5/24/2012#333B (R-2022-488) COR. COPY

RESOLUTION NUMBER R- 314146

DATE OF FINAL PASSAGE MAY 2 4 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING CITY OF SAN DIEGO WATER EASEMENTS WHICH ARE ALL LYING WITHIN CITY OF CHULA VISTA TRACT NO. 19-03, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428, FILED IN THE RECORDER'S OFFICE OF SAID COUNTY ON NOVEMBER 3, 2020 OF OFFICIAL RECORDS.

WHEREAS, California Streets and Highways Code section 8320 et seq. and San Diego Municipal Code section 125.1010 et seq. provide a procedure for the vacation of public service easements by the City Council; and

WHEREAS, HomeFed Village 8, LLC, a Delaware limited liability company, filed an application to vacate water easements granted to the City of San Diego with an approximate total area of 16.47-acres. The water easements are located within the City of Chula Vista, Tract No. 19-03, in the City of Chula Vista, County of San Diego, State of California, according to Map thereof No. 16428, filed in the Recorder's Office of said County on November 3, 2020, of Official Records. Said water easements are all more particularly described in Exhibit 'A' and illustrated in Exhibit 'B,' both attached hereto and made part hereof; and

WHEREAS, Easement Vacation No. 2585990 is located on property owned by HomeFed Village 8, LLC, a Delaware limited liability company, Otay Affordable I V8, L.P. a California limited partnership, and AG Essential Housing CA 2, L.P., a Delaware limited partnership; and

WHEREAS, the City of San Diego and Otay Land Company, LLC (the developer of Village 8 West in Chula Vista) entered into a "Participation Agreement for the Design and Construction of the Otay 2nd Pipeline Relocation and Related Facilities" (Participation

Agreement), which was authorized for execution per San Diego Ordinance O-20464 (Mar. 11, 2015) (Ordinance O-20464), adopted by the City Council on February 24, 2015; and

WHEREAS, the Participation Agreement includes several transmission pipelines to be abandoned and relocated in phases, including the Otay 2nd Pipeline; and

WHEREAS, the Otay 2nd Pipeline has been abandoned and relocated with a new pipeline that has been constructed into new and existing City of Chula Vista right-of-way and is operational per the terms contained within the Participation Agreement; and

WHEREAS, pursuant to the abandonment and relocation of the new pipeline, and

Participation Agreement, the applicant has requested the vacation of the City's water easements
in return for providing consideration of fair market value; and

WHEREAS, adoption of this resolution approving Easement Vacation No. 2585990 also authorizes the Chief Financial Officer to accept and deposit Applicant's payment in the amount of \$1,315,470 for the removal of the City's easements into the Capital Outlay Water Revenue Fund 400004; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on May 24, 2022, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Easement Vacation No. 2585990, the City Council finds that:

(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The approximately 16.47-acres of City of San Diego water easements proposed to be vacated are located in the City of Chula Vista, located generally south of La Media Road and E Main Street in the Otay Ranch Community.

The City of San Diego acquired said easements at various times over the years for water transmission pipelines owned, operated, and maintained by the City of San Diego. The City of San Diego and Otay Land Company, LLC (the developer of Village 8 West in Chula Vista) entered into a "Participation Agreement for the Design and Construction of the Otay 2nd Pipeline Relocation and Related Facilities" (Participation Agreement) which was authorized for execution per San Diego Ordinance O-20464 (Mar. 11, 2015), adopted by the City Council on February 24, 2015. The Participation Agreement includes several transmission pipelines to be abandoned and relocated in phases in order to facilitate the development of Village 8 West (Cota Vera) Master Planned Community.

The Otay 2nd Pipeline has been abandoned and relocated to a new pipeline which has been constructed into new and existing City of Chula Vista rights-of-way and is operational per the terms of the Participation Agreement. As a result, the water easements over the abandoned Otay 2nd Pipelines are no longer needed. The Participation Agreement requires developers to relocate, as required, the Otay 2nd Pipeline. Once the new facilities are operationally accepted, the existing water facilities are to be abandoned. Now that the old Otay 2nd Pipeline has been

abandoned and relocated, there is no prospective public use for the water easements. The water easements create an encumbrance on the subject areas which currently prevents the development of the Village 8 West (Cota Vera) Master Planned Community within the City of Chula Vista. The elimination of the water easements will remove the encumbrance on the land and allow for future development. Therefore, there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation.

The water transmission pipelines that the original easements were acquired for have been abandoned and a new pipeline has been constructed within the new and existing City of Chula Vista rights-of-way which will provide the public with a pipeline that will last 75 or more years. The water easements create an encumbrance on the subject areas which currently prevents the development of the Village 8 West (Cota Vera) Master Planned Community within the City of Chula Vista. The elimination of the water easements will remove the encumbrance on the land and allow for future development which will provide housing and other supportive development to the City of Chula Vista. In consideration for the vacation of the easements, the City is receiving fair market value in the amount of \$1,315,470. This will be deposited in the Capital Outlay Water Revenue Fund 400004. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

# (c) The vacation is consistent with any applicable land use plan.

The water easements proposed to be vacated were granted to the City of San Diego but are all laying within the City of Chula Vista generally south of La Media Road and E Main Street in the Otay Ranch Community. The easement vacation is consistent with and is needed in order to facilitate the development of Village 8 West (Cota Vera) Master Planned Community which is located within the City of Chula Vista. The easement vacation is not located within any City of San Diego land use plan and it not within any officially recognized San Diego community planning group area. Therefore, the vacation is not subject to any applicable land use plan within the City of San Diego.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The approximately 16.47-acres of City of San Diego water easements were acquired at various times over the years for water transmission pipelines owned, operated, and maintained by the City of San Diego. The City of San Diego and Otay Land Company, LLC (the developer of Village 8 West in Chula Vista) entered into the Participation Agreement. The Participation Agreement includes several transmission pipelines including the Otay 2nd Pipeline to be abandoned and relocated in phases in order to facilitate the development of Village 8 West (Cota Vera) Master Planned Community.

The Otay 2nd Pipeline has been abandoned and relocated with a new pipeline that has been constructed into new and existing City of Chula Vista rights-of-way and is operational per the terms of the Participation Agreement. As a result, the purpose that the water easements were originally acquired no longer exists now that the old pipeline has been abandoned and relocated.

There are no public facilities that will be impacted by this sewer easement vacation. The water easements create an encumbrance on the subject areas which currently prevents the development of the Village 8 West (Cota Vera) Master Planned Community within the City of Chula Vista. The elimination of the water easements will remove the encumbrance on the land and allow for future development. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation and the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that the Water Easement Vacation No. 2585990 particularly described in Exhibit "A" and illustrated in Exhibit "B", both attached hereto and made part hereof, is ordered vacated and the Chief Financial Officer is authorized to accept and deposit Applicant's payment in the amount of \$1,315,470 for the removal of the City's easements into the Capital Outlay Water Revenue Fund 400004.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lauren N. Hendrickson
Lauren N. Hendrickson
Deputy City Attorney

LNH:cm March 30, 2022 May 23, 2022 COR. COPY Or.Dept: DSD Doc. No. 2932852 2

Attachments: EXHIBIT A - Legal Description

EXHIBIT B – Water Easements Vacation

# EXHIBIT "A" LEGAL DESCRIPTION WATER EASEMENTS VACATION

# PARCELS A-1, A-2, AND A-3

ALL OF THAT CERTAIN WATER PIPELINE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 17, 1930 IN BOOK 1762, PAGE 207, OF DEEDS, WITHIN CITY OF CHULA VISTA TRACT NO. 19-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING A TOTAL AREA OF 4.960 ACRES, MORE OR LESS.

# PARCEL B

ALL OF THAT CERTAIN WATER PIPELINE EASEMENT RESERVED BY THE CITY OF SAN DIEGO AS SHOWN ON CITY DRAWING NO. 37330-2-B, LABELED AS PARCEL "A" AND DESCRIBED AS PARCEL "A" OF PORTION 1 IN GRANT DEED RECORDED AUGUST 16, 2013 AS INSTRUMENT NO. 2013-0516511, OF OFFICIAL RECORDS, WITHIN CITY OF CHULA VISTA TRACT NO. 19-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING 3,703 ACRES, MORE OR LESS.

#### PARCEL C

ALL OF THAT CERTAIN WATER PIPELINE EASEMENT RESERVED BY THE CITY OF SAN DIEGO AS SHOWN ON CITY DRAWING NO. 37330-3-B, LABELED AS PARCEL "B" AND DESCRIBED AS PARCEL "B" OF PORTION 1 IN GRANT DEED RECORDED AUGUST 16, 2013 AS INSTRUMENT NO. 2013-0516511, OF OFFICIAL RECORDS, WITHIN CITY OF CHULA VISTA TRACT NO. 19-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP

THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING 3.505 ACRES, MORE OR LESS.

## PARCEL D

ALL OF THAT CERTAIN WATER PIPELINE EASEMENT RESERVED BY THE CITY OF SAN DIEGO AS SHOWN ON CITY DRAWING NO. 40592-3-B AND DESCRIBED IN GRANT DEED RECORDED APRIL 9, 2018 AS INSTRUMENT NO. 2018-0139481, OF OFFICIAL RECORDS, WITHIN CITY OF CHULA VISTA TRACT NO. 19-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING 2.699 ACRES, MORE OR LESS.

# PARCEL E

THAT PORTION OF THAT CERTAIN WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER GRANT OF EASEMENT RECORDED NOVEMBER 27, 1963 AS FILE/PAGE NO. 211639, OF OFFICIAL RECORDS, WITHIN LOTS 19, 22, AND I OF CITY OF CHULA VISTA TRACT NO. 19-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING 0.339 ACRES, MORE OR LESS.

## PARCEL F

THAT PORTION OF THAT CERTAIN WATER EASEMENT TO THE CITY OF SAN DIEGO DESCRIBED AS PARCEL D OF "OTAY LAND COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY WATER EASEMENT" PER STIPULATED JUDGMENT RECORDED AUGUST 20, 2003 AS DOC. NO. 2003-1015277 AND FINAL ORDER OF CONDEMNATION RECORDED NOVEMBER 5, 2003 AS DOC. NO. 2003-1340607, BOTH OF OFFICIAL RECORDS, WITHIN LOTS 19, 22, AND I OF CITY OF CHULA VISTA TRACT NO. 19-03 OTAY

RANCH VILLAGE 8 WEST 'A' MAP, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 16428 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 3, 2020.

CONTAINING 1.267 ACRES, MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 42515-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

DOUGLAS B. STROUP

L.S. 8553

HUNSAKER & ASSOCIATES SAN DIEGO, INC.

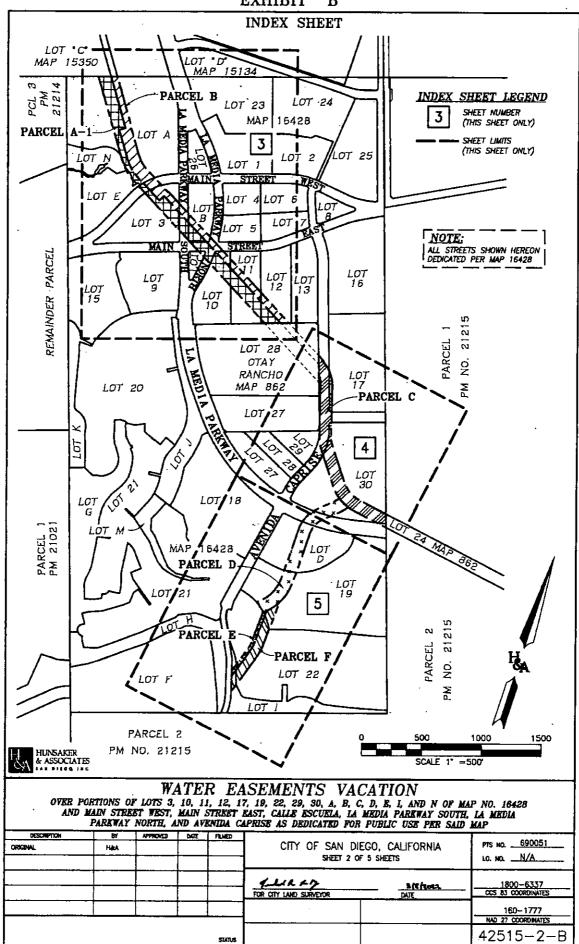
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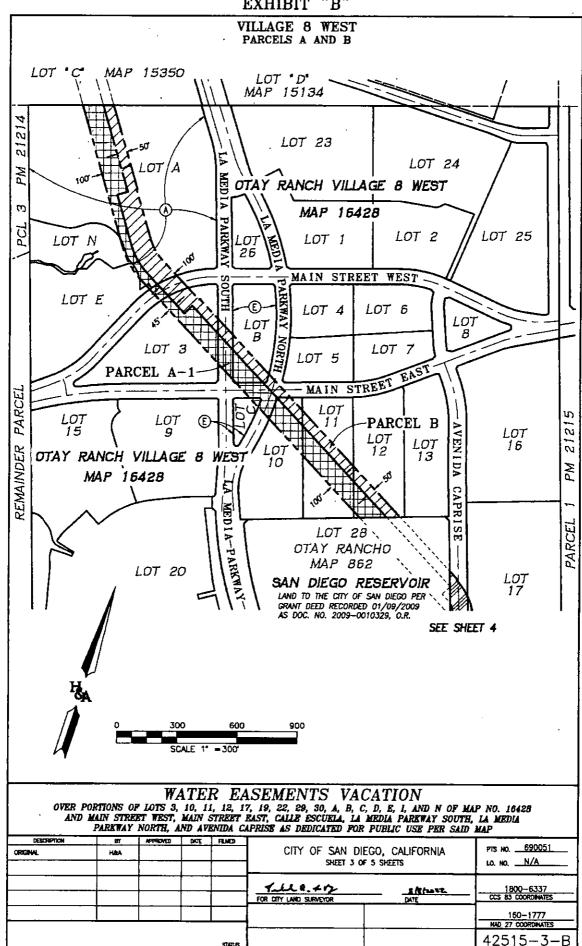
PTS NO. 690051

DWG NO. 42515-B

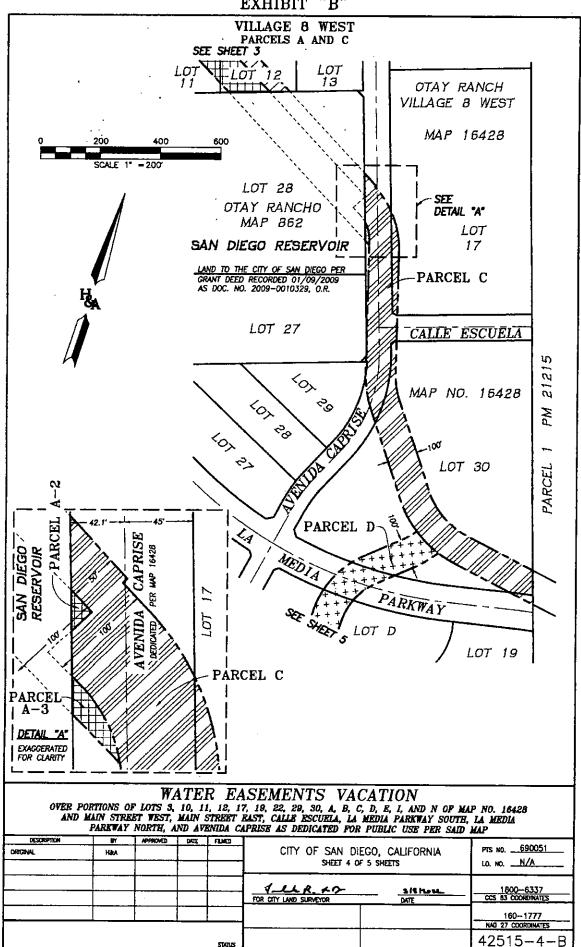
# EXHIBIT "B"

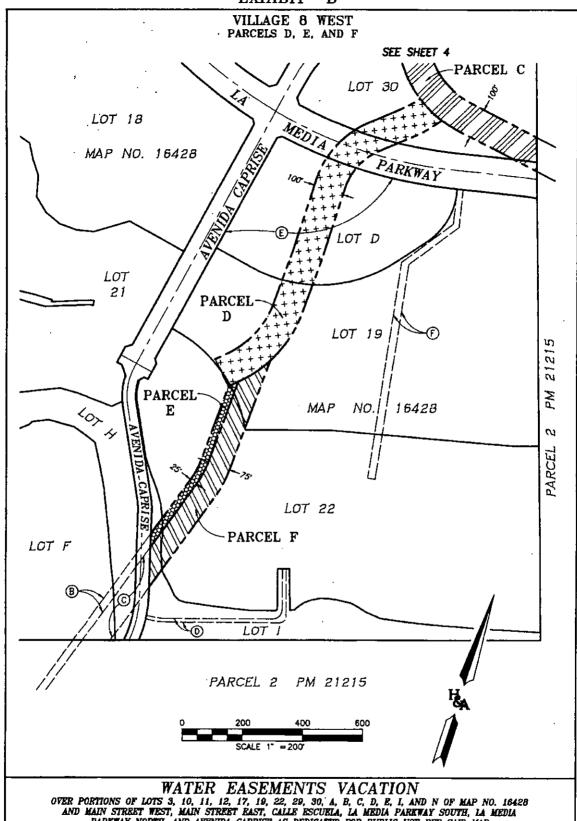
EASEMENT LEGEND (VACATED)  PARCELS A-1, A-2, AND A-3 (VILLAGE 8 WEST PORTION OF WATER PIPELINE EASEMENT GRANTE OF SAN DIEGO REC. 4/17/1930 IN BOOK 1762 DEEDS, VACATED. AREA = 4.960 AC., MORE OR LESS	) D то тне сіту	INDICATES RIGHT OF	MAP 16428				
PARCEL B (VILLAGE B WEST)  ALL OF WATER PIPELINE EASEMENT RESERVED E SAN DIEGO SHOWN AND DESCRIBED AS PORTION IN GRANT DEED REC. B/16/2013 AS INSTRUMEN 2013-0516511, O.R., VACATED. AREA = 3.703 AC., MORE OR LESS	I I PARCEL "A" NT NO						
PARCEL C (VILLAGE 8 WEST)  ALL OF WATER PIPELINE EASEMENT RESERVED E SAN DIEGO SHOWN AND DESCRIBED AS PORTION IN GRANT DEED REC. 8/16/2013 AS INSTRUME 2013-0516511, O.R., VACATED.  AREA = 3.505 AC., MORE OR LESS	BY THE CITY OF NO. I 1 PARCEL "B" 1642I NT NO. REI	THE BASIS OF BEARINGS FOR THIS DRAWING IS THE WESTERLY LINE OF LOT 17 OF CITY OF CHULA VISTA NO. 18-03 OTAY RANCH VILLAGE 8 WEST 'A' MAP, MA 16428, FILED 11/3/2020. i.e. S19'03'43'E  REFERENCES					
PARCEL D (VILLAGE 8 WEST)  ALL OF WATER PIPELINE EASEMENT RESERVED E SAN DIEGO IN GRANT DEED REC. 4/9/2018 AS NO. 2018-0139481, O.R., VACATED. AREA = 2.699 AC., MORE OR LESS	BY THE CITY OF DWG DWG INSTRUMENT NO.	NO. 16428 DWG NO. 2 NO. 9029W DWG NO. 2 NO. 9774-D DWG NO. 3 NO. 11904-D DWG NO. 3 (-PLOTTABLE EASEM REMAIN):	9382-D 37330-B 0569-D 37331-B 7708-D 40592-B				
PARCEL E (VILLAGE 8 WEST) PORTION OF WATER EASEMENT GRANTED TO CIT RCC. 11/27/1963 & FILE NO. 211639, O.R., AREA = 0.339 AC., MORE OR LESS	Y OF SAN DIEGO THE I VACATED. FORTI	THE FOLLOWING EASEMENTS HAVE NO SPECIFIC LOCATION SET FORTH IN DOCUMENT AND ARE NOT PLOTTED HEREON:					
PARCEL F (VILLAGE 8 WEST) PORTION OF WATER EASEMENT TO THE CITY OF	SAN DIEGO JANU	IENTS FOR INGRESS AND EGRES REC. B/22/1972 AS INSTRUM RY 9, 2009 AS INSTRUMENT N	ENT NO. 222267 AND				
DESCRIBED AS PARCEL D OF "OTAY LAND COMP DELAWARE LIMITED LIABILITY COMPANY WATER EA STIPULATED JUDGMENT REC. 8/20/2003 AS DO	SEMENT PER PEC	EASEMENT TO OTAY LAND COMPANY FOR VARIOUS PURPOSES REC. 10/28/2018 AS INSTRUMENT NO. 2018-0450260, O.R.					
2003-1015277 AND FINAL ORDER OF CONDEM 11/5/2003 AS DOC. NO. 2003-1340607, BOTH AREA = 1.267 AC., MORE OR LESS	NATION REC. EASE I O.R., VACATED. BROTI	EASEMENT FOR FLUMES, CANALS, OR AQUEDUCTS TO KIMBALL BROTHERS WATER COMPANY REC. 10/14/1869 IN BOOK 7, PAGE 124 OF DEEDS.					
EASEMENT/FEE LEGEND (TO REMAIN)  EASEMENT FOR INGRESS AND EGRESS TO CITY OF SAN D.  ONLY OF CHULA VISTA FOR PUBLIC  PARK PURPOSES OFFERED AND REJECTED PER MAP 16428.							
PORTION OF WATER EASEMENT GRANTED TO CITY OF S     AS FILE NO. 211639, O.R., TO REMAIN.	AN DIEGO REC. 11/27/196	-	VICINITY MAP				
© PORTION OF WATER EASEMENT TO THE CITY OF SAN D D OF "DTAY LAND COMPANY, LLC, A DELAWARE LIMITED EASEMENT" PER STIPULATED JUDGMENT REC. 8/20/200 2003—1015277 AND FINAL ORDER OF CONDEMNATION NO. 2003—1340607, BOTH O.R., TO REMAIN.	) LIABILITY COMPANY WATER 03 AS DOC. NO. REC. 11/5/2003 AS DOC.		RD RE				
① 25' WIDE GENERAL UTILITY EASEMENT GRANTED TO THE CITY OF CHULA VISTA PER 16428.							
PUBLIC ACCESS EASEMENT GRANTED TO THE CITY OF (     WATER EASEMENT FOR GENERAL UTILITY AND ACCESS F     WATER DISTRICT PER MAP 16428.			ANTA UNA ST				
ASSESSOR'S PARCEL NO.S 644-071-03, 10, 11, 12, 21, 22, 23, 24, & 25 644-072-01, 03, 06, 09, 10, 11, 15, 21, 22, 23, 24, 8	25	WILEY RD OTAY RI	VER VALLEY				
MAP PREPARED BY:	RESOLU	70N NO					
HUNSAKER & ASSOCIATES SAN DIEGO, INC. 9707 WAPLES STREET SAN DIECO, CA 92121	ADOPTE	):					
C. LS 8:	/ "# I	NT NO	•				
DOUGLAS B. STROUP L.S. 8553 R-\1804\antion\continuo\conti	RECORD	FØ:					
WATER EASEMENTS VACATION							
OVER PORTIONS OF LOTS 3, 10, 11, 12, 17, 19, 22, 29, 30, A, B, C, D, E, I, AND N OF MAP NO. 16428  AND MAIN STREET WEST, MAIN STREET EAST, CALLE ESCUELA, LA MEDIA PARKWAY SOUTH, LA MEDIA  PARKWAY NORTH, AND AVENIDA CAPRISE AS DEDICATED FOR PUBLIC USE PER SAID MAP							
DESCRIPTION BY APPROVED DATE PLANED ORIGINAL HARA		DIEGO, CALIFORNIA OF 5 SHEETS	PTS NO. <u>690051</u> LO. NO. <u>N/A</u>				
	FOR CITY LAND SURVEYOR	SIR/tal/L DATE	1800-6337 CCS B3 COORDINATES				
			160-1777 NAD 27 COORDINATES				
STATUS			42515-1-B				





STATUS





OVER PORTIONS OF LOTS 3, 10, 11, 12, 17, 19, 22, 29, 30, A, B, C, D, E, I, AND N OF MAP NO. 16428
AND MAIN STREET WEST, MAIN STREET EAST, CALLE ESCUELA, LA MEDIA PARKWAY SOUTH, LA MEDIA
PARKWAY NORTH, AND AVENIDA CAPRISE AS DEDICATED FOR PUBLIC USE PER SAID MAP

TAKE AT TOWILL, AND AVERTURE CELEBOOK AS DEDUCTED FOR FUNDE CORP FER SAID RAF							
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					FOR CITY LAND SURVEYOR	s#fore DATE	1800-6337 CCS 83 COORDINATES
							160-1777 NAD 27 COORDINATES
•				STATUS			42515-5-B

Passed by the Council of The	City of San Dieg	go onM/	Y 2 4 2022	_, by the following vote
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	171			
Jennifer Campbell	[7]	П		
Stephen Whitburn	71	П		Ш
Monica Montgomery S	teppe 🖊			
Marni von Wilpert	[7]			
Chris Cate	7	П		
Raul A. Campillo	<u>~</u> 71		П	
Vivian Moreno	7			
Sean Elo-Rivera	7			
July 11.5 throng	ا	<u></u>	Ļ	Ц
Date of final passage	MAY 2 4 2022	·		
(Please note: When a resolution date the approved resolution)				
			TODI	O GLORIA
AUTHENTICATED BY:		Mayo	r of The City of Sa	an Diego, California.
			ELIZABETH S.	MALAND
(Seal)		City Cle		San Diego, California.
			////	
		Ву	///WC	, Deputy
		Office of the	City Clerk, San D	iego, California
	Resol	lution Numbe	ar R31	4146