

RESOLUTION NO. 2023-201

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PARTIAL ASSIGNMENT AND TRANSFER AGREEMENT REGARDING CONSTRUCTION OF PARK OBLIGATIONS IN LOT 19 OF THE MILLENIA SECTIONAL PLANNING AREA BETWEEN MILLENIA 2022, LLC. AND MILLENIA LOT 19 OWNER, LLC., WITH CONSENT OF THE CITY OF CHULA VISTA

WHEREAS, City and Original Master Developer of the Millenia Sectional Planning Area entered into the Agreement Regarding Construction of Parks in a Portion of Otay Ranch Eastern Urban Center, recorded October 28, 2009, as Document No. 2009-0599389 (“Parks Agreement”). City and First Successor Master Developer also entered into the First Amendment to Agreement Regarding Construction of Parks in a Portion of Otay Ranch Eastern Urban Center, recorded December 8, 2015, as Document No. 2015-0627423. City and Master Developer also entered into the Second Amendment to Agreement Regarding Construction of Parks in a Portion of Otay Ranch Eastern Urban Center, recorded September 9, 2016, as Document No. 2016-0473597. As used herein, the “Parks Agreement” shall mean the original Parks Agreement, as amended; and

WHEREAS, the Parks Agreement obligates Master Developer to construct a public jogging trail (“Jogging Trail”) and a 0.25-acre public park plaza (“Park Plaza”) within Lot 19 of the Millenia Sectional Planning Area; and

WHEREAS, Master Developer is selling Lot 19 of the Millenia Sectional Planning Area (“Property”) to MILLENIA LOT 19 OWNER, LLC, a Delaware limited liability company; and

WHEREAS, Section 13.10 of the Parks Agreement allows, on certain conditions and upon City approval, the assignment of Master Developer’s rights and interests and the transfer/delegation of Master Developer’s parks obligations as to the Property only; and

WHEREAS, the Partial Assignment and Transfer Agreement for the transfer of the obligations to construct the Jogging Trail and the Park Plaza on the Property is provided as Attachment 1 to the Staff Report on this matter; and

WHEREAS, City staff recommends approval of the Partial Assignment and Transfer Agreement for the transfer of the obligations to construct the Jogging Trail and the Park Plaza on the Property; and

WHEREAS, the Chula Vista City Council has reviewed and considered all materials for the Partial Assignment and Transfer Agreement for the transfer of the obligations to construct the Jogging Trail and the Park Plaza on the Property; and

WHEREAS, the matter was considered at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the Chula Vista City Council.

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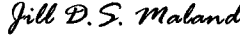
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the Partial Assignment and Transfer Agreement regarding construction of the Jogging Trail and the Park Plaza on Lot 19 of the Millenia Sectional Planning Area, between Millenia 2022, LLC. and Millenia Lot 19 Owner, LLC., with the consent of the City of Chula Vista, in the form presented, with such minor modifications as may be required or 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.

[SIGNATURES ON THE FOLLOWING PAGE]

Presented by


Approved as to form by

DocuSigned by:  
  
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 Laura C. Black, AICP  
 Director of Development Services

DocuSigned by:  
  
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 \_\_\_\_\_  
 Jill D.S. Maland  
 Lounsbery Ferguson Altona & Peak  
 Acting City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 12th day of December 2023 by the following vote:

AYES: Councilmembers: Cardenas, Chavez, Gonzalez, Preciado, and McCann  
 NAYS: Councilmembers: None  
 ABSENT: Councilmembers: None

DocuSigned by:  
  
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 John McCann, Mayor

ATTEST:

DocuSigned by:  
  
 3074D104EAF342E  
 \_\_\_\_\_  
 Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
 COUNTY OF SAN DIEGO    )  
 CITY OF CHULA VISTA     )

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2023-201 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 12th day of December 2023.

Executed this 12th day of December 2023.

DocuSigned by:  
  
 3074D104EAF342E  
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 Kerry K. Bigelow, MMC, City Clerk