

(O-84-71)

ORDINANCE NUMBER O- 16073
Adopted on OCT 31 1983

WHEREAS, The City of San Diego recognizes that development of the hereinafter described portion of Otay Mesa would result in additional jobs, housing, industrial production and international commerce for the San Diego region; and

WHEREAS, The City of San Diego has the capability to ensure successful development of said portion of Otay Mesa; and

WHEREAS, Section 99 of the Revenue and Taxation Code provides that no annexation shall become effective until each county and city whose service areas or service responsibilities would be altered by such jurisdictional change agrees, by resolution, to accept the negotiated exchange of property tax revenues; and

WHEREAS, Section 99 of the Revenue and Taxation Code provides that a county and any local agency within the county may adopt a master property tax transfer agreement; and

WHEREAS, The City of San Diego and The County of San Diego are parties to a Master Property Tax Transfer Agreement that is in effect for all pending and future jurisdictional changes until November 1, 1984; and

WHEREAS, the Master Property Tax Transfer Agreement provides that by mutual consent of both the City and the County of San Diego, property tax exchanges can be negotiated outside the bounds of the Agreement; and

WHEREAS, designated representatives of the San Diego City Council and the San Diego County Board of Supervisors have negotiated an exchange of property tax revenues for the proposed annexation of the hereinafter described portion of Otay Mesa; and

WHEREAS, on September 13, 1983, the San Diego Board of Supervisors adopted Resolution No. 11, entitled, "Resolution Regarding Property Tax Exchange and Other Terms and Conditions for Annexation of Otay Mesa Lands to the City of San Diego," attached hereto as Exhibit B, whereby the San Diego County Board of Supervisors agreed to the apportionment of property tax revenues and other terms and conditions in consideration for the City's concurrence in said apportionment; NOW, THEREFORE,

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

1. That The City of San Diego hereby agrees with The County of San Diego to the following apportionment of property tax revenues from the portion of Otay Mesa described in Exhibit A after the effective date of its annexation to The City of San Diego.

For all years following the effective date of the annexation of said portion of Otay Mesa by The City of San Diego, the County Auditor shall adjust the amount of property tax revenue determined pursuant to Section 96 or 97 of the Revenue and Taxation Code, as amended from time to time, for The City of San Diego and The County of San Diego, as follows:

- I. Undeveloped Property.

(a) No base property tax revenues shall be transferred.

(b) The annual tax increment shall be adjusted such that The City of San Diego receives thirty percent (30%) of the combined (pooled) County and detaching special districts' share of the annual tax increment. The balance of the annual tax increment shall be transferred to the County General Fund. The resulting percentage distribution of the annual tax increment shall be maintained in subsequent years unless another apportionment is agreed to by the City and the County.

II. Developed Property.

(a) The City of San Diego shall receive 17.5 percent of the County's and detaching special districts' base property tax revenue from each annexed parcel.

(b) The property tax increment shall be adjusted such that The City of San Diego receives thirty percent (30%) of the combined (pooled) County and detaching special districts' share of the annual tax increment. The balance of the annual tax increment shall be transferred to the County General Fund. The resulting percentage distribution of the annual tax increment shall be maintained in subsequent years unless another

apportionment is agreed to by the City and the County.

(The definitions used in the Master Property Tax Transfer Agreement approved by The City of San Diego on June 10, 1981, and by The County of San Diego on June 16, 1981, shall be applicable to the agreed apportionment of property tax revenues specified above.)

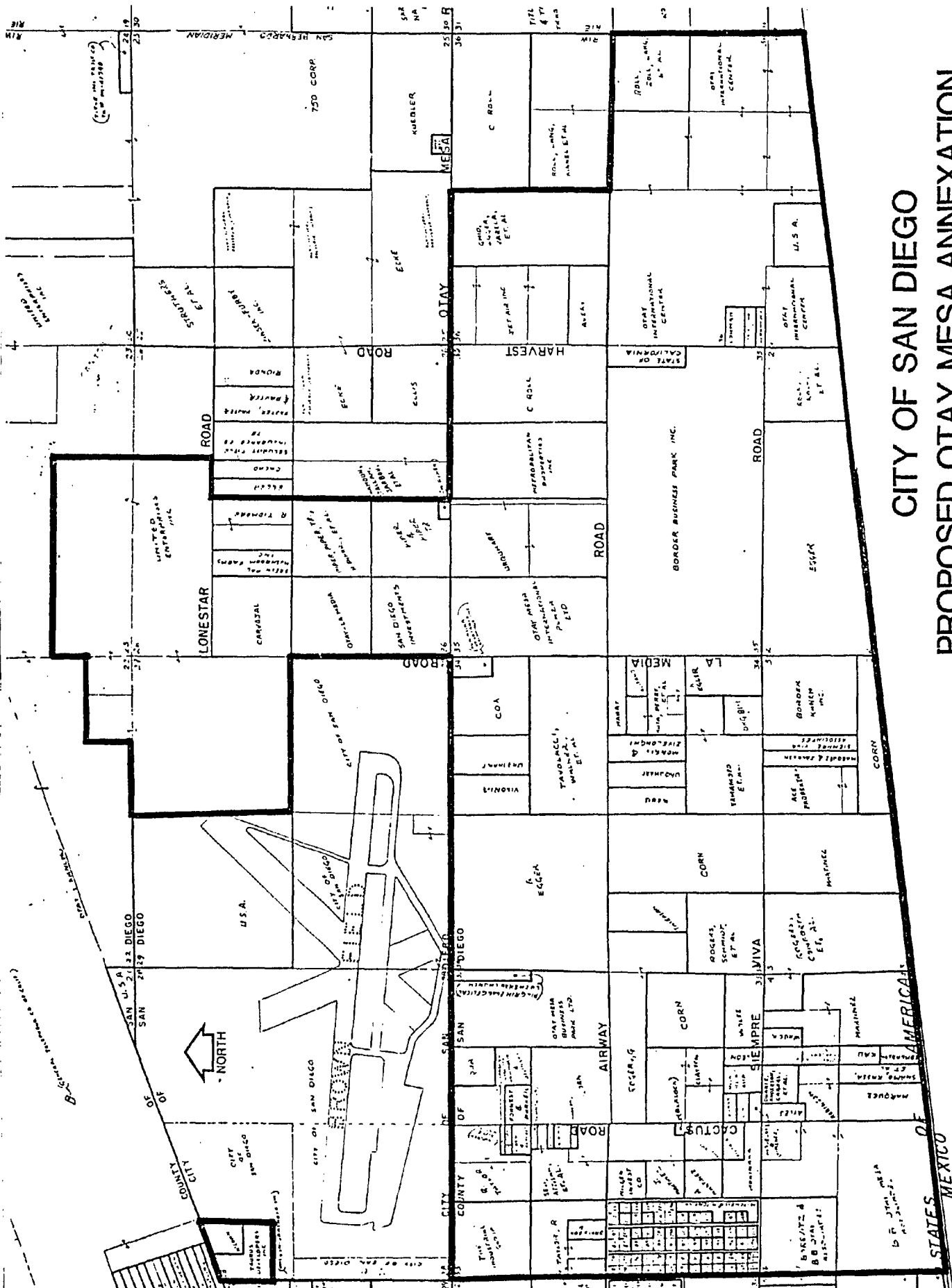
2. That the above-described apportionment of property tax revenues for the portion of Otay Mesa described in Exhibit A shall only apply to that area and shall not apply to any other portion of Otay Mesa or to any other area which may be annexed by The City of San Diego.

3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Thomas F. Steinke
Thomas F. Steinke
Deputy City Attorney

TFS:ta:160.8
9/22/83
O-84-71
Or.Dept:Fin.Mgmt.
Form=o.none



**CITY OF SAN DIEGO
PROPOSED OTAY MESA ANNEXATION**

EXHIBIT A

0-16073

01275

CITY OF SAN DIEGO
PROPOSED OTAY MESA ANNEXATION

Legal Description

All those portions of Sections 22, 23, 26, 27, 28, 33, 34, 35 and 36, T18S, R1W, and Sections 1, 2, 3, 4, T19S, R1W, according to Official Plat thereof more particularly described as follows:

Parcel 1

Beginning at the common corner of Sections 28, 29, 32 and 33, T18S, R1W; thence Easterly along the Northerly line of said Sections 33 and 34 to the common corner of Sections 26, 27, 34 and 35, T18S, R1W; thence Northerly along the Easterly line of said Section 27 to the East Quarter corner of said Section 27; thence Westerly along the Southerly line of the North half of said Section 27 to the center of said Section 27; thence Northerly along the Westerly line of the East half of said Section to the North Quarter corner of said Section 27; thence Easterly along the North line of said Section 27 to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 22; thence Northerly along the Westerly line of said Southeast Quarter of the Southeast Quarter of Section 22 to the Northwest corner of the south half of the Southeast Quarter of the Southeast Quarter of Section 22; thence Easterly along the Northerly line of the South half of the Southeast Quarter of the Southeast Quarter of Section 22 to the common boundary of Sections 22 and 23, T18S, R1W; thence Northerly along said common boundary to the Northwest corner of the South half of the South half of said Section 23; thence Easterly along the Northerly line of said South half of the South half of Section 23 to the Northeast corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 23; thence Southerly along the Easterly line of the Westerly half of the Westerly half of the Southerly half of the Southerly half of said Section 23 and the Easterly line of the Westerly half of the Westerly half of the Northerly half of the Northerly half of said Section 26 to the Southerly line of said Northerly half of the Northerly half of Section 26; thence Westerly along said Southerly line to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 26; thence Southerly along the Easterly line of said Southeast Quarter of the Northwest Quarter and the Easterly line of the Southwest Quarter of said Section 26 to the common boundary of said Sections 26 and 35; thence Easterly along said common boundary of Sections 26 and 35 and the common boundary of Sections 25 and 36, T18S, R1W to the North Quarter corner of said Section 36; thence Southerly along the Easterly line of the West half of said Section 36 to the center of said section; thence Easterly along the Northerly line of the South half of said Section 36 to the East Quarter corner of Section 36; thence Southerly along the common meridian line between R1W and R1E to the International Boundary between the United States of America and Mexicō; thence Westerly along said International Boundary to the Westerly line of Section 4, T19S, R1W; thence Northerly along said Westerly line and the common boundary between Sections 4 and 5, T19S, R1W and the common boundary of Sections 32 & 33, T18S, R1W, returning to the Point of Beginning.

Parcel 2

Beginning at the intersection of the Westerly line of said Section 28, T18S, R1W, with the Southeasterly line of Otay Rancho; thence Southerly along said Westerly line of Section 28 to the Northerly line of that certain parcel of land known as Brown Field Airport acquired by the City of San Diego by deed dated October 4, 1962 and recorded October 8, 1962 as Document 1731651 of Official Records of the County Recorder of San Diego County; thence along said Northerly line of Brown Field Airport, South 88°52'32" East, 1,030.82 feet (record per ROS3983, 1,069.11 feet) to an angle point in said Brown Field Airport Boundary; thence North 00°10'22" East, 1,246.98 feet to the Southeasterly line of said Otay Rancho; thence Southwesterly along said Southeasterly line of Otay Rancho returning to the Point of Beginning.

EXHIBIT B

No. 11

TUESDAY, SEPTEMBER 13, 1983

RESOLUTION RE PROPERTY TAX EXCHANGE AND OTHER
TERMS AND CONDITIONS FOR ANNEXATION OF OTAY MESA LANDS
TO THE CITY OF SAN DIEGO

On motion of Supervisor Hamilton, seconded by
Supervisor Williams, the following resolution is adopted:

WHEREAS, the County of San Diego recognizes that development of the hereinafter described portion of Otay Mesa would result in additional jobs, housing, industrial production and international commerce for the San Diego region; and

WHEREAS, the County of San Diego believes that the City of San Diego has the capability to ensure successful development of said portion of Otay Mesa; and

WHEREAS, Section 99 of the Revenue and Taxation Code provides that no annexation shall become effective until each county and city whose service areas or service responsibilities would be altered by such jurisdictional change agrees, by resolution, to accept the negotiated exchange of property tax revenues; and

WHEREAS, Section 99 of the Revenue and Taxation Code provides that a county and any local agency within the county may adopt a master property tax transfer agreement; and

WHEREAS, the County of San Diego and the City of San Diego are parties to a Master Property Tax Transfer Agreement that is in effect for all pending and future jurisdictional changes until November 1, 1984; and

WHEREAS, the Master Property Tax Transfer Agreement provides that by mutual consent of both the County and an affected city, property tax exchanges can be negotiated outside the bounds of the Agreement; and

WHEREAS, designated representatives of the County Board of Supervisors and the San Diego City Council have negotiated an exchange of property tax revenues for the proposed annexation of the hereinafter described portion of Otay Mesa; and

WHEREAS, Board and Council representatives have negotiated other terms and conditions attaching to the proposed annexation of Otay Mesa lands; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED, that the County of San Diego approves and supports the proposed annexation by the City of San Diego of that portion of Otay Mesa shown and described in the attached map and legal description (Exhibit A).

EXHIBIT B

The County further urges that all persons and agencies involved in the annexation process proceed as expeditiously as possible to complete said process.

IT IS FURTHER RESOLVED, ORDERED AND DETERMINED that the County of San Diego hereby agrees with the City of San Diego to the following apportionment of property tax revenues from the portion of Otay Mesa described in Exhibit A after the effective date of its annexation to the City of San Diego:

For all years following the effective date of the annexation of said portion of Otay Mesa by the City of San Diego, the County Auditor shall adjust the amount of property tax revenue determined pursuant to Section 96 or 97 of the Revenue and Taxation Code, as amended from time to time, for the County of San Diego and the City of San Diego as follows:

1. Undeveloped Property

- (a) No base property tax revenues shall be transferred.
- (b) The annual tax increment shall be adjusted such that the City of San Diego receives thirty percent (30%) of the combined (pooled) County and detaching special districts' share of the annual tax increment. The balance of the annual tax increment shall be transferred to the County General Fund. The resulting percentage distribution of the annual tax increment shall be maintained in subsequent years unless another apportionment is agreed to by the County and the City.

2. Developed Property

- (a) The City of San Diego shall receive 17.5% of the County's and detaching special districts' base property tax revenue from each annexed parcel.
- (b) The property tax increment shall be adjusted such that the City of San Diego receives thirty percent (30%) of the combined (pooled) County and detaching special districts' share of the annual tax increment. The balance of the annual tax increment shall be transferred to the County General Fund. The resulting percentage distribution of the annual tax increment shall be maintained in subsequent years unless another apportionment is agreed to by the County and the City.

(The definitions used in the Master Property Tax Transfer Agreement approved by the County of San Diego on June 16, 1981 and by the City of San Diego on June 10, 1981 shall be applicable to the agreed apportionment of property tax revenues specified above.)

IT IS FURTHER RESOLVED, ORDERED AND DETERMINED that the apportionment of property tax revenues for the above described portion of Otay Mesa shall only apply to that area and shall not apply to any other portion of Otay Mesa or to any other area which may be annexed by the City of San Diego. County does, however, agree to use the City's standard methodology for estimating costs and revenues for the purposes of arriving at appropriate tax-sharing agreements between the County and the City pertaining to the possible future annexations by the City of portions of Otay Mesa, other than the area described above.

IT IS FURTHER RESOLVED, ORDERED AND DETERMINED that the County of San Diego agrees that the City of San Diego should be the conducting agency for the Local Agency Formation Commission annexation process.

IT IS FURTHER RESOLVED, ORDERED AND DETERMINED that the County agrees that the City of San Diego is the appropriate public agency to provide sewer service in the above described portion of Otay Mesa proposed for annexation.

IT IS FURTHER RESOLVED, ORDERED AND DETERMINED that County staff is hereby directed to develop a process by which property owners and/or developers in the unincorporated area of the County who benefit from public facilities constructed in the above described portion of Otay Mesa can be required to pay their fair share of the cost of constructing such facilities.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY Arne Hanson
DEPUTY

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 13th day of September, 1983 by the following vote:

AYES: Supervisors Hamilton, Fordem, Boarman, Williams & Eckert
NOES: Supervisors None
ABSENT: Supervisors None
- - -

STATE OF CALIFORNIA)
County of San Diego) ss.

I, PORTER D. CREMANS, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 13th day of September, 1983 (11).

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Barbara Thureson
Barbara Thureson

Deputy

(SEAL)

0 - 16073

01281

Passed and adopted by the Council of The City of San Diego on OCT 31 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 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.
 By June A. Blackwell, Deputy.

(Seal)

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

OCT 17 1983, and on OCT 31 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.
 By June A. Blackwell, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16073</u>	Adopted <u>OCT 31 1983</u>