

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC PARK PURPOSES OF A PORTION OF LOT "A" PER FINAL MAP NO. 16094, CHULA VISTA TRACT NO. 11-05, OTAY RANCH VILLAGE 2 NORTH NEIGHBORHOOD R-10B/PIPELINE ("V2N")

WHEREAS, Baldwin & Sons, LLC ("Master Developer") is the owner of a majority of the real property in the Village 2 portion of the master planned community of Otay Ranch ("Village 2"); and

WHEREAS, the Otay Ranch General Development Plan, Village of Montecito & Otay Ranch Business Park Sectional Planning Area (SPA) Plan, Quimby Act (Government Code section 66477 et seq.), and Chula Vista Municipal Code require Master Developer to, among other things, dedicate land for public park purposes and/or pay fees to City in connection with its development; and

WHEREAS, in accordance with the Parks Agreement, City has acknowledged an Irrevocable Offer of Dedication in Fee Interest of Lot "A" (IOD) for Public Park Purposes as shown on Final Map No. 16094, filed in the Office of the County Recorder of San Diego County on February 22, 2016; and

WHEREAS, in July 2017, the adjacent lot, Lot "C" of Final Map No. 16094, which is being used as a swim club, was graded at a steeper grade than what was originally approved creating a steep slope at the edge of the adjacent park Lot "A"; and

WHEREAS, City informed Master Developer that as result of the change in grade, 0.055 acres of Lot "A" had become unusable for public park purposes; and

WHEREAS, the boundaries of Lots "A" and "C" need to be reconfigured to incorporate the unusable land into Lot "C", and a portion of the offer of dedication needs to be revised to exclude the unusable area; and

WHEREAS, section 4.5 of the Parks Agreement allows the City to approve minor adjustments to park boundaries to improve the interface with adjacent development, but does not allow for a reduction in the overall acreage of parks required for the development for such minor adjustments; and

WHEREAS, Master Developer is required to meet its overall park acreage dedication and development obligations, or pay in lieu fees, including but not limited to resolving any deficit caused by this proposed vacation, in accordance with the approved plans and agreements pertaining to Village 2 parks and prior to the approval of the first final map for Neighborhood R-4 (Village 2 West Tentative Map PCS-12-03) in accordance with condition #32 of Tentative

Subdivision Map within Otay Ranch Village 2 West – Chula Vista Tract 12-03 as adopted by City Council Resolution 2014-210 on November 4, 2014; and

WHEREAS, in accordance with Section 7050 of the California Government Code, a portion of the IOD may be terminated and the right to accept such portion of the offer may be abandoned; and

WHEREAS, in accordance with Section 7050 of the California Government Code and Chapter 4, Section 8335 of the California Streets and Highways Code, the proposed vacation of a portion of Lot “A” may be performed summarily through adoption of a resolution ordering said summary vacation; and

WHEREAS, in accordance with Section 7050 of the California Government Code and Chapter 4, Section 8335 (4) of the California Streets and Highways Code, that from and after the date the resolution is recorded, the portion of the IOD that is vacated no longer constitutes an IOD,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it finds:

- a) That the proposed park land which has been irrevocably offered for dedicated to City by Master Developer is no longer suitable for public park land purposes.
- b) The vacated land will become part of the adjacent swim club which will provide a better interface within the development.
- c) That the remaining Lot A site acreage has been determined to be sufficient to fully implement the park programming and facilities identified for Lot A in the adopted plans and agreements pertaining to Village 2 parks.
- d) That this proposed vacation does not effectuate a reduction in Master Developer’s overall park acreage dedication or development obligations and Master Developer will be required to meet its overall park acreage dedication and development obligations, or pay in lieu fees, in order to comply with the adopted plans and agreements pertaining to Village 2 parks.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista orders the summary vacation of that portion of the Irrevocable Offer of Dedication in Fee Interest of Lot “A” of Final Map No. 16094, as more fully described and depicted on Exhibit “A”, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista directs the City Clerk to cause a certified copy of the resolution of vacation, attested by the Clerk, without acknowledgement or further proof, to be recorded in the Office of the County Recorder

of San Diego County. From and after the date this resolution is recorded, the vacation is complete.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney