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RESOLUTION NO. 206497 Sep 12 1972

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN ACQUISITIONS AND IMPROVEMENTS PURSUANT TO THE SAN DIEGO PARK DISTRICT PROCEDURAL ORDINANCE OF 1969; PROVIDING FOR A CONTRIBUTION BY THE CITY; DESCRIBING THE DISTRICT TO BE BENEFITED BY SAID ACQUISITIONS AND IMPROVEMENTS AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; DETERMINING THAT BONDS SHALL BE ISSUED UNDER THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS; PROVIDING FOR THE USE OF ANY SURPLUS AMOUNT REMAINING IN THE IMPROVEMENT FUND AFTER COMPLETION OF THE IMPROVEMENT; AND REFERRING THE PROPOSED IMPROVEMENT TO THE SUPERINTENDENT OF STREETS TO MAKE AND FILE A WRITTEN REPORT.

Park District No. 3
(Mission Hills Canyon)

WHEREAS, petitions, Documents Nos. 734580 and 734581, on file with the City Clerk, propose the formation of a park district in the Mission Hills Canyon area pursuant to the San Diego Park District Procedural Ordinance of 1969, said petition being signed by owners of more than 60% of the area of assessable lands in the proposed district; and

WHEREAS, a map of the assessment district, designated "Plat No. 3838," showing the exterior boundaries of the proposed park district has been presented to the Council; and

WHEREAS, the Council deems it desirable to initiate proceedings on its own motion pursuant to the San Diego Park District Procedural Ordinance of 1969 and, in particular, Division 8 (commencing with Section 61.0801) of Article 1, Chapter VI of the San Diego Municipal Code; and

WHEREAS, the Council desires to provide for a contribution and a payment by the city of a portion of the costs and

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206497

expenses of the proposed acquisition and improvement and to fix the amount thereof; NOW, THEREFORE

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

Section 1. The Council hereby initiates proceedings for the formation of proposed Park District No. 3 (Mission Hills Canyon) of The City of San Diego pursuant to the San Diego Park District Procedural Ordinance of 1969 and, in particular, Division 8 (commencing with Section 61.0801) of Article 1, Chapter VI of the San Diego Municipal Code.

Section 2. The public interest and convenience require and the Council hereby declares its intention to order certain acquisitions and improvements to be made, the proposed acquisitions and improvements being described as follows:

I. THE ACQUISITION, IN FEE SIMPLE, OF CERTAIN OPEN SPACE LANDS FOR PARK AND RECREATION PURPOSES, said lands being described as follows:

A. Block 74, Middletown Addition, Map No. 384, on file in the office of the County Recorder of the County of San Diego, except the northerly portion of said block within Mission Hills Villa, Map No. 1115, on file in the office of said recorder.

B. Lots 7 to 12, inclusive, and Lots 17 to 24, inclusive, Block 61 of said Middletown Addition.

C. Lots 7 to 12, inclusive, and Lots 19 to 24, inclusive,

Block 52 of said Middletown Addition.

D. Lots 1 and 2, Block 51 of said Middletown Addition.

E. Lots 13 and 14, Block 38 of said Middletown Addition.

F. All of Block 37 of said Middletown Addition.

G. Lots 21 to 24, inclusive, excepting the southwesterly 25 feet thereof, and all of Lots 19 and 20, Block 36 of said Middletown Addition.

H. Lots 13 to 24, inclusive, Block 24 of said Middletown Addition.

The above described acquisitions are more particularly shown on Right of Way Drawing No. 15388-D, Document No. 741267, on file with the City Clerk, and reference is hereby made to said drawing for the full and detailed location of the proposed acquisitions.

II. THE CONSTRUCTION OF CERTAIN IMPROVEMENTS FOR PARK AND RECREATION PURPOSES, said improvements being described as follows:

A. The regrading of an existing pedestrian way and hiking trail between a line approximately 30 feet northerly of and parallel with the northerly line of Neale Street and a line approximately 100 feet southerly of and parallel with the southerly line of Linwood Street, said existing pedestrian way and hiking trail being, in general, northerly of and paralleling the centerline of Mission Hills Boulevard and located in said Mission Hills Boulevard, Torrance Street, Puterbaugh Street,

Guy Street, Linwood Street and in Blocks 74, 61, 52 and 37, said Middletown Addition.

B. The grading of a new pedestrian way and hiking trail between the existing pedestrian way and hiking trail described in subparagraph A of this Paragraph II and a line approximately 40 feet easterly of and parallel with the easterly line of Mission Hills Boulevard, said new pedestrian way and hiking trail being located in Guy Street, Mission Hills Boulevard and in Blocks 51 and 52, said Middletown Addition.

C. The grading of a new pedestrian way and hiking trail between the existing pedestrian way or hiking trail described in subparagraph A of this Paragraph II and the northerly line of Clark Street, said new pedestrian way and hiking trail being located in Mission Hills Boulevard, Linwood Street, Clark Street and in Blocks 24 and 37, said Middletown Addition.

D. Grading and the construction of a concrete pad, picnic table, seating, and a drinking fountain in Block 37, said Middletown Addition.

E. Grading and the construction of a waterline between the concrete pad described in preceding subparagraph D of this Paragraph II and an existing water main located in or near the intersection of Mission Hills Boulevard and Titus Street, said waterline being located in Mission Hills Boulevard, Linwood Street and Block 37, said Middletown Addition.

F. Appurtenances and appurtenant work in connection with the foregoing.

Section 3. The proposed acquisitions, as described in Section 2 hereof, are land areas which are primarily in their natural state and have value for park and recreation purposes. In the opinion of the Council, the proposed acquisitions conform to the criteria established for open space lands set forth in the "Progress Guide and General Plan For The City of San Diego," as amended, and would, if retained in their natural state or improved, enhance the present or potential value of abutting or surrounding properties or would maintain or enhance the conservation of natural or scenic resources.

Section 4. Certain existing public streets are located near or adjacent to the lands, described in Section 2 hereof, proposed to be acquired for park and recreation purposes. After the acquisition by the city of said lands, the Council proposes to undertake proceedings for the vacation of all or such portion of said streets as may be necessary or convenient for the use of the acquired lands for park and recreation purposes and, by ordinance, to formally dedicate in perpetuity for park and recreation purposes all acquired lands and streets so vacated.

Section 5. This Council hereby makes the cost and expense of the acquisition and improvement chargeable upon a district, which district this Council hereby declares to be the district benefited by the acquisition and improvement and to be assessed to pay the cost and expense thereof. The Council hereby declares that all lots or parcels of land owned by the United States, the State of California, the county, the city, any school district, or any other special district shall be and

hereby are omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisition and improvement. Said district is described by a map of the assessment district designated "Plat No. 3838" consisting of two sheets, which indicates by a boundary line the extent of the territory included in the proposed district and which shall govern for all details as to the extent of the assessment district. Said map is hereby approved and reference is hereby made to said map for a description of said district. The City Clerk is hereby directed to endorse his certificate, on the original and a copy of said map of the assessment district, evidencing the adoption of this resolution, to file the original of said map in the Office of the City Clerk and to file said copy with the County Recorder of the County of San Diego.

Section 6. The Council determines that a portion of the costs and expenses of the proposed improvements shall be contributed and paid by the city, such contribution to be in an amount equal to one half of the estimated costs and expenses of constructing said improvements.

Section 7. Pursuant to Division 8 of Article 1, Chapter VI of the San Diego Municipal Code and the Municipal Improvement Act of 1913, the Council hereby determines and declares that bonds shall be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). Said bonds shall be issued to represent each assessment of fifty dollars (\$50) or over remaining unpaid for thirty (30) days after the date of recording the assessment. Said bonds shall be serial bonds and shall extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following their date. The bonds shall

bear interest at a rate to be determined upon the sale thereof. The maximum rate of interest to be paid on said bonds and indebtedness shall be seven percent (7%), payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464, Streets and Highways Code, the Council hereby elects to have the redemption provisions of said bonds provide for a premium of five percent (5%) of the unpaid principal of said bonds. Assessments under fifty dollars (\$50) shall be subject to the penalties and costs, and collected as provided for cash assessments in the Street Opening Act of 1903 (commencing with Section 4000, Streets and Highways Code).

Section 8. In the opinion of this Council the public interest will not be served by allowing property owners to take the contract and hereby provides that such property owners shall not take the contract.

Section 9. After completion of the improvement and payment of all claims from the improvement fund, the amount of the surplus, if any, remaining in the improvement fund shall be used:

(a) For transfer to the General Fund of said city, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or five percent (5%) of the total amount expended from the improvement fund, or

(b) If the total surplus shall be greater than that allowed under subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any

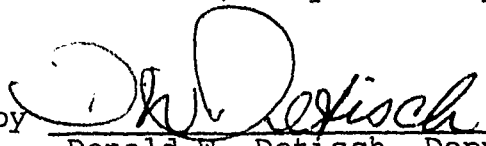
supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2, Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5, Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 10. The proposed improvement hereinbefore described is hereby referred to the Superintendent of Streets who is hereby directed to make and file with the City Clerk a report in writing containing all of the matters required by the San Diego Park District Procedural Ordinance of 1969 and the Municipal Improvement Act of 1913.

Section 11. Said proposed improvement and proceedings therefor are to be under and pursuant to said San Diego Park District Procedural Ordinance of 1969 and, in particular, Division 8 (commencing with Section 61.0801) of Article 1, Chapter VI of the San Diego Municipal Code.

APPROVED: JOHN W. WITT, City Attorney

by 
Donald W. Detisch, Deputy

Passed and adopted by the Council of The City of San Diego on SEP 12 1972
 by the following vote:

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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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lloyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Judith A. Dillon, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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