

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING THE MAINTENANCE  
AGREEMENT FOR INTERIM DRAINAGE IMPROVEMENTS  
AND NPDES FACILITIES WITH SLF IV/MCMILLIN  
MILLENIA JV, LLC, FOR OTAY RANCH MILLENIA PHASE  
2 (EASTERN URBAN CENTER) AND AUTHORIZING THE  
MAYOR TO EXECUTE SAID AGREEMENT

WHEREAS on September 15, 2009, in accordance with City Council Resolution No. 2009-265, Council approved the Tentative Subdivision Map for the Otay Ranch Eastern Urban Center, Chula Vista Tract 09-03 (Tentative Map) for the subject property; and

WHEREAS, a Condition of Approval of the Tentative Map requires the Developer to enter into an agreement with the City to provide for the maintenance of all proposed drainage and water quality treatment facilities attributable to the project; and

WHEREAS, on January 10, 2011, the City approved the mass-grading plans for the McMillin Eastern Urban Center (Millenia), Chula Vista Drawing No. 10044, which proposed the temporary grading, and construction of drainage facilities, including erosion control and desilting basins; and

WHEREAS, on September 13, 2011, in accordance with City Council Resolution 2011-167, the City Council approved the Interim Desiltation and Maintenance Agreement for the Mass Grading of Millenia between the City and SLF IV/McMillin Millenia JV, LLC, which was recorded on November 2, 2011, as Official Record Number 2011-0582265; and

WHEREAS, on December 11, 2012, in accordance with City Council Resolution 2012-241, the City Council approved an Amended and Restated Interim Desiltation and Maintenance Agreement with SLF IV/McMillin Millenia JV, LLC which was recorded January 25, 2013 as Official Record Number 2013-0053282; and

WHEREAS, this Maintenance Agreement for Interim Drainage Improvements and NPDES Facilities for the Otay Ranch Millenia Phase 2 is necessary to identify those new Developer maintained features and responsibilities required of the Developer associated with the second phase of grading of Millenia and shall supersede the previous two agreements; and

WHEREAS, the Development Services Director has reviewed the proposed agreement for compliance with the California Environmental Quality Act and has determined that the agreement and work associated therewith is adequately covered in previous certified Final Second Tier Environmental Impact Report (EIR 07-01) for the Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan and Tentative Map. Thus, pursuant to the California Environmental Quality Act, no additional environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Maintenance Agreement for Interim Drainage Improvements and NPDES Facilities for the Otay Ranch Millenia Phase 2 between the City and SLF

IV/McMillin Millenia JV, LLC 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 Mayor to execute the same.

Presented by

Approved as to form by

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Kelley Broughton  
Development Services Director

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Glen R. Googins  
City Attorney