

(R-2021-430)

RESOLUTION NUMBER R- 313526

DATE OF FINAL PASSAGE MAY 19 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE A JOINT USE AGREEMENT WITH THE CITY OF CHULA VISTA FOR THE PROPOSED JOINT USE AREA LOCATED IN THE FUTURE EXTENSION OF E STREET BETWEEN INTERSTATE 5 AND BAY BOULEVARD (APN 567-021-11), IN THE CITY OF CHULA VISTA.

WHEREAS, pursuant to an existing easement, the City of San Diego (City) owns, maintains, and operates, the 78-inch San Diego South Metro Interceptor Sewer Pipeline (Sewer Pipeline) within the City of Chula Vista, a portion of which is located between Interstate 5 and Bay Boulevard within the real property identified as Assessor's Parcel Number 567-021-11; and

WHEREAS, the City of Chula Vista (Chula Vista) as part of a new development known as the Bayfront RV Park, desires to construct a new segment of E Street between Interstate 5 and Bay Boulevard, which will be located within a portion of the City's existing Sewer Pipeline easement; and

WHEREAS, in December, 2019, Chula Vista filed an eminent domain action entitled *City of Chula Vista v. San Diego Gas & Electric Company et al*, Superior Court Case No. 37-2019-00067033-CU-EI-CTL (Condemnation Action), to condemn the property rights necessary to extend, maintain and operate the new segment of E Street, between Interstate 5 and Bay Boulevard; and

WHEREAS, the Condemnation Action was resolved through a Stipulation for Settlement and Entry of Stipulated Judgment and Order of Condemnation, and the Stipulated Judgment and Final Order of Condemnation were signed by Superior Court Judge Ronald F. Frazier on December 31, 2020, granting Chula Vista the requested property rights subject to the City's pre-existing easement rights for the Sewer Pipeline; and

WHEREAS, the City and Chula Vista have negotiated an agreement to set forth their respective rights and obligations in the event of actual or potential present or future conflicts in the construction, operation, or maintenance of their respective facilities within the area where the new segment of E Street will be built within the City's existing Sewer Pipeline easement as more specifically set forth in the Joint Use Agreement affecting E Street and Bay Boulevard (Joint Use Agreement) a copy of which is included in the docket materials accompanying this Resolution; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or designee, is authorized to execute and deliver that certain Joint Use Agreement a copy of which, when fully executed shall be placed on file with the Clerk of the City of San Diego as Document No. RR-313526.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables
Melissa D. Ables
Deputy City Attorney


MDA:nja
04/26/21
Or. Dept: READ
Doc. No.: 2644401

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/18/2021

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 5/19/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 18 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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