

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING A LANDSCAPE MAINTENANCE  
AGREEMENT WITH HOMEFED VILLAGE 8E, LLC, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
LANDSCAPE MAINTENANCE AGREEMENT WITH THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR  
RIGHT-OF-WAY MAINTENANCE WITHIN OTAY RANCH  
VILLAGE 8 EAST

WHEREAS, HomeFed Village 8E, LLC (“HomeFed”) is developing Otay Ranch Village 8 East project within the City of Chula Vista; and

WHEREAS, development of Otay Ranch Village 8 East requires the construction and ongoing maintenance of landscaping, fencing, slope stabilization, and related improvements within a portion of the California Department of Transportation (“Caltrans”) right-of-way along State Route 125; and

WHEREAS, Caltrans requires that improvements constructed within its right-of-way be maintained pursuant to its standard Landscape Maintenance Agreement establishing maintenance standards, inspection requirements, insurance, indemnification, and enforcement provisions be entered into by a responsible local agency; and

WHEREAS, the City of Chula Vista (“City”) has agreed to assume the maintenance responsibility for the subject right-of-way area through a Landscape Maintenance Agreement with Caltrans (“Caltrans LMA”); and

WHEREAS, HomeFed has agreed to enter into a Landscape Maintenance Agreement with the City under which HomeFed (“HomeFed LMA”), at its sole cost and expense, will perform and assume all obligations, including maintenance, operational, corrective work, and associated financial obligations that the City is required to undertake under the Caltrans LMA; and

WHEREAS, the Caltrans LMA includes provisions related to the SR-125 Interchanges Project Approval and Environmental Document (PA&ED) process, including potential future grading adjustments, corrective work, and related responsibilities that may be required to maintain consistency with the final PA&ED design, as well as responsibilities associated with defects in the design or construction of improvements within the right-of-way; and

WHEREAS, the HomeFed LMA requires HomeFed to assume and perform such obligations and to provide and maintain security, in forms and amounts acceptable to the City, to guarantee the faithful performance of both ongoing landscape maintenance and any required corrective grading, reconstruction, or restoration work associated with the Caltrans LMA; and

WHEREAS, the HomeFed LMA includes insurance, indemnification, security, and assignment provisions that ensure long-term performance of obligations by HomeFed and its successor homeowners' association without fiscal impact to the City; and

WHEREAS, the HomeFed LMA requires HomeFed to undertake potential corrective grading and related work as required under the Caltrans LMA; and

WHEREAS, approval of these agreements is an administrative action exempt from further environmental review under the California Environmental Quality Act; and

WHEREAS, the City Council finds that approval of the Landscape Maintenance Agreement with HomeFed and authorization for the City Manager to execute the Caltrans Landscape Maintenance Agreement are in the best interests of the City and facilitate orderly development while protecting the City from maintenance costs and liability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the Landscape Maintenance Agreement between the City of Chula Vista and HomeFed Village 8E, LLC for operational and corrective work, and maintenance of a portion of the Caltrans right-of-way associated with Otay Ranch Village 8 East, in substantially the form presented, subject to minor modifications 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 City Manager to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it authorizes the City Manager to execute a Landscape Maintenance Agreement with the California Department of Transportation for the same right-of-way area, in substantially the form presented, subject to City Attorney approval as to form, without the need for further City Council action.

Presented by

Approved as to form by

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Roy Sapa'u  
Deputy City Manager/  
Director of Development Services

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Marco A. Verdugo  
City Attorney