

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA SUMMARILY VACATING A PORTION OF
THE PUBLIC ACCESS EASEMENT FOR PARK USE AND
OTHER PUBLIC PURPOSES OVER LOT 15 AS SHOWN ON
MAP NO. 15350, CHULA VISTA TRACT NO. 06-05, OTAY
RANCH VILLAGE 2 AND PORTIONS OF VILLAGE 4 “A” MAP

WHEREAS, Baldwin & Sons (the “Developer”) granted a Public Access Easement for Park Use and Other Public Purposes to the City of Chula Vista over all of Lot 15 as shown on Map No. 15350 (the “Easement”); and

WHEREAS, the Developer has completed a lot line adjustment between Lots 14 and 15 of Map No. 15350 (the “Lot Line Adjustment”) to accommodate the final park design outside the constraints of the existing lot lines; and

WHEREAS, as part of the City’s requirements to vacate the Easement, the Developer must provide a new easement that will align with the new boundary of the park lot as defined on the Lot Line Adjustment; and

WHEREAS, in accordance with Section 7050 of the California Government Code and Chapter 4, Sections 8333 and 8335 of the California Streets and Highways Code, the vacation of a portion of the 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, this action will vacate a portion of said Easement as described and depicted in Exhibits A and B attached hereto and made a part hereof; and

WHEREAS, the Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (“CEQA”) and determined that the Project was adequately covered in the previously adopted FEIR for the Otay Ranch Village Two SPA Plan (EIR 02-02; SCH#2003091012; and incorporated by reference in the certification of Final SEIR 12-01 by Resolution No. 2014-207 on November 4, 2014).

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

- a) That the subject vacation is made in accordance with Section 8335 of the Streets and Highways Code.
- b) That the portion of the Public Access Easement for Park Use and Other Public Purposes that was granted to the City of Chula Vista over all of Lot 15 as shown on Map No. 15350, and as described and depicted in Exhibits A and B attached hereto and made a part hereof, are vacated.

- c) That there is no need for the City to keep the subject portion of the Public Access Easement for Park Use and Other Public Purposes because the proposed public park boundaries have been modified in accordance with the Lot Line Adjustment.
- d) That from and after the date this Resolution is recorded, the portion of the Public Access Easement for Park Use and Other Public Purposes that was granted to the City of Chula Vista over all of Lot 15 as shown on Map No. 15350, as described and depicted in Exhibits A and B attached hereto and made a part hereof, is hereby vacated and no longer constitute Public Access Easement for Park Use and Other Public Purposes.

BE IT FURTHER RESOVED by the City Council of the City of Chula Vista, that it hereby orders the summary vacation of a portion of the Public Access Easement for Park Use and Other Public Purposes over Lot 15, per Map No. 15350, Chula Vista Tract No. 06-05, Otay Ranch Village 2 and Portions of Village 4 “A” Map, as described and depicted in Exhibits A and B attached hereto and made a part hereof.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the City reserves and excepts from the foregoing vacation any and all other existing general utility and access easements over Lot 15, as shown on Map No. 15350.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it directs the City Clerk to cause a certified copy of the resolution of vacation, attested to by the City 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

Marco A. Verdugo
City Attorney