

(O-2003-75)

ORDINANCE NUMBER O- 19150 (NEW SERIES)

ADOPTED ON FEB 18 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO PACIFIC HIGHLANDS RANCH - SUBAREA III NCFUA COMMUNITY PARK SITE PURCHASE AGREEMENT.

WHEREAS, the Council of the City of San Diego has approved the Pacific Highlands Ranch Subarea III Plan; and

WHEREAS, the Pacific Highlands Ranch Subarea III Plan provides for community facilities including a planned community park and a planned public high school proposed by the San Dieguito Union High School District [District]; and

WHEREAS, with respect to the planned Community Park, the City of San Diego has entered into the Pacific Highlands Ranch - Subarea III NCFUA Community Park Site Purchase Agreement [Park Purchase Agreement] with Pardee Homes to provide for the City's acquisition of property for the community park [Park Site]; and

WHEREAS, representatives of the City, Pardee Homes, and the District have reviewed the proposed location for the new high school in Pacific Highlands Ranch and have determined that the location of the high school as planned by the District conflicts with the planned Park Site; and

WHEREAS, Pardee, in coordination with the District, have identified an alternative location for the community park and the District is negotiating with the property owner to purchase that property [Alternative Park Site]; and

WHEREAS, representatives of the City have reviewed the proposal by Pardee and the District to substitute the Alternative Park Site for the Park Site and confirmed that it would be suitable as the location for the community park; and

WHEREAS, the District has represented that there is an urgent need to resolve the location of the community park so that final processing of the District's high school construction plans and specifications can proceed; and

WHEREAS, the District has agreed to proceed to purchase the property identified as the Alternative Park Site; and

WHEREAS, Pardee Homes and the District have agreed that Pardee may convey to the District the property identified as the Park Site in exchange for the District conveying to Pardee the property identified as the Alternative Park Site; and

WHEREAS, the District is in escrow to purchase the Alternative Park Site; and

WHEREAS, the District represents that it supports the City Council approval of the First Amendment to Pacific Highlands Ranch - Subarea III NCFUA Community Park Site Purchase Agreement [First Amendment] to facilitate the purchase of the property identified as the Alternative Park Site; NOW THEREFORE,

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

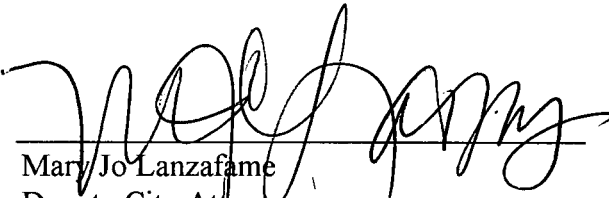
Section 1. That the City Manager is authorized to execute for and on behalf of the City of San Diego, the First Amendment with Pardee Homes, a California corporation, under the terms and conditions set forth in the First Amendment on file in the office of the City Clerk as Document No. OO-19150, contingent upon evidence, satisfactory to the City Manager and City Attorney, that the District has purchased the Alternative Park Site and transferred fee title of same to Pardee Homes.

Section 2. In the event the City Manager and the City Attorney do not receive satisfactory evidence that the District has purchased the Alternative Park Site and transferred fee title of same to Pardee Homes within 180 days of the effective date of this ordinance, this ordinance shall become void.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MIL:pev.
01/07/03
Or.Dept: Plan.
Aud.Cert: N/A
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