

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 SANTA DIANA ROAD, SANTA VICTORIA ROAD AND THE FUTURE ORTEGA STREET IN THE OTAY RANCH VILLAGE 2 COMMUNITY 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, certain water conveyance facilities owned by San Diego are located within Chula Vista, and on occasion, development within Chula Vista may be in conflict with San Diego’s water transportation facilities; 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, the Baldwin Plan Amendment is in conflict with certain water transportation facilities owned and operated by San Diego commonly known as Otay 2nd Pipeline ; and

WHEREAS, San Diego’s Otay 2nd Pipeline, currently located to the west of La Media Road, intersects two of Chula Vista’s public streets, Santa Diana Road and Santa Victoria Road, and will intersect with the future Ortega Street; and

WHEREAS, the areas of intersection, as described in the Joint Use Agreement and depicted in the associated exhibits to the Joint Use Agreement, will be established as joint use areas and will set forth the San Diego’s and Chula Vista’s respective rights and obligations within the Joint Use Area (as defined in the Joint Use Agreement) until the Otay 2nd Pipeline is relocated; and

WHEREAS, San Diego’s Public Utilities Department agreed to allow the relocation of Otay 2nd Pipeline into the Joint Use Area and will thereafter operate and maintain the pipeline and all appurtenances for such purposes located in, under and across that certain right-of-way previously dedicated to Chula Vista by Baldwin as Santa Diana Road and Santa Victoria Road, and certain right-of-way soon to be constructed by Baldwin as Ortega Street 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 Santa Diana Road, Santa Victoria Road, and the future extension of Ortega Street 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 Santa Diana Road, Santa Victoria Road, and future Ortega Street in the Otay Ranch Village 2 community, 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