City may then enter into a new freeway maintenance agreement with Caltrans; and

WHEREAS, the City and SANDAG desire to enter into this Agreement setting forth the Parties' obligations, which shall include but not be limited to the maintenance and operation of traffic signals, street and safety lighting, drainage systems, and all associated components and appurtenances, which shall include but not be limited to controller boxes, conduit, traffic signal standards, advance detector loops, mast arms, luminaires, pull boxes, storm drain inlets, cleanouts, pipes, roadway surface pavement, pavement markings, curb, gutter and sidewalk, and associated landscape maintenance within the State right-of-way areas and for the local streets that intersect with SR-125; and

WHEREAS, The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(2) of the State CEQA Guidelines because the proposed maintenance agreement consists of a continuing administrative action involving the City's obligation for maintaining local streets that cross SR-125. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA review.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Chula Vista does hereby approve a Freeway Maintenance Agreement between the City of Chula Vista and SANDAG for select maintenance tasks at locations within the right-of-way of SR-125.

BE IT FURTHER RESOLVED that the Mayor of the City of Chula Vista is hereby authorized and directed to execute said Agreement on behalf of the City.

Presented by:

Approved as to form by:

---

William Valle, City Engineer

---

Glen R. Googins, City Attorney

J:\Engineer\TRAFFIC\SR-125\Resolution\SR125 Maint Agreement Reso SANDAG Nov 2014.doc