

RESOLUTION NO. 212725

MAR 6 1975

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

Park District No. 8 (Del Mar Heights)

WHEREAS, a petition was filed with the City Clerk under Document No. 744333 requesting the formation of a park district in the Del Mar Heights area under the San Diego Park District Procedural Ordinance of 1969 but was certified by the City Clerk as not bearing the requisite number of qualified signers; and

WHEREAS, the Council adopted Resolution No. 208567 initiating proceedings, on its own motion, for the formation of Park District No. 8 (Del Mar Heights) under said procedural ordinance; and

WHEREAS, a map of the assessment district, designated "Plat No. 3888," showing the exterior boundaries of the proposed park district has been presented to the Council; and

WHEREAS, the Council deems it desirable to continue the proceedings heretofore initiated on its own motion pursuant to 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; and

WHEREAS, the Council desires to provide for a contribution and a payment by the city of a portion of the costs and expenses of the proposed acquisition and improvement and to fix the amount thereof; NOW, THEREFORE

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

Section 1. Proceedings for the formation of proposed Park District No. 8 (Del Mar Heights) of The City of San Diego shall be taken pursuant to 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.

Section 2. The public interest and convenience require and the Council hereby declares its intention to order certain acquisitions and improvements to be made, the proposed acquisitions and improvements being described as follows:

I. THE ACQUISITION, IN FEE SIMPLE, OF CERTAIN
OPEN SPACE LAND FOR PARK AND RECREATION PURPOSES, said land
being described as follows:

THAT CERTAIN PARCEL OF LAND LOCATED
EASTERLY OF DURANGO DRIVE, SOUTHERLY OF
CORDERO ROAD, AND WESTERLY OF RECUERDO
DRIVE, more particularly described as
follows:

All of that parcel of land shown and designated as
"Park" on Map of Del Mar Heights, Map No. 157, on file in the
office of the County Recorder of the County of San Diego,
said parcel being located easterly, southerly, and westerly
of Park Place, as such place is shown on said map.

The above described acquisition is more particularly
shown on Right of Way Drawing No. 13431-B, Document No. 750428,
on file with the City Clerk, and reference is hereby made to
said drawing for the full and detailed location of the pro-
posed acquisition.

II. THE CONSTRUCTION OF CERTAIN IMPROVEMENTS FOR
PARK AND RECREATION PURPOSES, said improvements being described
as follows:

A. The regrading of an existing pedestrian way
and hiking trail extending northerly, easterly, and southerly
on the parcel of land to be acquired.

B. The grading of new pedestrian ways and hiking trails on the parcel of land to be acquired, as follows:

1. Between Durango Drive and said existing pedestrian way and hiking trail.

2. Between Recuerdo Drive and said existing pedestrian way and hiking trail.

C. Grading and the construction of a concrete pad, picnic table, and seating, located easterly of the existing pedestrian way and hiking trail and southerly of the new pedestrian way and hiking trail described in subdivision 2, subparagraph B of this Paragraph II.

Section 3. The proposed acquisition, as described in Section 2 hereof, is a land area which is primarily in its natural state and has value for park and recreation purposes. In the opinion of the Council, the proposed acquisition conforms to the criteria established for open space lands set forth in the "Progress Guide and General Plan For The City of San Diego," as amended, and 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 4. This Council hereby makes the cost and expense of the acquisition and improvement chargeable upon a

district, which district this Council hereby declares to be the district benefited by the acquisition and improvement and to be assessed to pay the cost and expense thereof. The Council hereby declares that all lots or parcels of land owned by the United States, the State of California, the county, any school district, or any other special district shall be and hereby are omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisition and improvement. Said district is described by a map of the assessment district designated "Plat No. 3888" consisting of two sheets, numbered 1 and 2, which indicates by a boundary line the extent of the territory 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 said district. The City Clerk is hereby directed to endorse his certificate, on the original and a copy of said map of the assessment district, evidencing the adoption of this resolution, to file the original of said map in the Office of the City Clerk and to file said copy with the County Recorder of the County of San Diego.

Section 5. The Council determines that a portion of the costs and expenses of the proposed improvements shall be contributed and paid by the city from the fund or funds hereafter designated by the Council, such contribution to be in the amount of \$58,171.

Section 6. Pursuant to Division 8 of Article 1, Chapter VI of the San Diego Municipal Code and the Municipal Improvement Act of 1913, the Council hereby determines and declares that bonds shall be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). Said bonds shall be issued to represent each assessment of fifty dollars (\$50) or over remaining unpaid for thirty (30) days after the date of recording the assessment. Said bonds shall be serial bonds and shall extend over a period ending fourteen (14) 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 said bonds and indebtedness shall be eight percent (8%), payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464, Streets and Highways Code, the Council hereby elects to have the redemption provisions of said bonds provide for a premium of five percent (5%) of the unpaid principal of said bonds. Assessments under fifty dollars (\$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, Streets and Highways Code).

Section 7. In the opinion of this Council the public interest will not be served by allowing property owners to take the contract and hereby provides that such property owners shall not take the contract.

Section 8. After completion of the improvement and payment of all claims from the improvement fund, the amount of the surplus, if any, remaining in the improvement fund shall be used:

(a) For transfer to the General Fund of said 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 improvement 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, Streets and Highways Code.

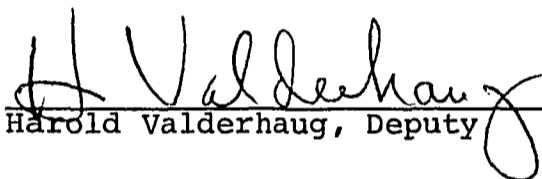
If any surplus results for the reasons stated in Section 10427.5, Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 9. The proposed improvement hereinbefore described is hereby referred to the Superintendent of Streets who is hereby directed to make and file with the City Clerk

a report in writing containing all of the matters required by the San Diego Park District Procedural Ordinance of 1969 and the Municipal Improvement Act of 1913.

Section 10. Said proposed improvement and proceedings therefor are to be under and pursuant to said 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.

APPROVED: JOHN W. WITT, City Attorney

by 
Harold Valderhaug, Deputy

MAR 6 1975

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"/>
Jess D. Haro	<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 *Patricia Polen*, Deputy.

(Seal)

1975 FEB 26 PM 1:24

Office of the City Clerk, San Diego, California

Resolution Number **212725** Adopted **MAR 6 1975**