

RESOLUTION NO. 206918

NOV 14 1972

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, PROPOSING TO MAKE CHANGES IN THE PROPOSED ACQUISITION OF OPEN SPACE LANDS FOR PARK AND RECREATION PURPOSES AND TO MAKE CERTAIN CITY-OWNED LANDS AVAILABLE FOR SUCH PURPOSES UPON PAYMENT OF COMPENSATION TO THE CITY; FIXING A TIME AND PLACE FOR HEARING PROTESTS TO SAID CHANGES AND GIVING NOTICE THEREOF.

Park District No. 3
(Mission Hills Canyon)

WHEREAS, in proceedings under the San Diego Park District Procedural Ordinance of 1969 and, in particular, Division 8 of Article 1, Chapter VI of the San Diego Municipal Code, the Council adopted resolution of intention, Resolution No. 206497, ordering the Superintendent of Streets to prepare the Report required by said procedural ordinance and pursuant thereto the Superintendent of Streets prepared said Report, consisting of plans and specifications describing the proposed acquisitions and improvements, an estimate of the costs and expenses of said acquisitions and improvements, a diagram showing the assessment district and a proposed assessment of the costs and expenses of the proposed acquisitions and improvements; and

WHEREAS, the Council by Resolution No. 206497 approved said Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question of whether public convenience and necessity require such acquisitions and improvements and whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply; and

WHEREAS, notices of the passage of said Resolutions Nos. 206497 and 206498 were duly published, posted and mailed, the hearing was held at the time and place fixed and, by order of the Council, such hearings were duly continued; and

WHEREAS, during the course of the hearing it was brought to the attention of the Council that certain city-owned lands intended to be made available for the project were inadvertently described in the resolution of intention and the Report as being open space lands to be acquired by the city for park and recreation purposes, rather than as city-owned lands to be made available for such purposes, and, in addition, that the estimated cost of acquisition and the estimated amount to be assessed upon property within the assessment district included \$7,000 as compensation to be paid to the city for making the city-owned lands available for the project; and

WHEREAS, the Superintendent of Streets has made and filed a Supplemental Report identifying and describing the city-owned lands and also containing revised estimates of the cost of the project with and without payment of any compensation to the city for those lands; and

WHEREAS, the Council desires to make corrections in the description of open space lands proposed to be acquired by the city for park and recreation purposes, to describe the city-owned lands proposed to be made available for such purposes, and to provide that compensation shall be payable to the city therefor; NOW, THEREFORE,

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

Section 1. The Council hereby proposes and declares its intention to order the following changes to be made:

(a) In Paragraph I of Section 2 of the resolution of intention describing the proposed acquisition, in fee simple, of certain open space land for park and recreation purposes, change subparagraphs B and C thereof to read;

"B. Lot 12, Block 61, Middletown Addition, Map No. 384, on file in the office of the County Recorder of the County of San Diego.

"C. Lots 7 to 12, inclusive, and Lots 23 and 24, Block 52, said Middletown Addition."

(b) The City is the owner of Lots 7 to 11, inclusive, and Lots 17 to 24, inclusive, Block 61 said Middletown Addition, and Lots 19 to 22, inclusive, Block 52, said Middletown Addition, which are available as open space land for park and recreation purposes within the proposed park district. The Council hereby declares that, after the acquisition by the city of all lands to be acquired, said city-owned lands shall be held, used, and treated as open space lands for park and recreation purposes, the same as lands acquired from the acquisition and improvement fund of the district. The Council states that \$7,000 compensation shall be paid to the City therefor from said fund.

(c) Revise the estimated cost of the project to read as follows:

Estimated cost of acquisitions	\$123,000
Compensation to City for city-owned lands	7,000
Estimated cost of construction	5,000
Estimated incidental expenses	<u>26,660</u>
Total costs and expenses	\$161,660
LESS contribution by City	<u>2,500</u>
Remainder of estimated costs and expenses to be assessed upon property within the assessment district	\$159,160

206918

Section 2. The estimated decrease in the cost of acquisitions, by reason of the proposed changes, is the sum of \$7,000. The estimated increase, by payment of compensation to the city for city-owned lands, is the sum of \$7,000. Inasmuch as the estimated decrease and increase exactly offset each other, it is estimated that there will be no increase or decrease, by reason of the proposed changes, in the estimated cost and expenses to be assessed upon property within the assessment district.

Section 3. NOTICE IS HEREBY GIVEN that December 5, 1972 at the hour of 2:00 P.M. in the Council Chambers of said Council at the City Administration Building, 202 "C" Street in said city are the day, hour and place when and where any interested persons having any objection to the changes proposed herein may appear before the Council and show cause why said changes should not be ordered. Written objections to the proposed changes may be filed with the City Clerk by any interested person at any time not later than the time set for hearing. Any and all persons having any protest or objection to said changes or to said proposed acquisitions and improvements, the extent of said assessment district, the proposed assessment or the proposed grades may appear before the Council at said hearing and show cause why said proposed acquisitions and improvements should not be carried out.

Section 4. Reference is hereby made to resolution of intention, Resolution 206497, the Report of September 12, 1972 of the Superintendent of Streets, and Resolution No. 206498 for a description of the acquisitions, as

originally proposed, the improvements, the assessment district, the assessment, the bonds to be issued and for further particulars. Reference is also made to the Supplemental Report of the Superintendent of Streets for a description of the acquisitions, as proposed to be changed, a description of the city-owned lands and for revised estimates. All resolutions and instruments referred to in this section are on file with the City Clerk, City Administration Building, 202 "C" Street, San Diego, and may be examined by any interested person.

Section 5. The City Clerk is directed to publish this resolution in THE SAN DIEGO DAILY TRANSCRIPT, a newspaper of general circulation published and circulated in said city, such publication to be given at the time and in the manner provided by law.

APPROVED: JOHN W. WITT, City Attorney

By 
D. W. Detisch, Deputy

11-7-72
REV.
11-9-72

NOV 14 1972

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1972 NOV -7 PM 4:19
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ann C. Jallett, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 206918 Adopted NOV 14 1972

eh