



# CITY COUNCIL AGENDA STATEMENT



October 6, 2020

File ID: 20-0397

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENTS, LICENSE, AND MAINTENANCE AGREEMENT TEMPLATE BETWEEN THE CITY OF CHULA VISTA AND PROPERTY OWNERS IN THE CITY OF CHULA VISTA

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

The City often enters into Grant of Easements, License, and Maintenance Agreements (“GELMA(s)” or “Agreement(s)”) with property Owner(s) to grant non-exclusive easements and rights-of-way across public rights-of-way (“ROW”) and City-owned property (“Public Areas”) in order to maintain landscaping, storm water facilities, and other improvements. Owners are then responsible for the maintenance obligations or can transfer said obligations to Community Association or other entity in the future. The proposed Template Agreement will be used for future developments and includes insurance and indemnity obligations in favor of the City. Future Agreements using the template would require only the approval of the City Engineer, or designee, and be subject to minor modification as approved by the City Attorney.

## **ENVIRONMENTAL REVIEW**

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities), Section 15302 Class 2 (Replacement or Reconstruction), Section 15303 Class 3 (New Construction or Conversion of Small Structures), Section 15304 Class 4 (Minor Alterations to Land), and Section 15317 Class 17 (Open Space Contracts or Easements) because the proposed actions would not result in a significant effect on the environment, create a cumulative impact, damage a scenic highway, or cause a substantial adverse change in the significance of a historical resource. Thus, no further environmental review is required.

## **DISCUSSION**

The purpose of this action is to approve a GELMA template (Exhibit “A”) for the City to grant and assign future property owner(s), or their successor(s) in interest, certain non-exclusive easements over and across Public Areas to privately maintain, repair, and replace certain public improvements within the Public Areas. Public

improvements include but are not limited to landscaping, bioretention and biofiltration basins, street trees, decorative lighting, benches, and other improvements located within said maintained Public Areas.

In turn, the property owners will agree, at their sole cost and expense, to maintain, repair, and replace, or cause to be maintained, repaired, and replaced, those improvements within the Public Areas at a level equal to or better than the level of maintenance which is acceptable to the Director of Public Works, at his/her discretion. Property owners are permitted to assign their GELMA obligations to a homeowner's association or other entity in accordance with the Agreement.

If approved, the proposed template would be used to by staff to enter into future GELMAs with property owners. This action would authorize the Agreements to be executed by the City Engineer, or their designee, with such minor edits as may be recommended and approved by the City Attorney.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council members, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter

#### **CURRENT-YEAR FISCAL IMPACT**

All costs associated with the processing of future Agreements will be borne by the developers/property owners, resulting in no net impact to the General Fund or Development Services Fund in the current fiscal year.

#### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact as a result of approving this template.

#### **ATTACHMENTS**

Attachment 1: Exhibit A "Grant of Easements License and Maintenance Agreements Template"

*Staff Contact: Boushra Salem, Principal Civil Engineer*