

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ORDERING THE SUMMARY VACATION OF
A PORTION OF A PUBLIC SERVICE EASEMENT RESERVED
BY THE COUNTY OF SAN DIEGO WITHIN PARCEL 1 OF
CERTIFICATE OF COMPLIANCE ER484 OF OTAY RIVER
BUSINESS PARK

WHEREAS, on May 19, 1981, a 66-foot-wide easement (the “Public Service Easement”) was reserved by the County of San Diego for possible public utility purposes, with the City of Chula Vista as successor agency per Document No. 81-154859, filed in the Office of the County Recorder of San Diego County on May 19, 1981; and

WHEREAS, on January 23, 2020, San Diego Gas & Electric Company quitclaimed their interest in this portion of the Public Service Easement per Document No. 2020-0036948, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on July 26, 2021, Otay River Business Park Development, LLC consolidated Lots 10 and 11 of Map No. 16399 as Parcel 1 of Certificate of Compliance (“COC”) No. ER484 per Document No. 2021-0530386, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on September 14, 2022, the City approved Design Review Application, DR21-0009, for the Otay River Business Park Specific Plan to construct a new industrial building and associated parking over Parcel 1 of COC No. ER484, which triggered the requirement to vacate the existing Public Service Easement on Parcel 1; and

WHEREAS, the portion of the Public Service Easement on Parcel 1 has not been used for public utility purposes for at least five (5) consecutive years immediately before the date of this Resolution, and no public utilities are known ever to have been installed in the Public Service Easement area on Parcel 1; and

WHEREAS, in accordance with Division 9, Part 3, Chapter 4, Sections 8333 and 8335 of the California Streets and Highways Code, this type of summary vacation of a public service easement may be performed through adoption of a resolution of vacation by the City Council and recordation of a certified copy of the resolution attested to by the City Clerk; and

WHEREAS, City staff recommends approval of the vacation of the Public Service Easement on Parcel 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and orders as follows:

- (1) This vacation of the Public Service Easement on Parcel 1 is made pursuant to Sections 8333 and 8335 of the California Streets and Highways Code.
- (2) The portion of the Public Service Easement on Parcel 1 and a precise description of such Easement vacated by this Resolution is found at Exhibit A attached hereto.
- (3) The Public Service Easement on Parcel 1 vacated by this Resolution has not been used for public utility purposes for at least five (5) consecutive years immediately before the date of this Resolution, and no public utilities are known ever to have been installed in the Public Service Easement area on Parcel 1.
- (4) That from and after the date this Resolution is recorded, the Public Service Easement on Parcel 1 that is vacated no longer constitutes a public service easement and the vacation is complete.

BE IT FURTHER RESOLVED that the City Council 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:

Laura C. Black, AICP
Director of Development Services

By: _____
Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney

EXHIBIT A