

**ORDINANCE NO. 1701**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO END THE AVENIDA LA PATA SUPPLEMENTARY ROAD FEE PROGRAM AND REPEAL CHAPTER 15.64 OF THE SAN CLEMENTE MUNICIPAL CODE**

**WHEREAS**, on March 18, 1992, the City Council approved and adopted Ordinance No. 1079 which established the Avenida La Pata Supplementary Fee Program; and

**WHEREAS**, the purpose of the Avenida La Pata Supplementary Fee Program was to establish a mechanism for assessing new development its pro rata fair share of the cost of constructing Avenida La Pata between the City limits and the Ortega Highway in order to mitigate the traffic impacts caused by new development within certain identified benefit zones; and

**WHEREAS**, per the Notice of Completion of Work recorded on December 7, 2018, the Avenida La Pata Avenue Gap Closure/Widening improvement was completed by Sukut Construction, LLC on November 5, 2018; and

**WHEREAS**, both the City and the County territories within the Avenida La Pata Supplementary Road Fee Program Area of Benefit are substantially built-out and no significant future revenue is anticipated to be collected; and

**WHEREAS**, on September 3, 2019, the City Council authorized a final payment of \$364,922 to the County of Orange to fulfill the City's remaining funding obligation for construction of the Avenida La Pata Avenue Gap Closure/Widening improvement; and

**WHEREAS**, any and all Avenida La Pata Supplementary Road Fee Program reimbursement agreements shall be considered null and void; and

**WHEREAS**, this action to end the Avenida La Pata Supplementary Road Fee Program is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**NOW, THEREFORE**, the City Council of the City of San Clemente, California, hereby ordains as follows:

**Section 1:** That the Avenida La Pata Supplementary Road Fee Program, having served and fulfilled its purpose to finance construction of Avenida La Pata, is hereby ended and closed.

**Section 2:** Chapter 15.64 of the Municipal Code of the City of San Clemente titled "Avenida La Pata Supplementary Road Fee Program," is hereby repealed in its entirety.

**Section 3:** The City of San Clemente supports similar action by the County of Orange to end the Avenida La Pata Supplementary Road Fee Program and conclude the County's participation in the City's Regional Circulation Financing and Phasing Program.

**Section 4.** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor Pro Tem of the City of San  
Clemente, California

STATE OF CALIFORNIA        )  
 COUNTY OF ORANGE         ) ss.  
 CITY OF SAN CLEMENTE     )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1701 having been regularly introduced at the meeting of July 7, 2020, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 CITY CLERK of the City of  
 San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
 CITY ATTORNEY