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ORDINANCE NUMBER O- 19843 (NEW SERIES)

DATE OF FINAL PASSAGE APR 22 2009

AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE USE AGREEMENT WITH SAN DIEGO GAS & ELECTRIC FOR THE 2.20 ACRE PORTION OF THE LINDA VISTA TERRACE PARK.

WHEREAS, pursuant to the Site Development Permit and Substantial Conformance Review conditions [Permit Conditions] for the development of Pacific Ridge Apartment Homes (formerly known as Uniti on the Hill), the Irvine Company [Developer] shall, among other things, acquire and develop at Developer's expense at least 2.20 usable acres of San Diego Gas & Electric [SDG&E] property for off-site public park purposes [Project], contingent upon the California Public Utilities Commission's [CPUC] approval of the sale of the land to the Developer; and

WHEREAS, the City and SDG&E are entering into the subject Cooperative Use Agreement, on file in the office of the City Clerk as Document No. OO 19843 [Cooperative Use Agreement], in accordance with the Permit Conditions, allowing SDG&E to maintain certain rights in the event the CPUC approves the sale of the land to Developer, and the Developer subsequently transfers the Project (including the property) to City; and

WHEREAS, this Cooperative Use Agreement will not become effective unless and until the Cooperative Use Agreement and Grant Deed from Developer to City are recorded; NOW, THEREFORE,

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

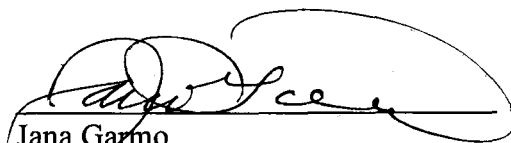
Section 1. That the Mayor is hereby authorized and empowered to execute, for and on behalf of said City, the Cooperative Use Agreement with SDG&E on file in the office of the City Clerk as Document No. OO 19843.

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

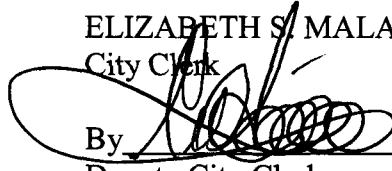
By

  
Jana Garmo  
Deputy City Attorney

JG:cfq  
02/03/09  
Or.Dept:Planning  
O-2009-100  
mms#7683

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 14 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-22-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor