

ORDINANCE NUMBER O- 19331 (NEW SERIES)

ADOPTED ON NOV 22 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A 4.4 ACRES, LOCATED ON THE EAST SIDE OF SOUTH 43RD STREET, SOUTH OF LOGAN AVENUE, IN THE SOUTHCREST NEIGHBORHOOD, IN THE SOUTHEASTERN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CT-2 ZONE INTO THE MF-1500 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 103.1706, AND REPEALING ORDINANCE NO. O-16922 (NEW SERIES), ADOPTED AUGUST 3, 1987, OF THE ORDINANCES OF THE CITY OF SAN DIEGO IN SO FAR AS THE SAME CONFLICT HERewith.

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

Section 1. In the event that within three years of the effective date of this ordinance rezoning 4.4 acres, located at the southeast corner of South 43rd Street and Logan Avenue, and more fully described in the legal description attached hereto and incorporated by reference as Attachment 1, in the Southeastern San Diego Community Plan area, in the City of San Diego, California, from the CT-2 zone to the MF-1500 zone, as shown on Zone Map Drawing No. B-4214, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] section 103.1706 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the MF-1500 zone, as described and defined by SDMC section 103.1706, the boundary of such zone to be as indicated on Zone Map Drawing No. 4214, filed in

the office of the City Clerk as Document No. OO- 19331 . The zoning shall attach only to those areas included in the map as provided in this section.

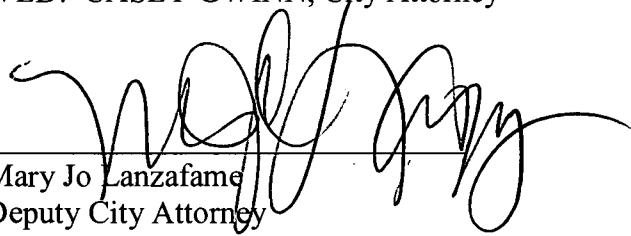
Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. O-16922 (New Series), adopted August 3, 1987, is repealed insofar as it conflicts with the rezoned uses of the land.

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. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
10/21/04
Or.Dept:DSD
O-2005-52
mms#949

Legacy Walk Legal Description of Property to be rezoned.

BEING A PORTION OF LOT 4 OF CARUTHERS ADDITION, BEING A SUBDIVISION OF LOTS 57, 28, 59 AND 60 OF EX MISSION LANDS AS SURVEYED BY M.G. WHEELER FOR A.E. NORTON JANUARY 18, 1874, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 1, 1880, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE WESTERLY 315.70 FEET OF THE NORTH HALF OF SAID LOT AND THE WESTERLY 245 FEET OF THE SOUTH HALF OF SAID LOT 4

EXCEPTING THOSE PORTIONS LYING WITHIN PARCELS 10A, 11A AND 12A AS DESCRIBED IN THOSE CERTAIN FINAL ORDERS OF CONDEMNATION PER DOCUMENT NO. 1999-0541041, RECORDED AUGUST 5, 1999 AND PARCELS 13A, 13B AND 14A OF DOCUMENT NO. 1998-155847, RECORDED MARCH 23, 1998, BOTH OF OFFICIAL RECORDS.

ALSO EXCEPTING THOSE PORTIONS LYING WITHIN LOGAN AVENUE, 43rd STREET AND NEWTON AVENUE.