

ORDINANCE NUMBER O- 18176 (NEW SERIES)

ADOPTED ON MAY 15 1995

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 61.2210 RELATING TO PAYMENT OF BENEFIT ASSESSMENTS.

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

Section 1. That Chapter VI, Article 1, Division 22, of the San Diego Municipal Code be and the same is hereby amended by amending Section 61.2210 to read as follows:

SEC. 61.2210 Payment of Benefits Assessments

(a) Regular Payment

After the adoption by the City Council of its Resolution of Designation, no building permits shall be issued for development on any land included within the Area of Benefit unless and until the Facilities Benefit Assessments established by the Resolution of Designation for such lands have been paid. The Facilities Benefit Assessment shall be paid by the landowner upon the issuance of building permit(s) for development or at such time as the Capital Improvement Program for the Area of Benefit in which the assessed land is located calls for the commencement of construction of the Public Facilities Project. In the event that a landowner desires to proceed with development of a portion of the landowner's property,

based on a phased development program, which is subject to a lien for the total amount of Facilities Benefit Assessments as provided in this Division, the landowner may obtain building permits for the development phase after paying a portion of the Facilities Benefit Assessments and making provision for payment of the remainder of the Facilities Benefit Assessments to the satisfaction of the City Manager. Money received by the City as payment of the Facilities Benefit Assessments shall be deposited in a special fund established for the Area of Benefit and shall thereafter be expended solely for the purposes for which it was assessed and levied. Upon payment of the Facilities Benefit Assessments as provided in this Division, the lien which attaches pursuant to Section 61.2209 shall be discharged. In the event the partial payment is made based on a phased construction program, the City shall release the portion of the property for which building permits have been issued from the lien of the Facilities Benefit Assessment.

(b) Deferred Payment in Certain Circumstances

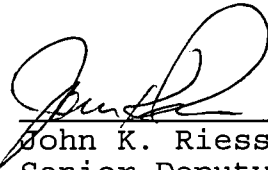
Payment on assessments may be deferred for developments located in Facility Benefit Assessment areas that have sufficient cash balances to fund existing programmed facilities for the next two fiscal years.

Section 2. When a payment of facilities benefit assessment is deferred, the lien shall not be released until full payment at the then current FBA rate is made.

Section 3. No building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 4. 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 

John K. Riess
Senior Deputy City Attorney

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