

RESOLUTION NO. 206273 AUG 10 1972

RESOLUTION OF INTENTION TO ESTABLISH TIERRASANTA  
OPEN SPACE MAINTENANCE DISTRICT NO. 1

(TIERRASANTA OPEN SPACE MAINTENANCE DISTRICT)

WHEREAS, Christiana Community Builders, Inc., owner of that property known as Tierrasanta Community, filed with the City Clerk as Document No. 735069 on February 23, 1971, a petition for the formation of a district under the San Diego Park District Procedural Ordinance of 1969; and

WHEREAS, Christiana Community Builders, Inc., and representatives of the City have conferred and are agreed that the San Diego Maintenance District Procedural Ordinance of 1969 is a more appropriate procedure in this case for the maintenance of open space recreational areas; and

WHEREAS, on February 23, 1971, the Council of The City of San Diego adopted a resolution that proceedings should be initiated for the formation of a maintenance district pursuant to the San Diego Maintenance District Procedural Ordinance of 1969 containing those lands of Tierrasanta Community to be benefited by such maintenance and providing further that the City Engineer prepare and file with this Council a preliminary report pursuant to Section 65.0217 of the San Diego Municipal Code; and

WHEREAS, Christiana Community Builders, Inc., proposes to offer to the City of San Diego open space areas in an improved condition within Tierrasanta Community and provide maintenance

until July 1, 1973, as an adjunct to the master plan of Tierrasanta Community; and

WHEREAS, the initial proposed offer, upon formation of the district, will contain certain open space areas with other open space areas to be offered as the residential community developed; and

WHEREAS, the City Engineer's Report (including the map incorporated therein) as required by Section 65.0217 of the San Diego Municipal Code has been considered, approved and filed with the City Clerk as Document No. 741049; NOW, THEREFORE,

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

1. That the public interest, convenience and necessity require and it is the intention of this Council to order the formation and establishment of a maintenance assessment district pursuant to the San Diego Maintenance District Procedural Ordinance of 1969 (commencing with Section 65.0201, San Diego Municipal Code) for the care and maintenance of certain open space areas in the Tierrasanta Community of said City. Said maintenance shall include but is not limited to the removal of brush, litter and debris; the irrigation and pruning of trees; and the cleaning of paths and other surfaced areas.

- a. The subject property to be maintained shall be the open space maintenance areas designated as such in the

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above referenced Engineer's Report (including the map therein) on file in the office of the City Clerk.

b. The facility to be maintained consists of said open space areas and the improvements thereon.

c. Christiana Community Builders, Inc., shall at its own cost and expense perform all necessary maintenance on the open space areas during the first year of operation in accordance with agreements to be approved by the Council. Consequently, no assessments will be made for the cost of the maintenance or incidental expenses of the facility upon the lots or parcels of property within the district described below for the first year. The estimated cost of maintenance to be borne by Christiana Community Builders, Inc., for the first year of maintenance is \$27,368. Following the first year of operation, the renewal of the maintenance district is contemplated. Based on current cost assessments, the annual maintenance assessment will amount to approximately \$4.00 per living unit during the second year of the district.

d. The contemplated maintenance is, in the opinion of the Council, of more than local, ordinary public benefit, and the expenses of such maintenance should be made chargeable upon the district herein described, and the Council does declare said district to be the district benefited by the maintenance. The district is generally described as follows:

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All that real property included within the exterior boundaries of the Elliott area in the City of San Diego owned by Christiana Community Builders, Inc., and generally located Easterly of Murphy Canyon, Northerly of Mission Gorge, Westerly of California Water Authority Aqueduct, Southerly of future alignment of Interstate 52 (San Clemente Canyon Freeway), excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the map on file with the City Clerk as Document No. 741048 for a further full and more particular description of the maintenance district and the map so on file shall govern for all details as to the extent of the maintenance district.

e. It is proposed that the maintenance shall be performed from the date of the formation of the district until June 30, 1973.

f. Notice is hereby given that SEP 26 1972, at 9:30 a.m., in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California, are the day, hour and place for the hearing when and where any and all persons having any objection or protest to the proposed maintenance or to the extent of the district to be assessed, may appear and show cause why the proposed maintenance should not be carried out in accordance with this resolution of intention; failure to make objections at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any and all claims.

Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested sufficient to identify the same and shall

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be delivered to and filed with the City Clerk at a time not later than the hour set for the hearing.

g. The assessments, if any, will be levied pursuant to the San Diego Maintenance Procedural Ordinance of 1969.

2. That the City Clerk is directed to cause this resolution or a notice thereof to be published once at least fifteen (15) days before the date of the hearing in the City Official Newspaper.

3. The City Clerk is directed to mail copies of this resolution or notices thereof, postage prepaid, to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized County assessment roll.

APPROVED: JOHN W. WITT, City Attorney

By DW Detisch  
Donald W. Detisch, Deputy

DWD:K  
7-21-72

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AUG 10 1972

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Harvey M. Noel*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **206273** Adopted **AUG 10 1972**