

ORDINANCE NUMBER O- 15868 (New Series)

Adopted on DEC 6 1982

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND MBM ASSOCIATES, MISSION VALLEY PARTNERSHIP, MISSION VALLEY ONE, LTD., DOUGLAS ALLRED, DONALD SAMMIS AND CONROCK DATED DEC 6 1982, AND REPEALING ORDINANCE NO. 1947 (NEW SERIES) ADOPTED NOVEMBER 1, 1940, ORDINANCE NO. 12191 (NEW SERIES), ADOPTED OCTOBER 26, 1977, AS AMENDED BY ORDINANCE NO. 15662 (NEW SERIES), ADOPTED FEBRUARY 1, 1982, INsofar AS THE SAME APPLY TO THE PROPERTIES WHICH ARE SUBJECT TO THE REFERENCED DEVELOPMENT AGREEMENT, AND DECLARING SAID ORDINANCE NOS. 12191 (NEW SERIES) AND 15662 (NEW SERIES), TO BE SATISFIED UNDER CERTAIN CONDITIONS.

WHEREAS, the Planning Commission of The City of San Diego, conducted a public hearing regarding Development Agreement No. 1 by and between The City of San Diego and MBM Associates, Mission Valley Partnership, Mission Valley One, Ltd., Douglas Allred, Donald Sammis, and Conrock dated NOV 15 1982, a copy of which is on file in the office of the City Clerk as Document No. OO-15868, (hereinafter "Development Agreement"); and

WHEREAS, after due notice the City Council did conduct a public hearing on this matter wherein all persons desiring to be heard were heard; and

WHEREAS, the City Council has reviewed and considered the Development Agreement and determined the content of the agreement to be complete and correct; and

WHEREAS, the Development Agreement is in the public interest and is consistent with The City of San Diego Progress Guide and General Plan ("General Plan"), and the First San Diego

Diego River Improvement Project Specific Plan ("Specific Plan");  
NOW, THEREFORE,

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

Section 1. The City Council finds and determines the facts stated above to be true and certifies Environmental Impact Report No. 80-03-41, and adopts the findings set forth therein pursuant to California Public Resources Code.

Section 2. The City Council further finds with respect to the Development Agreement, that:

A. It is consistent with the objectives, policies and programs specified in the General Plan and the Specific Plan.

B. It is compatible with the uses authorized and regulations prescribed in the Specific Plan.

C. It will not be detrimental to the public health, safety and general welfare.

D. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

Section 3. The City Council hereby approves the Development Agreement in the form attached hereto, and authorizes and directs the City Manager to enter into said agreement in the name of The City of San Diego, and further directs the City Clerk to record said agreement and this ordinance with the County Recorder of San Diego County within ten (10) days of its effective date of adoption.

Section 4. Ordinance No. 1947 (New Series), adopted

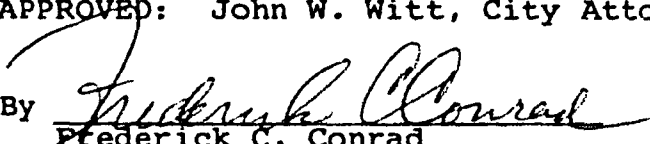
November 1, 1940, Ordinance No. 12191 (New Series), adopted October 26, 1977, as amended by Ordinance No. 15662 (New Series), adopted February 1, 1982, are hereby repealed insofar as such ordinances apply to the property which is the subject of the Development Agreement.

Section 5. Upon completion of the public improvements described within the River Improvement Element of the Specific Plan to the satisfaction of the City Council, the conditions specified within Ordinance No. 12191 (New Series), as amended by Ordinance No. 15662 (New Series), shall be deemed satisfied with respect to the property not subject to the Development Agreement lying between Mission Center Road and Stadium Way, and the zoning of such property existing prior to the effective date of initial application of the Floodway (FW) Zone as reflected in Zone Map C-523A shall attach.

Section 6. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh:630  
11/14/82  
Or.Dept:Plan.  
O-83-104  
Form=none

Passed and adopted by the Council of The City of San Diego on DEC 6 1982,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Susan Golding	<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"/>	
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY: BILL CLEATOR  
 Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Barbara Benidge, 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 NOV 16 1982, and on DEC 6 1982.

~~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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Barbara Benidge, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>15968</u>	Adopted <u>DEC 6 1982</u>