

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ORDERING THE SUMMARY VACATION OF
THE IRREVOCABLE OFFERS OF DEDICATION OF LOTS
“B” AND “D” OF FINAL MAP NO. 15942; AND LOT “L” OF
FINAL MAP NO. 16081, ALL FOR OPEN SPACE
PURPOSES, WITHIN THE OTAY RANCH MILLENIA
(EASTERN URBAN CENTER) PROJECT

WHEREAS, the Millenia Development, also known as the Eastern Urban Center (EUC), has had two final maps recorded: Final Map No. 15942, Chula Vista Tract No. 09-03, Otay Ranch Millenia (Eastern Urban Center), recorded on September 23, 2013; and Final Map No. 16081, Chula Vista Tract No. 09-03, Otay Ranch Millenia Phase 2 (Eastern Urban Center), recorded on December 28, 2015; and

WHEREAS, with the recordation of the first map, Open Space Lots “B” and “D” were created and Irrevocable Offers of Dedication (IODs) were given to the City. With the second map, Open Space Lot “L” was formed and an IOD was also presented to the City. In both occasions, the City acknowledged and rejected the IODs, causing the Developer, and subsequently the Homeowners Association (HOA), to be the sole owner and the responsible entity for the maintenance of the lots; and

WHEREAS, Sudberry Properties is proposing the construction of a commercial development of approximately 132,000 square feet of building area on 12.5 acres within the Millenia Development, identified as Lots 2 and 3 of Map No. 16081; and

WHEREAS, with the construction of the shopping center in Lot 2 of Final Map No. 16081, Sudberry Properties is proposing the construction of a private storm water treatment facility within the abovementioned open space lots. Because the storm water treatment facility is only for the benefit of the proposed shopping center, the Master Home Owner’s Association wants to pass the responsibility of the maintenance of the open space lots to Sudberry Properties which can only be done if the City relinquishes its future right to accept the IODs; and

WHEREAS, in accordance with Section 7050 of the Government Code, which states that an Offer of Dedication may be terminated and the right to accept such an offer may be abandoned in the manner as prescribed for in the summary vacation of streets or highways by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code, the abandonment of the IODs for Open Space Purposes on Lots “B” and “D” of Final Map No. 15942 and Lot “L” of Final Map No. 16081 may be performed through adoption of a resolution ordering said summary vacation by the City Council and recordation of a certified copy of the resolution attested to by the City Clerk; and

WHEREAS, the Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted/certified Final Second Tier Environmental Impact Report (EIR 07-01) for the Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan. Thus, no further environmental review or documentation is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find:

- a) That the subject vacation is made in accordance with Section 8335 of the Streets and Highways Code.
- b) That Open Space Lots "B" and "D" of Final Map No. 15942 and Open Space Lot "L" of Final Map No. 16081 will remain as private open space lots.
- c) That there is no need for the City to keep the right to accept the IODs for Open Space Purposes in these lots, since no public facilities will be constructed in them.
- d) That the maintenance of Open Space Lots "B" and "D" of Final Map No. 15942 and Open Space Lot "L" of Final Map No. 16081, in conjunction with the private storm water treatment facilities contained within those lots, will be the sole responsibility of the property owner of Lot 2 of Final Map No. 16081.
- e) That from and after the date this resolution is recorded, the IODs for Open Space Lots "B" and "D" of Final Map No. 15942 and Open Space Lot "L" of Final Map No. 16081 are hereby vacated and no longer constitute public open space easements.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby order the summary vacation of the Irrevocable Offers of Dedication for Lots "B" and "D" of Final Map No. 15942 and Lot "L" of Final Map No. 16081, incorporated herein by reference as if set forth in full and hereby requests that the City Clerk cause the recordation of this resolution with the San Diego County Recorder.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney