

ORDINANCE NO. 2592

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTION 17.10.100 TO PERMIT PAYMENT OF REQUIRED FEES 60 DAYS AFTER MAP APPROVAL, AND AMENDING SECTION 18.16.100 TO CLARIFY LANGUAGE ALLOWING BONDS TO BE PROVIDED AFTER MAP APPROVAL

THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 17.10.100 ("Collection and Distribution of Fees") of the Municipal Code is hereby amended to read as follows:

"Section 17.10.100 Collection and Distribution of Fees.

- A. Prior to the recordation by the City of a final subdivision map or recordation by the City of a parcel map or release of either a final subdivision map or parcel map to a developer for recordation, any required fees shall have been paid to the city unless an agreement has been entered into between the City, approved by the City Council, and the map applicant providing for the subsequent payment of the fee but in no event later than 60 days after map approval. Said agreement shall provide that such payment shall be, to the satisfaction of the City Manager and City Attorney, adequately secured by sufficient surety or letter of credit, and which shall further provide for interest from date of final map approval at City's average earnings rates, computed and compounded quarterly, experienced by the City on its average investments (as determined by the City)("Based Interest Rate") for the first 60 days after map approval, and thereafter at the Base Interest Rate plus two percentage points until paid, together with any attorney fees and costs incurred in enforcing said agreement. Notwithstanding any other provision of law, City may withhold final or interim inspection of units for which building permits may have been issued and may withhold issuance of additional building permits, certificates of occupancy if applicable, or any other processing of entitlements on any property or improvements included within the territory of the map so approved or otherwise owned by applicant, until the required fees are received by the City. Any land to be contributed for the purposes outlined in this chapter shall be dedicated to the city and shown on the final subdivision or parcel map at the time of approval. The Director of Finance shall be responsible for the collection and distribution of fees as set forth in this chapter. Fees collected for neighborhood and community parks shall be kept in separate funds. However, the City shall have the ability to shift fee amounts between the neighborhood and community park funds when necessary.
- B. Planned developments shall be eligible to receive a credit as determined by the City Council, against the amount of land required to be dedicated, or the amount of the fee impose, for the value of private open space within the

development which is usable for active recreational uses. Such credit, if given, shall be determined on a case by case basis. (Ord. 2492, §1, 1994; Ord. 2243 §1 (part), 1987; Ord. 1668 §1 (part), 1976)."

Section 2. Section 18.16.100 ("Improvement agreement--To be filed with security instruments--Exception.") is hereby amended to read as follows:

"18.16.100 Improvement agreement--To be filed with security instruments--Exception.

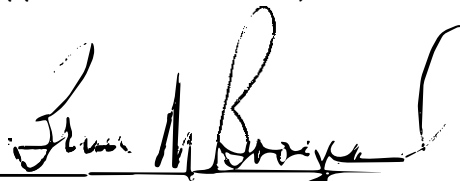
" The subdivision improvement agreement, as set forth in Sections 18.16.190 through 18.16.280 of this chapter, shall be fully executed and submitted for the approval of the city attorney at least eight days prior to city council consideration of the final map. The security instruments, as required herein, should be filed concurrently with the subdivision improvement agreement; provided however, such security instruments may be filed with the city clerk not later than sixty days from the date of approval and acceptance of the final map but the final map shall not be recorded or released to the map applicant for recordation until all security instruments have been properly filed. Failure to comply with this provision, and specifically failure to provide the required security instruments within 60 days of map approval, shall automatically void council approval of the final map and the final map must be resubmitted to the Council for reapproval prior to recordation or release.. In no event shall said map be recorded prior to the submission of necessary security instruments. (Ord. 2592, §2, 1994) Ord. 2100 §1 (part), 1985; Ord. 1369 §2 (part), 1971; prior code §28.303).

Presented by



John Lippitt
Public Works Director

Approved as to form by



Bruce M. Boogaard
City Attorney


PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 24th day May, 1994, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader

NOES: Councilmembers: None

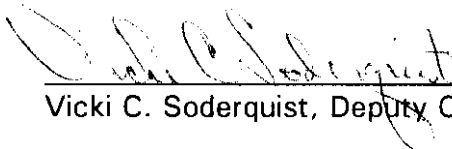
ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Tim Nader, Mayor

ATTEST:




Vicki C. Soderquist, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Vicki C. Soderquist, Deputy City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2592 had its first reading on May 17, 1994, and its second reading and adoption at a regular meeting of said City Council on the 24th day of May, 1994.

Executed this 24th day of May, 1994.



Vicki C. Soderquist, Deputy City Clerk