

#530  
5/2/06

ORDINANCE NUMBER O- 19489 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 10 2006

AN ORDINANCE APPROVING A NONEXCLUSIVE  
CHILLED WATER FRANCHISE AGREEMENT BETWEEN  
THE CITY OF SAN DIEGO AND JMIR-CHILLED WATER  
LLC.

WHEREAS, under California law and the San Diego City Charter, the City of San Diego [City] has the right to grant a franchise to any person, firm, or corporation for the right to use the City's public right-of-way for the purpose of constructing, maintaining, and operating works for a Chilled Water System; and

WHEREAS, JMIR-Chilled Water LLC desires to obtain a non-exclusive franchise to locate, place, install, operate, control, and maintain a Chilled Water System in the City's public right-of-way for the purpose of serving temperature controlled water for, among other purposes, heat transfer, to facilities located in the Ballpark District in the City of San Diego; and

WHEREAS, the right to occupy portions of the City's Streets for the purpose of providing the temperature controlled water is a valuable economic privilege, the economic benefit of which should be shared with all the taxpayers of the City; and

WHEREAS, JMIR-Chilled Water LLC is willing to compensate the City in exchange for a grant of location and the right to use and physically occupy portions of the City's Streets; and

WHEREAS, the City has determined that entering into this non-exclusive Chilled Water Franchise Agreement on the terms set forth therein shall serve the public interest by providing the City and its residents with temperature controlled water in the Ballpark District; NOW, THEREFORE,

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