



# City of Chula Vista

## Staff Report

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**File#:** 16-0224, **Item#:** 10.

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RESOLUTION NO. 2016-075 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A LOT LINE ADJUSTMENT AND LAND EXCHANGE BETWEEN THE CITY OF CHULA VISTA AND OTAY LANDFILL, INC. TO ACCOMMODATE THE LOCATION OF A LANDFILL MONITORING WELL

### **RECOMMENDED ACTION**

Council adopt the resolution.

### **SUMMARY**

In 2009, the City accepted title from Otay Landfill, Inc. to 54 acres of land adjacent to the land fill. Granting of the land to the City was a condition of the Landfill's 1995 expansion agreement. Subsequent to the grant, it was discovered that one of the wells that monitors the landfill was located within the parcel granted to the City. The purpose of this lot line adjustment and land exchange is to place the monitoring well back within the landfill property.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The Project qualifies for a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act State Guidelines.

#### **Environmental Determination**

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 qualifies for a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines. Thus, no further environmental review is required.

### **BOARD/COMMISSION RECOMMENDATION**

Not Applicable

### **DISCUSSION**

In 1995, the City entered into a landfill expansion agreement with Otay Landfill, Inc. (Otay). In exchange for allowing the landfill to expand, the City was, among other concessions, granted title to 54 acres of land on the western side of the landfill property. In 2009, the 54 acres were transferred to the City. Subsequently, it was discovered that one of the wells used to monitor methane at the landfill was located on the land transferred to the City. Because these wells are required to be located on the landfill site, the new easterly lot line needs to be adjusted such that the well is situated within the landfill parcel. This lot line adjustment requires that the City transfer land to Otay Landfill and Otay Landfill transfer an equal amount of land to the City to offset the lot line adjustment. It will also require new reciprocal deeds to reflect the new ownerships. There will be no net gain/loss of land area by

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either party to this adjustment.

The Lot Line Adjustment has been prepared, a deed to the City for the new area of land coming to the City has been executed and a deed from the City to Otay Landfill, Inc. has been prepared. Council, by this action is being asked to authorize the Lot Line Adjustment, accept the deed from Otay, and authorize the execution of a deed to Otay for the well site.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(11), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff has determined that a potential conflict of interest may exist for Councilmember Miesen because it may be reasonably foreseeable that a financial effect on a business entity in which Councilmember Miesen has a financial interest may be material.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. This action contributes to a Healthy Community by ensuring that the land fill is properly monitored for emissions that are bad for the environment.

#### **CURRENT YEAR FISCAL IMPACT**

No fiscal impact in the current fiscal year

#### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact as a result of this action

#### **ATTACHMENTS**

- 1- Lot Line Exhibit
- 2- Land Fill LLA Deed Otay to City
- 3- Land Fill LLA Deed City to Otay

*Staff Contact:* Rick Ryals, Real Property Manager