

RESOLUTION NO. 210795

JUN 6 1974

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN ACQUISITIONS WITHIN SAID CITY PURSUANT TO THE SAN DIEGO PARK DISTRICT PROCEDURAL ORDINANCE OF 1969; DESCRIBING THE DISTRICT TO BE BENEFITED BY SAID ACQUISITION AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; DETERMINING AND DECLARING 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 CITY MANAGER TO MAKE AND FILE A WRITTEN REPORT

(Park District No. 12F - TECOLOTE CANYON)

WHEREAS, on April 20, 1971, the Council adopted Resolution No. 202455 whereby, on its own motion, it initiated proceedings pursuant to Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended (commencing with Section 61.0801 of the San Diego Municipal Code), which, among other things, incorporates by reference the provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000 of the California Streets and Highways Code), for the acquisition, and the financing therefor, of the lands hereinafter referred to, for park and recreation purposes; and

WHEREAS, a map of the proposed assessment district, designated Plat No. 3884, has been presented to the Council, showing the exterior boundaries of the proposed district to be assessed to pay the cost and expense of said acquisition;

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and

WHEREAS, the Council has heretofore adopted Resolution No. 210794 declaring that certain available City-owned lands shall for all purposes be held, used and treated the same as lands acquired from the acquisition and improvement fund of the district proposed to be formed hereby, after said other lands have been acquired; and

WHEREAS, the Council proposes that the City shall contribute valuable consideration, including the contribution of the City-owned lands hereinabove referred to, toward the total project contemplated hereby; NOW, THEREFORE,

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

Section 1. The Council hereby declares its intention to form a park district to be designated "San Diego Park District No. 12F - Tecolote Canyon," pursuant to the provisions of Division 8 of the San Diego Park Procedural Ordinance of 1969, as amended.

Section 2. The Council finds and determines that the public interest, convenience and necessity require, and the Council of the City hereby declares its intention to order, the acquisition in fee simple absolute of certain open space lands in the City which have value for park and recreation purposes, and which shall be developed, held and used for park and recreation purposes, and which are more particularly shown and described in Exhibit "A" attached hereto and incorporated by reference herein.

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The foregoing lands are more particularly shown and described on City Drawing No. 16248-1-D through 16248-7-D, inclusive, on file as Document No. 747493 in the office of the City Clerk, and open to inspection by any person interested.

Section 3. The Council further finds and determines that the public interest, convenience and necessity require, and the Council hereby declares its intention, in accordance with the provisions of Resolution No. 210794, to hold, use and treat certain available City-owned lands the same as lands acquired from the acquisition and improvement fund of the district, which lands are referred to in Section 2 above, after the acquisition by the City of all of the lands to be acquired. Said City-owned lands are more particularly shown and described in Exhibit "B" attached hereto and incorporated by reference herein. The City hereby declares that, subject to the contribution without compensation by the City of said lands as a part of the City's contribution to the total project, the value of said lands is as follows: \$1,743,000.

The foregoing City-owned lands are more particularly shown and described on City Drawing No. 16249-1-D through 16249-2-D, inclusive, on file as Document No. 747494 in the office of the City Clerk, and open to inspection by any person interested.

Section 4. The Council hereby declares its intention to contribute toward the cost and expense of the total

project an amount, in cash and in the value of the City-owned lands referred to in Section 3 above, not to exceed seventy-five percent (75%) thereof and in any event no more than the sum of \$4,079,261.

Section 5. The Council further finds and determines that the lands proposed to be acquired and said City-owned lands are lands which are primarily in their natural state and have value for park and recreation purposes, which should and shall hereafter be developed for park and recreation purposes, which conform to the criteria established for open space land as set forth in the "Progress Guide and General Plan for the City of San Diego," as amended, and the "Clairemont-Mesa Community Plan," and which 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 6. The Council hereby makes the cost and expense of the acquisition, after deducting the City's contribution, chargeable upon a district, which district the Council hereby declares to be the district benefited by said acquisition and to be assessed to pay the cost and expense thereof. The district is described by said map of the assessment district designated "Plat No. 3884," consisting of 1 sheet, which indicates by a boundary line the extent of the territory to be included in the proposed district, and

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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 the district. The City Clerk is hereby directed to endorse his certificate on the original and one copy of the map of the assessment district, evidencing the adoption of this resolution, to file the original of the map in the Office of the City Clerk, and to file the copy with the County Recorder of the County of San Diego.

Section 7. The Council hereby declares that any lot or parcel of land belonging to the United States, or to the State of California, or to any county, city, public agent, mandatory of the government, public school board, public educational or reform institution or public institution for the feebleminded or the insane, and in use in the performance of any public function, and which may be in the exterior boundaries of the district to be assessed to pay the costs and expenses of said acquisition, shall be omitted from any assessment hereafter to be made to cover the costs and expenses of such acquisition.

Section 8. The Council hereby determines and declares that bonds shall be issued pursuant to the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code). The bonds shall be issued to represent each assessment of \$50 or over remaining unpaid for 30 days after

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the date of recording the assessment. The bonds shall be dated the thirty-first day after recordation. The 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 first 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 the bonds and indebtedness shall be seven percent (7%) per annum, payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464 of the Streets and Highways Code, the Council hereby elects to have the redemption provisions of the bonds provide for a premium of five percent (5%) of the unmatured principal of said bonds. Assessments under \$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 of the Streets and Highways Code).

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

(a) If the entire surplus does not exceed the lesser of \$1,000 or five (5%) percent of the total amount expended from the acquisition fund, the entire surplus shall be transferred to the General Fund of the City.

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(b) If the entire surplus is more than the amount specified in subparagraph (a), but is \$30,000 or less, the entire surplus shall be transferred to a fund for the improvement of the lands referred to in this resolution.

(c) If the entire surplus is more than \$30,000, \$15,000 thereof shall be transferred to a fund for the improvement of the lands referred to in this resolution and the remainder 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 10527.5.

Section 10. The proposed acquisition is hereby referred to the City Manager of the City, and the City Manager is hereby directed to cause a Report in writing to be made and filed with the City Clerk containing all of the matters required by the Municipal Improvement Act of 1913.

Section 11. The proposed acquisition and proceedings therefor shall be under and pursuant to Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended.

Section 12. Pursuant to the provisions of the San Diego Park District Procedural Ordinance of 1969, as amend-

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ed, title to the said lands to be acquired shall be and remain in the City; and, following their acquisition, the Council shall by ordinance formally dedicate them and the City-owned lands referred to above in perpetuity for park and recreation purposes. Said lands shall be developed, improved, maintained and used for park and recreation purposes; provided, however, that the detailed design, phasing and financing thereof shall be as the Council shall in its discretion hereafter direct.

Section 13. Pursuant to the provisions of Section 61.0795 of the San Diego Municipal Code, the Council hereby declares its intention to establish at the appropriate time a Park District Advisory Board for the park district formed by these proceedings, and to provide for the appointment, removal, qualifications, terms of office, and number of members of said advisory board. Said board shall, among other things, be responsible for advising the City on matters of policy and detailed planning for the improvement, development, maintenance and use of said park and recreation lands.

APPROVED: JOHN W. WITT, City Attorney

By W. Valduchany  
Deputy

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
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"/>
Lee Hubbard	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Laverne E. Miller Deputy.

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Office of the City Clerk, San Diego, California	
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