

RESOLUTION NO. 207091

DEC 19 1972

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA, MAKING FINDINGS  
AND OVERRULING PROTESTS; CONFIRMING DIAGRAM  
AND REVISED ASSESSMENT; MAKING DETERMINA-  
TIONS ON ENVIRONMENTAL EFFECT; ORDERING  
ACQUISITIONS AND IMPROVEMENTS AND A TRANS-  
FER OF FUNDS IN THE CITY TREASURY; AND MAKING  
DETERMINATIONS CONCERNING THE APPLICATION  
OF THE SPECIAL ASSESSMENT INVESTIGATION,  
LIMITATION AND MAJORITY PROTEST ACT OF 1931

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  
(commencing with Section 61.0801) of Article 1, Chapter VI  
of the San Diego Municipal Code, the Council adopted resolu-  
tion of intention, Resolution No. 206497, ordering the Super-  
intendent of Streets to prepare the Report required by said  
Act and pursuant thereto the Superintendent of Streets pre-  
pared said Report, consisting of plans and specifications  
describing the proposed acquisitions and improvements, an  
estimate of the costs and expenses thereof, a diagram showing  
the assessment district and a proposed assessment of such costs  
and expenses, said Report being on file with the City Clerk;  
and

WHEREAS, the Council by Resolution No. 206498 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 acqui-  
sitions 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 Resolution Nos. 206497 and 206498 were duly published, posted and mailed as provided by said Act, and said hearings were duly held at the time and place so fixed and all continuances thereof, if any, were duly made and ordered; and

WHEREAS, after the filing of a Supplemental Report by the Superintendent of Streets, the Council adopted Resolution No. 206918 proposing to make certain changes and, after notice and hearing thereon, has adopted Resolution No. 207090 ordering certain changes in the proposed acquisitions, declaring that certain city-owned lands be made available for the same purposes as the acquisitions and providing compensation to the city therefor, and revising the proposed assessment; and

WHEREAS, at said hearings all persons desiring to be heard were fully heard and all oral and written protests and objections, if any, were fully heard and this Council gave all persons present an opportunity to hear and be heard in respect to said Report and Supplemental Report, the diagram and assessment, the proposed acquisitions and improvements, the proposed changes, the boundaries of the proposed assessment district, the serial bonds to be issued to represent unpaid assessments, the question of whether public convenience and necessity require such acquisitions and improvements, whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and

majority protest provisions thereof shall apply, or in any way relating to the Report and the proceedings proposed by said resolution of intention; and

WHEREAS, the Council has received evidence relating to the Report, the Supplemental Report, the proposed acquisitions and improvements, the boundaries of the proposed assessment district, the assessment, the proposed changes and the benefits to the property to be included in the proposed assessment district; NOW, THEREFORE,

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

Section 1. Written protest or objection against the proposed acquisitions and improvements has <sup>been</sup> not been made by the owners of more than one-half of the area of the land included within the assessment district or of the area of property to be assessed. Except to the extent of any changes ordered by the Council, each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied.

Section 2. If any court of competent jurisdiction shall hereafter determine that written protest or objection against the proposed acquisitions and improvements has been made by the owners of more than one-half of the area of land included within the assessment district or of the area of property to be assessed, then notwithstanding any such determination, the Council declares its intention to and, pursuant to Section 10311, Streets and Highways Code, does hereby overrule said protest and objection.

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Section 3. The assessment, as modified by Resolution No. **207090** is hereby confirmed.

Section 4. An environmental impact report on the proposed project has been prepared and submitted to the Planning Commission and, based thereon, the Council determines that the significant effect of the project will be the conservation and enhancement of the environment by the acquisition, improvement, and maintenance of open space lands for park and recreation purposes. The Council hereby determined that the proposed acquisition is a land area:

(1) which is primarily in its natural state and has value for park and recreation purposes, and

(2) which, in the opinion of the Council,

(a) conforms to the criteria established for open space land set forth in the "Progress Guide and General Plan for The City of San Diego," as amended, and

(b) would, if retained in its 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 5. The Council approves the Report as modified by the Supplemental Report, and the modified assessment. The Council orders the acquisitions and improvements to be made, said acquisitions being as described in Resolution No. **207090**

ordering changes and said improvements being as described in the resolution of intention, Resolution No. 206497. For a full and complete description of the acquisitions, the city-owned lands, the improvements, and for further particulars, reference is hereby made to the resolution of intention, the Report, the Supplemental Report, and said Resolution No.

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Section 6. After the acquisition by the city of all lands ordered to be acquired, the Treasurer shall transfer to the CAPITAL OUTLAY 245 Fund in the city treasury the sum of \$7,000 from any available and unencumbered moneys in the acquisition and improvement fund established for said district, as compensation to the city for making the city-owned lands, as described in Resolution No. 207090 ordering changes, available as open space lands for park and recreation purposes.

Section 7. The Council finds and determines that public convenience and necessity requires the acquisitions and improvements and such acquisitions and improvements are ordered without the application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof.

APPROVED: JOHN W. WITT, City Attorney

REVISED

By Donald E. Detisch  
Donald E. Detisch, Deputy

**207091**

Passed and adopted by the Council of The City of San Diego on DEC 19 1972,  
by the following vote:

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 checked="" 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 Judith A. Nielsen, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 207091 Adopted DEC 19 1972