

(O-84-74)

ORDINANCE NUMBER O- 16075 (New Series)

Adopted on OCT 31 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF SAN DIEGO, AND ROBERT T. AND  
RAEDENE CURRY.

WHEREAS, Robert T. and Raedene Curry (hereinafter referred to as "Curry") are the owners or equitable owners of that certain real property consisting of approximately 47.3 acres located within the Miramar Ranch North Community planning area; and

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

WHEREAS, the parties desire to enter into this Development Agreement relating to the above-described real property in conformance with the provisions of the Government Code in order to achieve the development of residential uses together with the provision of public services, public uses and urban infrastructure all in the promotion of the health, safety, and general welfare of the City of San Diego; and

WHEREAS, the property is located within the boundaries of the Miramar Ranch North Community planning area. This community plan was adopted by the City Council on March 4, 1980, by Resolution No. R-251317. By Resolution No. R-251316 the City Council certified the information contained in the Environmental Impact Report for compliance with the California Environmental Quality Act of 1970. In addition, the findings of the Environmental Impact Report were approved in Resolution No. R-251318; and

WHEREAS, the subject property is comprised of residential designation within the Miramar Ranch North Community Plan. Scripps Midlands Tentative Map No. 83-0364 and Planned Residential Permit No. 83-0364 have been approved for the property. A mitigated negative declaration, EQD. No. 830364, has been adopted for the project; and

WHEREAS, in return for the participation and commitment to provide a pro rata share of public facilities and the significant contribution of private resources for public purposes, the City in return, desires to make a commitment for certainty in the development process; and

WHEREAS, September 22, 1983, the Planning Commission of The City of San Diego, after giving notice pursuant to Government Code Sections 65854, 65854.5, 65856, and Section 105.0103 of the San Diego Municipal Code held a public hearing on the application for the Development Agreement; and

WHEREAS, the Council of The City of San Diego, after providing public notice as required by law, held a public hearing on Curry's application and pursuant to said public hearing recommended approval of the Development Agreement; and

WHEREAS, the City Council finds that the Development Agreement is consistent with the Progress Guide and General Plan and the Miramar Ranch North Community Plan, as well as all 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 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 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 Miramar Ranch North Community Plan.

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

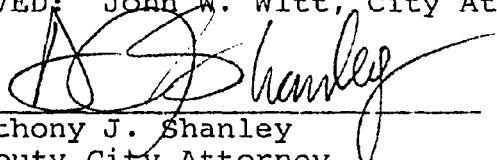
C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

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. 00-16075, 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 Curry 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

  
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Anthony J. Shanley  
Deputy City Attorney

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Or.Dept:Plan.  
Form=o.none

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 Struikma	<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 18 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 0-16075 Adopted OCT 31 1983

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