RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A FIRST AMENDMENT TO AN
AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND
HOMEFED VILLAGE III MASTER, LLC FOR
CONSTRUCTION OF NEIGHBORHOOD PARK P-1 IN OTAY
RANCH VILLAGE 3 AND A PORTION OF COMMUNITY
PARK P-2 IN OTAY RANCH VILLAGE 4 AND
APPROPRIATING FUNDS THEREFOR (4/5 VOTE
REQUIRED)

WHEREAS, City and HomeFed previously entered into that certain agreement, namely,
Agreement Regarding Construction of Neighborhood Park P-1 in Otay Ranch Village 3 and a
portion of Community Park P-2 in Otay Ranch Village 4 (Original Agreement) on December 6,
2016; and

WHEREAS, City and HomeFed desire to amend the Original Agreement (First
Amendment) to allow for the contribution of additional funds to supplement the Neighborhood
Park P-1 budget; and

WHEREAS, pursuant to the Original Agreement, the Neighborhood Park Budget for
Neighborhood Park P-1 is based upon the proportional ratio of neighborhood parkland acres
required for Village 3, assuming the Development portion of the City's current Parkland
Acquisition and Development Fee as the budget per acre; and

WHEREAS, the City and HomeFed agree that construction costs have recently increased
significantly, including, but not limited to labor and materials; and

WHEREAS, applying the Development portion of the City's current Parkland
Acquisition and Development Fee results in a budget shortfall for Neighborhood Park P-1 of one
million dollars ($1,000,000.00), assuming a prototypical park design; and

WHEREAS, the City and HomeFed agree to each contribute matching fund amounts, up
to but not to exceed five hundred thousand dollars ($500,000.00) each for a combined total not to
exceed one million dollars ($1,000,000.00), in addition to the Development Fees pursuant to the
Original Agreement to cover only those costs needed to construct the park amenities included in
Exhibit F of the First Amendment; and

WHEREAS, pursuant to Resolution 2006-191, the City has collected funds from the
Eastlake III Senior Project (Olympic Pointe) which may be utilized on any park or public facility
serving the Eastern Territories of Chula Vista (the "Olympic Pointe Park Funds"); and

WHEREAS, the City Council desires to contribute five hundred thousand dollars
($500,000.00) of the Olympic Pointe Park Funds toward the Neighborhood Park P-1 budget; and

WHEREAS, the City and HomeFed agree that HomeFed's additional contribution of $500,000.00 is in excess of their fee obligation pursuant to the City's Parkland Acquisition and Fee Program and is not eligible for credit against said fee program; and

WHEREAS, the City and HomeFed agree to utilize the combined additional park funding of up to one million dollars ($1,000,000.00) for the purposes of increasing the Neighborhood Park P-1 budget established by the Development Fees pursuant to the Original Agreement and the First Amendment; and

WHEREAS, HomeFed agrees to provide, in "Turnkey" condition (as the term "Turnkey is defined in the Original Agreement), the selected Neighborhood Park P-1 amenities noted on Exhibit F of the First Amendment; and

WHEREAS, the City and HomeFed agree to amend Exhibit F if the increase to the Neighborhood Park P-1 budget cannot satisfy in full the estimated construction costs for all amenities noted on Exhibit F.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the First Amendment to Agreement between the City of Chula Vista and HomeFed Village III Master, LLC for construction of Neighborhood Park P-1 in Otay Ranch Village 3 and a Portion of Community Park P-2 in Otay Ranch Village 4.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the appropriation of $500,000.00 from the Parkland Acquisition and Development (PAD) fund for the purposes of funding the City's contribution toward the P-1 Neighborhood Park Budget increase.

Presented by: Approved as to form by:

_____   _____
Kelly G. Broughton, FASLA   Glen R. Googins
Director of Development Services   City Attorney