

(O-84-42)

ORDINANCE NUMBER O- 16051 (New Series)

Adopted on SEP 26 1983

AN ORDINANCE TO CREATE A COST RECOVERY DISTRICT  
WITHIN THE LOPEZ CANYON COLLECTOR SEWER AND  
RETENTION BASIN 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 services in the Lopez Canyon 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. 3990

(LOPEZ CANYON SEWER AND RETENTION BASIN)

and

WHEREAS, said Assessment District is needed at this time, inasmuch as those properties within the Lopez Canyon Area are not adequately served with 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 services are not at this time being oversized, but are adequately sized to handle certain

future development; and

WHEREAS, the development of additional acreage would allow those parcels to utilize the services provided by the Assessment District without having to pay for additional 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 parcel or combination of parcels of land within the original boundaries of Assessment District No. 3990 is divided or developed, and the original parcel or parcels was being served by sanitary sewer services constructed under the Assessment District proceedings, the Superintendent of Streets shall levy a fee upon said divided or developed property which is equivalent to what that parcel would have paid had the parcel been divided or 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 at the final approval of any subdivision, parcel map or planned residential development.

Section 4. All fees collected pursuant to this ordinance shall be deposited in the Bond Redemption Fund of the Assessment District No. 3990.

Section 5. This ordinance shall be in full force and effect from and after thirty days after its passage.

Section 6. This ordinance shall remain in full force and effect until July 2, 1999, and there shall be no further obligation after that date to make any further collections from property owners.

APPROVED: John W. Witt, City Attorney

By   
John K. Riess  
Deputy City Attorney

JKR:smm  
8/12/83  
O-84-7  
Or.Dept:E&D  
Form=o.none

0 - 16051

SEP 26 1983

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, 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 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 *Maysee L. Posticow*, 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

SEP 12 1983

SEP 26 1983

\_\_\_\_\_, and on \_\_\_\_\_.

~~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 *Maysee L. Posticow*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number

0-16051

Adopted

SEP 26 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
ATTN: MAYDELL L. PONTECORVO  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16051

**ORDINANCE NO. O-16051  
(New Series)**

**AN ORDINANCE TO CREATE A COST RECOVERY DISTRICT WITHIN THE LOPEZ CANYON COLLECTOR SEWER AND RETENTION BASIN ASSESSMENT DISTRICT AREA.**

The Lopez Canyon Assessment District provides a sanitary sewer. The assessments for the sewer system are levied upon the property based upon currently approved densities. Some of the property may be able to develop at a slightly greater density. If a density increase occurs, this ordinance will charge an additional fee equal to what the developer would have been assessed. The additional fee would go into the bond redemption fund.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Passed and adopted by the Council of The City of San Diego on SEPTEMBER 26, 1983, by the following vote:

YEAS: Michael, Cleator, McColl, Jones, Struifema, Gotch, Murphy, Martinez, Mayor Hedgecock

NAYS: None

NOT PRESENT: None

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 MAYDELL L. PONTECORVO, 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 SEPTEMBER 12, 1983, and on SEPTEMBER 26, 1983.

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 MAYDELL L. PONTECORVO, Deputy.

Publish Oct. 10, 11, 1983

60-1082

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16051  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 10, 11, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of Oct., 1983.

7 3/4" X 8.87 X 8.25 = 132.68

Carrie Gedeon

(Signature)

01150