

ORDINANCE NO. 12070
(New Series)

(O. 77-174)
REVISED

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
SECTION 62.0208 RELATING TO CHARGES FOR PRIOR
STREET IMPROVEMENTS.

MAY 18 1977

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 2, of the San Diego Municipal Code, be, and the same is hereby amended by adding Section 62.0208 to read as follows:

SEC. 62.0208 CHARGES FOR PRIOR STREET IMPROVEMENTS

A. Whenever a street or alley has been improved other than by public improvement proceedings for which assessments are levied, and the cost thereof shall have been paid by only a portion of the property owners benefitted, the City Engineer may, upon completion of the work, determine the cost of such improvements, the boundary of the area of all property benefitted and the allocation of the cost to the various parcels of benefitted property in accordance with the current street financing policy adopted by the City Council. After determination of the cost of such improvements, the City Engineer shall notify all property owners who may be benefitted and subject to recovery charges not less than ten (10) days prior to the City Council's consideration of establishment of the district.

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Once the allocation of the cost has been approved by a resolution of the Council of The City of San Diego, it shall constitute a statement of charges due from the owners of the various parcels of property as their share of the street or alley improvements. The City Clerk shall record a copy of the Council Resolution with the County Recorder. The resolution shall include the ownership of record, the legal description, and the amount of charges for each lot or parcel within the district.

B. If during the ten (10) year period following the formation of the district, any person either files a tentative map or a tentative parcel map or applies for a building permit on a lot for which a charge for street or alley improvements has been established in accordance with subparagraph A of this section, and such person or his predecessor in interest has not paid such charges to the City of San Diego, the established charge shall be paid prior to the filing of the final map or parcel map, or the issuance of the building permit; provided, however, such payment shall not be required in connection with building permits having a total improvement value of \$3,000 or less; and provided further that the money paid shall include the principal charge plus interest from the date of establishment of the charge at a rate determined by the City Council.

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OCT 4 1978

C. All moneys collected under the provisions of this section shall be deposited by the Treasurer of the City of San Diego into a Street and Alley Improvement Trust Fund. The City Treasurer shall refund to the person or persons who paid for the improvements for which the charges were collected, or to their assignees, all moneys so collected; except, however, that five percent (5%) of all such moneys collected shall be retained by the City to defray the expenses incurred in administering the Trust Fund.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
John K. Riess, Deputy

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OCT 4 1978

JKR:lc:
5/3/77
REVISED

12070
C0912

Passed and adopted by the Council of The City of San Diego on MAY 18 1977
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 4 1977

MAY 18 1977

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED
 1977 MAY -4 AM 8:25
 SAN DIEGO, CALIF.

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OCT 4 1978

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12070</u>	Adopted <u>MAY 18 1977</u>
<u>60913</u>	

fw

ATTORNEY(S)

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No. 12070

IN THE MATTER OF

PRIOR STREET IMPROVEMENTS

ORDINANCE NO. 12070

(New Subject)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 62.0208 RELATING TO CHARGES FOR PRIOR STREET IMPROVEMENTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 2, of the San Diego Municipal Code, be, and the same is hereby amended by adding Section 62.0208 to read as follows:

SEC. 62.0208 CHARGES FOR PRIOR STREET IMPROVEMENTS

A. Whenever a street or alley has been improved other than by public improvement proceedings for which assessments are levied, and the cost thereof shall have been paid by only a portion of the property owners benefitted, the City Engineer may, upon completion of the work, determine the cost of such improvements, the boundary of the area of all property benefitted and the allocation of the cost to the various parcels of benefitted property in accordance with the current street financing policy adopted by the City Council. After determination of the cost of such improvements, the City Engineer shall notify all property owners who may be benefitted and subject to recovery charges not less than ten (10) days prior to the City Council's consideration of establishment of the district.

Once the allocation of the cost has been approved by a resolution of the Council of The City of San Diego, it shall constitute a statement of charges due from the owners of the various parcels of property as their share of the street or alley improvements. The City Clerk shall record a copy of the Council Resolution with the County Recorder. The resolution shall include the ownership of record, the legal description, and the amount of charges for each lot or parcel within the district.

B. If during the two (2) year period following the formation of the district, any person either files a tentative map or a tentative parcel map or applies for a building permit on a lot for which a charge for street or alley improvements has been established in accordance with subparagraph A of this section, and such person or his predecessor in interest has not paid such charges to the City of San Diego, the established charge shall be paid prior to the filing of the final map or parcel map, or the issuance of the building permit; provided, however, such payment shall not be required in connection with building permits having a total improvement value of \$3,000 or less; and provided further that the money paid shall include the principal charge plus interest from the date of establishment of the charge at a rate determined by the City Council.

C. All moneys collected under the provisions of this section shall be deposited by the Treasurer of the City of San Diego into a Street and Alley Improvement Trust Fund. The City Treasurer shall refund to the person or persons who paid for the improvements for which the charges were collected, or to their assignees, all moneys so collected; except, however, that five percent (5%) of all such moneys collected shall be retained by the City to defray the expenses incurred in administering the Trust Fund.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 14, 1977.
Passed and adopted by the Council of The City of San Diego on May 18, 1977.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego,
California.
EDWARD NIELSEN,
City Clerk of The City of San
Diego, California.
By KATHLEEN MARTINEZ,
Deputy

(SEAL)
Feb. June 1, 1977. LS478

I, **PATRICIA M. DUTRA** hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 12070

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

June 1, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 3, 1977

Patricia M. Dutra
(Signature)

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OCT 4 1978

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