

(O-84-60)

ORDINANCE NUMBER O-16061 (New Series)

Adopted on OCT 10 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND WATT INDUSTRIES/SAN DIEGO, INC.

WHEREAS, WATT INDUSTRIES/SAN DIEGO, INC. (hereinafter referred to as "WATT") is the owner of approximately 785 acres of property, located east of El Camino Real, between San Dieguito Road and Via de la Valle, within the Specific Plan on file in the office of the City Clerk as Document No. R-256124; and

WHEREAS, the San Diego City Council stated its intention to have WATT pay its fair share to construct needed capital facilities in the North City area by the approval of Tentative Map (T.M. No. 02-199, later revised T.M. No. 83-0335, May 31, 1983); and

WHEREAS, WATT has an approved Tentative Map No. 83-0335 which requires, as a condition thereto, that as an alternative to a means of financing necessary public improvements within the specific plan on file in the office of the City Clerk as Document No. R-256124, WATT shall enter into an agreement with The City of San Diego agreeing thereby to the payment, on a pro rata share basis, of estimated fees necessary to construct needed capital facilities in the North City area; and

WHEREAS, WATT and The City of San Diego have mutually agreed to enter into a Development Agreement, in compliance with said condition of Tentative Map No. 83-0335; 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 July 7, 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 WATT's application for a development agreement and pursuant to said public hearing recommended approval of said Development Agreement by adoption of Resolution No. 4503; 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 Specific Plan on file in the office of the City Clerk as Document No. R-256124, the A-1-1 Zone, Tentative Map No. 83-0335, as well as other applicable policies and regulations of The City of San Diego; and

WHEREAS, after due notice, the San Diego 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 Development 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 San Diego City Council finds and determines the facts stated above to be true.

Section 2. The San Diego 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 Specific Plan on file in the office of the City Clerk as Document No. R-256124.

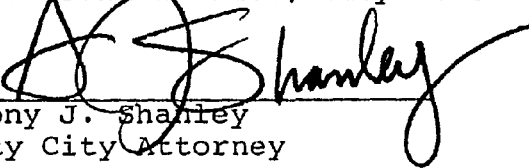
B. It will not be detrimental to the public health, safety and general welfare.

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 San Diego City Council hereby approves the Development Agreement, a copy of which is on file in the office of the City Clerk as Document No. 00-16061, and authorizes and directs the City Manager to execute said Development 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 WATT 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 Development 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   
Anthony J. Shanley  
Deputy City Attorney

AJS:ta:600.2  
9/14/83  
O-84-60  
Or.Dept:Plan.  
Form=O.none

Passed and adopted by the Council of The City of San Diego on JCT 10 1983,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 Ellen Board, 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 27 1983, and on JCT 10 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.

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

(Seal)

By Ellen Board, Deputy.

RECEIVED  
 CITY CLERK'S OFFICE  
 16 AM 9:51  
 SEP 16 1983  
 SAN DIEGO, CALIF.  
 CC-1255-A (REV. 6-83)

Office of the City Clerk, San Diego, California

Ordinance Number 0-16061 Adopted OCT 10 1983

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