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(O-83-206)

ORDINANCE NUMBER O- 15962 (New Series)

Adopted on MAY 2 1983

AN ORDINANCE TO CREATE A COST RECOVERY DISTRICT
WITHIN THE ALTA VISTA WATER AND SEWER ASSESSMENT
DISTRICT AREA.

WHEREAS, the City Council at this time has initiated proceedings for the formation of a special assessment district to provide sanitary sewer and water services in the Alta Vista Annexation Area, pursuant to the terms and provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, said special assessment district known and designated as

ASSESSMENT DISTRICT NO. 3960
(ALTA VISTA AREA - WATER AND SEWER)

and

WHEREAS, said Assessment District is needed at this time, inasmuch as those properties within the Alta Vista Annexation Area are not adequately served with water and sewer services; and

WHEREAS, at this time, all parcels that receive a direct and special benefit from the works of improvement are being assessed in the Assessment District proceedings in a formula that correctly apportions the costs in direct relationship to the benefits received, although certain incidental benefits may still be available to properties if for any reason there is future development and/or division of said parcels; and

WHEREAS, the proposed sewer and water services are not at this time being oversized, but are adequately sized to handle certain future development, although no development or divisions are proposed or contemplated at the present; and

WHEREAS, the development of additional dwelling units would allow those units to utilize the services provided by the Assessment District without having to provide services and without being assessed, and the City Council at this time is desirous of establishing a fee schedule requiring those parcels to pay an "in lieu" fee upon development; NOW, THEREFORE,

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

Section 1. That the above recitals are all true and correct.

Section 2. When any single parcel of land within the original boundaries of Assessment District No. 3960 is further divided or developed, and the original parcel was being served by sanitary sewer or water services constructed under the Assessment District proceedings, the Superintendent of Streets shall levy a fee upon said divided or further developed property which is equivalent to what that parcel would have paid had the parcel been divided or further developed at the time of the confirmation of the Assessment District.

Section 3. Any fee so levied by the Superintendent of Streets shall be payable to the final approval of any subdivision, parcel map or planned residential development approval.

Section 4. All fees collected pursuant to this ordinance shall be divided and apportioned between all parcels as of July 1 of each year upon which an assessment or fee for sewer and/or water facilities has been levied. The proportionate share of each parcel for any fees collected at that time shall be paid to the owner of record, as the owner is shown on the last equalized assessment roll used by the County for purposes of tax collection.

Section 5. The Auditor and Comptroller of the City of San Diego shall immediately establish the Alta Vista Sewer and Water Recovery Fund, and shall make the annual apportionments and distributions of the fees deposited, as set forth above.

Section 6. This ordinance shall be in full force and effect from and after thirty days after its passage.

Section 7. This ordinance shall remain in full force and effect until July 2, 1998, and there shall be no further obligation after that date to make any further collections from property owners or distributions and apportionments of any fees collected.

APPROVED: John W. Witt, City Attorney

BY



John K. Riess
Deputy City Attorney

JKR:smm
3/31/83
Or.Dept:E&D
Form=o.none

Passed and adopted by the Council of The City of San Diego on MAY 2 1983,
 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"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksma	<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"/>	
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant

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

(Seal) CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.
 By Barbara Berridge, 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

APR 19 1983, and on MAY 2 1983
~~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.

(Seal) CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.
 By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>O-15952</u>	Adopted <u>MAY 2 1983</u>