

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENTS, LICENSE AND MAINTENANCE AGREEMENT FOR OTAY RANCH VILLAGE 3 AND A PORTION OF VILLAGE 4 SECTIONAL PLANNING AREA (VILLAGE 3) BETWEEN THE CITY AND HOMEFED VILLAGE III MASTER, LLC

WHEREAS, the Otay Ranch Village 3 North and a Portion of Village 4 Sectional Planning Area (Village 3), located at Heritage Road and Main Street was approved in December 2014 (Otay Ranch Village 3 North and a Portion of Village 4 Sectional Planning Area Plan), with 1,597 housing units, Office and Industrial uses, Community Purpose Facilities, Open Space and Preserve, a Neighborhood Park and a School site on approximately 436 acres of land. Today the land is owned by HomeFed Village III Master, LLC (Applicant or Developer), and the Applicant is proposing amendments to the approved Sectional Planning Area (SPA) Plan and related planning documents, as well as a new Tentative Map, in order to reconfigure lots, realign streets and modify land uses to make the project more marketable (the "Project"); and

WHEREAS, the subject agreement concerns and affects certain improvements within a portion of the real property located in Village 3 being previously subject of City Council Resolution Nos. 2014-233, 2014-234 and 2014-237 ("City Resolutions"). As part of the Conditions of Approval for the new Village 3 Tentative Map, the Developer is required to enter into a Grant of Easements, License and Maintenance Agreement with the City; and

WHEREAS, the City will enter into the Grant of Easements, License and Maintenance Agreement (GELMA) with the Master Developer to grant non-exclusive easements and rights of way across City-owned property in order to maintain landscaping, geo-grid walls and other improvements. Developer will initially be responsible for the maintenance obligations however these obligations will be transferred to the Village 3 Homeowners Association (HOA) or other sub-associations in the future; and

WHEREAS, the GELMA includes insurance and indemnity obligations in favor of the City; and

WHEREAS, The City's Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity was adequately covered in the previously certified Final Environmental Impact Report for the Otay Ranch University Villages Project - (FEIR 13-01).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Grant of Easements, License and Maintenance Agreement for the Otay Ranch Village 3 and a Portion of Village 4 Sectional Planning Area between the City and Homefed Village III Master, 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 same.

Presented by:

Approved as to form by:

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Kelly G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney