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(R-2012-604)

RESOLUTION NUMBER R- 307609

DATE OF FINAL PASSAGE JUL 31 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ORDERING THE DESIGNATION OF AN AREA OF BENEFIT IN NORTH UNIVERSITY CITY AND THE BOUNDARIES THEREOF AND ESTABLISHING THE AMOUNT OF THE FACILITIES BENEFIT ASSESSMENT AGAINST EACH PARCEL WITHIN THE AREA OF BENEFIT.

WHEREAS, pursuant to San Diego Municipal Code section 61.2200 et seq., on JUN 12 2012, the Council of the City of San Diego adopted Resolution No. R - 307509 declaring its intention to designate an area of benefit within North University City to finance the cost of the public facilities projects identified in the "North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2013," (Financing Plan) on file in the Office of the City Clerk as Document No. RR- 307509, which is incorporated into this Resolution by reference; and

WHEREAS, on JUN 12 2012, the Council adopted Resolution No. R- 307508 approving the Financing Plan; and

WHEREAS, by Resolution No. R- 307509, the Council fixed at 10:00 a.m., or as soon thereafter as the matter may be heard, on JUL 24 2012, 2012, at the City Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California, the time and place for a public hearing to consider the designation of the area of benefit, including the public facilities projects to be financed, the extent of the facilities benefit assessment area of benefit, and the proposed facilities benefit assessments to be levied upon parcels within the designated area of benefit; and

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WHEREAS, the City Clerk has given notices of the passage of the Resolution of Intention, Resolution No. R - **307509**, and of the time and place and purpose of the hearing, as required by San Diego Municipal Code section 61.2205; and

WHEREAS, at the time and place stated in the notices, a hearing was duly held by the Council; and during the course of the hearing, the Financing Plan was duly presented and considered, and all written protests and objections received, if any, were duly presented, read, heard and considered, and all persons appearing at the hearing and desiring to be heard were given that opportunity; and a full, fair and completed hearing was had; and

WHEREAS, the specific public facilities projects, the cost of which is proposed to be charged to the properties located within the area of benefit, are identified in the Financing Plan; and

WHEREAS, a capital improvement program with respect to the public facilities projects is included in the Financing Plan; and

WHEREAS, the proposed boundaries of the facilities benefit assessment area of benefit are shown in the Financing Plan; and

WHEREAS, the method pursuant to which the cost of the public facilities projects are to be apportioned among the parcels within the facilities benefit assessment area of benefit and the estimated amount of the facilities benefit assessments which will be charged to each such parcel is contained in the Financing Plan; and

WHEREAS, the Council has determined that it is necessary to provide for 4 percent annual automatic increases for Fiscal Year 2013 and each year thereafter in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceedings pursuant to San Diego Municipal Code section 61.2212 in order to reflect increases in the cost of money during the period between the

imposition of the facilities benefit assessment, the payment of facilities benefit assessments and completion of the public facilities projects. The annual automatic increase is based on the March to March Construction Cost Index for San Diego/Los Angeles and the August to August Consumer Price Index for San Diego; and

WHEREAS, the amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects is set forth in the Financing Plan; and

WHEREAS, the goal of the Financing Plan is to ensure sufficient funds are available to provide needed community public facilities; NOW, THEREFORE,

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

1. That the foregoing recitals are true and correct and incorporated fully herein by this reference.
2. That the Financing Plan, is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code section 66000 et seq., for imposition of facilities benefit assessments. Specifically, it is determined and found that this documentation:
 - a. Identifies the purpose of the facilities benefit assessment, which is to ensure that each development project pays its proportionate share of funding needed for the public facilities projects necessary to serve new development;
 - b. Identifies the use to which the facilities benefit assessment is to be put, which includes but is not limited to, the funding of public facilities to serve the community as identified in the Community Plan and General Plan. A list of the public facilities projects is shown in the Financing Plan;

c. Demonstrates how there is a reasonable relationship between the facilities benefit assessments use and the type of development project on which the DIF is imposed, which includes the following: The facilities benefit assessment will be used to provide for a proportionate fair share contribution for community infrastructure projects needed to serve both residential and non-residential development based on the increased intensity of the development permitted in accordance with the facilities benefit assessment schedule in effect at the time a building permit is issued. Credit will be given for any existing development;

d. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the facilities benefit assessment is imposed, which includes the following:

(i) Transportation Projects: Both residential development and non-residential development utilize the communities' transportation system, and improvements are necessary based on projected Averaged Daily Trips at full community development, General Plan standards, and the North University City Facilities Phasing Plan.

(ii) Park and Recreation Projects: Residential development utilizes the communities' parks, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iii) Library Project: Residential development utilizes the community libraries, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iv) Fire/Rescue Projects: Residential and Non-Residential development will be served by community Fire/Rescue facilities, and additional facilities are necessary based on the projected population at full community development, General Plan standards, and established emergency response times.

3. The designation of the area of benefit as identified in the Financing Plan is ordered.

4. The establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan is ordered and is effective sixty days from the date of final passage of this resolution.

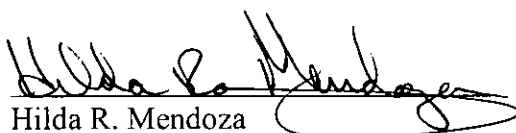
5. The Mayor is authorized and requested to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code section 61.2209(a).

6. The City Clerk is authorized and requested to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(a).

7. The City Clerk is authorized and directed to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(b).

8. The Chief Financial Officer is authorized and directed to transfer, appropriate and expend the subject FBA funds as necessary to ensure timely payment of all North University City public facilities projects identified in the Financing Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:hm:als
05/15/12
Or.Dept:Facilities Financing
Document No. 371690

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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 24 2012.

ELIZABETH S. MALAND
City Clerk

By *[Signature]*
Deputy City Clerk

Approved: 7.31.12
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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