

RESOLUTION NO. 211118

R-75-168

JUL 18 1974

RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA, MAKING FINDINGS
AND OVERRULING PROTESTS AND OBJECTIONS,
CONFIRMING DIAGRAM AND ASSESSMENT,
ORDERING ACQUISITION, AND ORDERING CITY
CONTRIBUTION

(Park District No. 12F - TECOLOTE CANYON)

WHEREAS, in proceedings under Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended, which incorporates by reference provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code), the Council adopted its resolution of intention, Resolution No. 210795, ordering the City Manager to cause the Report required by said Act to be prepared, and pursuant thereto the City Manager caused said Report to be prepared, consisting of the description and depiction of the proposed acquisition, a description and depiction of certain City-owned lands to be contributed to the project, an estimate of the costs and expenses of said acquisition, a diagram showing the assessment district, and the proposed assessment of the costs and expenses of the proposed acquisition, said Report being in file with the City Clerk; and

WHEREAS, the Council, by Resolution No. 210796, approved said Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question

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of whether the public convenience and necessity require such acquisition 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. 210795 and 210796 were duly published, posted and mailed, as provided by said Act, and said hearing was duly held at the time and place so fixed; and

WHEREAS, at said hearing 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, the diagram and assessment, the proposed acquisition, the boundaries of the proposed assessment district, the question of whether the public convenience and necessity require such acquisition, whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply, and 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 proposed acquisition, the boundaries

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of the proposed assessment district, the assessment, 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 acquisition and assessment has not been made by the owners of more than one-half of the area of the land included within the assessment district to be assessed for the acquisition. Each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied.

Section 2. The assessment contained in said Report is hereby confirmed.

Section 3. The Council hereby declares that the Report is approved, and orders the acquisition to be made, as described in the resolution of intention and said Report. Reference is hereby made to said resolution of intention and said Report for a full and complete description of said acquisition and for further particulars.

Section 4. The Council finds and determines that

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the public convenience and necessity require such acquisition and that the same is feasible and such acquisition shall be and is hereby 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.

Section 5. The City shall contribute cash in the amount of \$2,336,261.00 towards the cost of said acquisition; and after acquisition of all of the lands to be acquired, the City shall hold, use and treat the City-owned lands referred to in the Resolution of Intention and the Report the same as the acquired lands.

APPROVED: JOHN W. WITT, City Attorney

By H. Valderhans
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 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"/>
Jim Ellis	<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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Laverne E Miller*, Deputy.

1974 JUL 16 PM 2:34
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **211118** Adopted **JUL 18 1974**

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