

RESOLUTION NO. 211702

R-75-608

OCT 3 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 CITY CASH CONTRIBUTION; 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

(Padre Glen Canyon South Park District - Park District No. 12-H-2)

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. 3885, has been presented to the Council, showing the exterior boundaries of the proposed

X

district; 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. 12-H-2, to be called "Padre Glen Canyon South Park District," pursuant to the provisions of Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended.

Section 2. The Council finds and determines that the public interest and convenience 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 are located in the Clairemont area of the City, described generally as lying Northerly of Clairemont Drive and between Denver Street and Illion Street.

The foregoing lands are more particularly shown and described on City Drawing No. 16334-D, on file as Document No. 748861 in the office of the City Clerk, and open to inspection by any person interested.

Section 3. The Council hereby declares its intention to contribute toward the cost and expense of the acquisition cash in the amount of \$27,000.00 from the Environmental Growth Fund (2505).

Section 4. The Council further finds and determines that the lands proposed to be acquired, as described in Section 2 of this resolution, are lands which are primarily in their natural state and have value for park and recreation purposes, and 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 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 5. The Council hereby makes the cost and expense of the acquisition 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. 3885", consisting of 1 sheet, which indicates by a boundary line the extent of the territory to be included in the proposed district, and 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.

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Section 6. 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, school board, educational or reform institution or 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 said acquisition.

Section 7. 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 \$50.00 or over remaining unpaid for 30 days after 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 1st 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 \$50.00 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 8. 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:

(a) For transfer to the General Fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or five percent (5%) of the total amount expended from the acquisition fund, or

(b) If the total surplus shall be greater than that allowed under subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2 of the Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5 of the Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 9. The proposed improvement 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 10. The proposed acquisition and proceedings therefor are to be under and pursuant to Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended.

Section 11. Pursuant to the provisions of the San Diego Park District Procedural Ordinance of 1969, as amended, 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 in perpetuity for park and recreation purposes. The City, however, shall in no way be obligated to expend public funds to develop or maintain said lands.

APPROVED: JOHN W. WITT, City Attorney

By


Deputy

9-5-74

OCT 3 1974

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 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"/> |
| 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.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *LaVerne E Miller* Deputy.

(Seal)

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