

ORDINANCE NUMBER O- 20411 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 30 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SETTING ASIDE A PORTION OF CERTAIN DEDICATED CITY PARKLAND LOCATED IN THE OTAY MESA COMMUNITY FOR THE OPENING AND MAINTENANCE OF A CITY STREET PURSUANT TO SAN DIEGO CHARTER SECTION 55.

WHEREAS, the City of San Diego is the owner of 50.94 acres of land in the Otay Mesa community which was dedicated for park and recreation purposes on January 1, 2013 (Dedicated Parkland), pursuant to Senate Bill No. 1169 (SB 1169) approved by Governor Jerry Brown on September 7, 2012, and San Diego Charter Section 55 (Charter); and

WHEREAS, the Charter provides for the City Manager to recommend, and the City Council to find and authorize, without a vote of the people, that the public interest demands the opening and maintenance of streets and highways over, through and across City fee owned land which has been formally dedicated by ordinance or statute for park, recreation and cemetery purposes; and

WHEREAS, Article XV of the San Diego Charter transfers to the elected Mayor all administrative powers, duties and responsibilities previously held by the City Manager; and

WHEREAS, the Mayor now recommends that the public interest demands the opening and maintenance, over, through and across a portion of the Dedicated Parkland, for the widening and realignment of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive for increased driver and pedestrian safety; said widening and realignment shall include, but not be limited to, replacement of existing guardrails, and adding two Class II bicycle lanes, two

sidewalks with curb and gutter, driveways, pedestrian ramps, vinyl chain-link fence, and street lighting; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

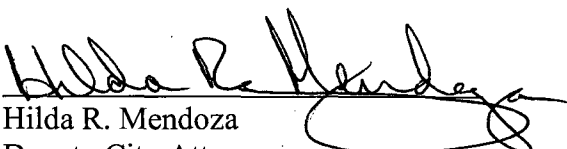
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Council hereby finds that the public interest demands the opening and maintenance, over, through and across a portion of the Dedicated Parkland, for the widening and realignment of Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive, which portion is more particularly described in the document entitled "Streets and Highways Use On Dedicated Parkland," comprised of a legal description and Engineer's Drawing Nos. 38171-1-C, 38171-2-C & 38171-3-C , a copy of which is on file in the Office of the City Clerk as Document No. OO- 20411.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its 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 
Hilda R. Mendoza
Deputy City Attorney

HRM:meb
8/15/2014
Or.Dept:READ
Doc. No.: 838771

Passed by the Council of The City of San Diego on SEP 30 2014, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 30 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on SEP 30 2014, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- **20411**