

ORDINANCE NUMBER O- 16004 (New Series)

Adopted on JUL 11 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF SAN DIEGO AND KACOR
DEVELOPMENT COMPANY.

WHEREAS, KACOR DEVELOPMENT COMPANY (hereinafter referred to as "KACOR") is the owner of approximately 75 acres of property, located on the south side of Mira Mesa Boulevard, between Lusk Boulevard and Parkdale Avenue, within the Mira Mesa Community Plan; and

WHEREAS, the San Diego City Council stated its intention to initiate proceedings to establish a Facilities Benefit Assessment District for the Mira Mesa Community Plan area by adopting Resolution No. R-253301; and

WHEREAS, the Facilities Benefit Assessment District is necessary to construct certain needed capital facilities, including, but not limited to, streets, parks and a fire station; and

WHEREAS, it will be some time before the Facilities Benefit Assessment District or other financing mechanism is approved and in place; and

WHEREAS, KACOR is desirous of proceeding with development of its property within the Mira Mesa Community Plan immediately; and

WHEREAS, KACOR has an approved Tentative Map No. 83-0051 which requires, as a condition thereto, that as an alternative to a means of financing necessary public improvements within the

Mira Mesa Community Plan, KACOR may enter into an agreement with The City of San Diego agreeing thereby to the payment of an estimated Facilities Benefit Assessment fee; and

WHEREAS, KACOR and The City of San Diego have mutually agreed to enter into a Development Agreement, in compliance with said condition of Tentative Map No. 83-0051; and

WHEREAS, The City of San Diego, a charter city, is authorized pursuant to its charter and self-rule powers, San Diego Municipal Code, Sections 105.0101 et seq., and Government Code, Sections 65864-65869.5 to enter into binding development agreements with persons having legal or equitable interest in real property for the development of such property in order to establish certainty in the development process; and

WHEREAS, on June 2, 1983, the Planning Commission of The City of San Diego, after giving notice pursuant to Government Code, Sections 65854, 65854.5 and 65856, held a public hearing on KACOR's application for a Development Agreement and pursuant to said public hearing recommended approval of said Development Agreement; and

WHEREAS, the San Diego City Council finds the Development Agreement consistent with the objectives, policies and programs specified in The City of San Diego Progress Guide and General Plan, the Mira Mesa Community Plan, the M-1B Zone, Tentative Map No. 83-0051, as well as other applicable policies and regulations of The City of San Diego; and

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

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

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

A. It is consistent with the objectives, policies, programs and uses specified in the General Plan and the Mira Mesa Community Plan.

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

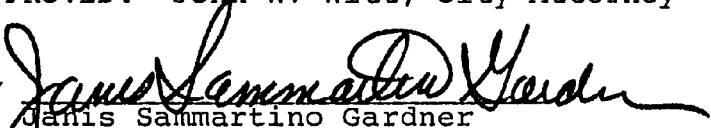
C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

Section 3. The City Council hereby approves the Development Agreement, a copy of which is on file in the office of the City Clerk as Document No. 00-16004, and authorizes and directs the City Manager to execute said Agreement in the name of The City of San Diego not later than fifteen (15) days following the effective date of this Ordinance. Failure of KACOR to execute the Development Agreement within said fifteen (15) days, shall render this action null and void. The City Clerk is directed to record said Agreement and this Ordinance with the County Recorder of San Diego County within ten (10) days after its execution.

Section 4. 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


Janis Sammartino Gardner
Deputy City Attorney

JSG:ib 623.11
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REV. 7/15/83
O-83-256
Or.Dept:Plan.
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Passed and adopted by the Council of The City of San Diego on JUL 11 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struiksmas	<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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 0-16004 Adopted JUL 11 1983