

RESOLUTION NO. 208590 AUG 14 1973

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

WHEREAS, Southern California Terraces, Inc., owner of that property known as Bay Terraces, filed with the City Clerk as Document No. 734644 on January 28, 1971, a petition for the formation of a district under the San Diego Park District Procedural Ordinance of 1969; and

WHEREAS, Southern California Terraces, 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 January 28, 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 Bay Terraces 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, Southern California Terraces, Inc. proposes to offer to The City of San Diego open space recreational areas in an improved condition within the Bay Terraces development and provide the first year's maintenance therefor as an adjunct to

the master planned Bay Terraces residential community; and

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

WHEREAS, on AUG 8 1973, the City Engineer filed his report in accordance with Section 65.0217 of the San Diego Municipal Code, said report is on file in the office of the City Clerk as Document No. 744534; NOW, THEREFORE,

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

1. That the City Engineer's report and the map incorporated therein are hereby approved.

2. That said Council proposes and intends to order the following maintenance to be performed under the provisions of the San Diego Maintenance District Procedural Ordinance of 1969, Section 65.0201, et seq., of the San Diego Municipal Code, such maintenance being more particularly described as follows:

a. The subject property to be maintained shall be the open space recreation areas designated as such in said Engineer's report.

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

c. Southern California Terraces, 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 an agreement to be approved by the Council. Consequently, no assessments will be made for the cost of 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 Southern California Terraces, Inc. for the first year of maintenance is \$84,960. Following the first year of operation, the renewal of the maintenance district is contemplated. Based on current cost estimates, the annual maintenance assessment will amount to approximately \$12 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, and to be assessed to pay the costs and expenses if any thereof. The District is described as follows:

All that real property included within the exterior boundaries of that area designated on the map incorporated into the Engineer's report excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the map 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 will be performed from the date of the formation of the District until July 1, 1974.

f. Notice is hereby given that SEP 18 1973
at 9:30 a.m., in the Council Chamber of the City Administration
Building, Community Concourse, 202 "C" Street, in the City of
San Diego, California, is the day, hour and place for the hearing
when and where any and all persons having any objection or protest
to the proposed maintenance, to the extent of the District to be
assessed, or the amount of the assessment, 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 be
delivered to and filed with the City Clerk at a time no 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.

3. That the City Clerk is directed to cause this resolution
or a notice thereof to be published once at least ten (10) days
before the date of the hearing in the City official newspaper.

4. 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 
Derek J. Simmons, Deputy

cs:8/6/73

AUG 14 1973

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

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CITY CLERK'S OFFICE

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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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 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.

(Seal)

By *Marylouise Nease*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **208590** Adopted **AUG 14 1973**