

RESOLUTION NO. 214599

November 5, 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 THE 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. 11 (Navajo Canyon)

WHEREAS, a petition was filed with the City Clerk under Document No. 746383 requesting the formation of a park district in the Navajo Canyon area under the San Diego Park District Procedural Ordinance of 1969, was certified by the City Clerk, and receipt thereof acknowledged by the Council; and

WHEREAS, a map of the assessment district, designated "Plat No. 3901," showing the exterior boundaries of the proposed park district has been presented to the Council; and

WHEREAS, the Council desires to provide for a contribution and a payment by the city of a portion of the costs

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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. 11 (Navajo Canyon) 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 LANDS FOR PARK AND RECREATION PURPOSES, as follows:

A. The lands to be acquired are portions of that canyon, popularly known as Navajo Canyon, and are generally located in the vicinity of the following streets:

Easterly of Waring Road; southeasterly of Carthage Street; southwesterly, southerly, and southeasterly of

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Eldridge Street; northeasterly of Greenbrier Avenue; southeasterly of Birchwood Street; southeasterly and southerly of Barclay Avenue; westerly and southwesterly of Easton Avenue; southerly of Galewood Street; southwesterly of College Avenue; northwesterly of Bounty Street; southwesterly of Spear Street; southerly of Eldergardens Street; southwesterly of Arboles Street; southwesterly of Wenrich Drive; northwesterly of Rockhurst Drive and the terminus of Romany Drive; northerly of Lomond Drive; northeasterly of Henley Drive; northeasterly of Hampton Court; northerly of Cambria Court; southwesterly of Lancaster Drive; southwesterly of Malvern Court; northerly of Del Cerro Boulevard; and northerly of Adobe Falls Road.

B. The foregoing lands to be acquired consist, in general, of the following and are generally described as:

1. Lot 975, Allied Gardens Unit No. 5, Map No. 3218, filed in the office of the Recorder of San Diego County;
2. Parcel "A," Princess Del Cerro, Unit No. 2, Map No. 5515, filed in said Recorder's office; and
3. That portion of Lot 67, Rancho Mission of San Diego, according to Partition Map thereof made in the action entitled "Juan M. Luco et al vs. The Commercial Bank of San Diego et al" under Superior Court Case No. 348 on file in

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the office of the County Clerk of San Diego County (i) which is contiguous to the following street or other lines or (ii) which lies between the following subdivisions and is contiguous thereto, to wit:

a. Easterly of the easterly line of Waring Road, between the northerly boundary of College Canyon Unit No. 3, Map 6287, filed in said Recorder's office, and the southerly boundary of Presbyterian Palisades, Map 3433, filed in said Recorder's office.

b. Presbyterian Palisades, Map 3433, filed in said Recorder's office.

c. Allied Gardens, Unit No. 4, Map 3136, filed in said Recorder's office.

d. Allied Gardens, Unit No. 5, Map 3218, filed in said Recorder's office.

e. Allied Gardens, Unit No. 6, Map 3293, filed in said Recorder's office.

f. Princess Del Cerro, Unit No. 2, Map 5515, filed in said Recorder's office.

g. Princess Del Cerro, Unit No. 3, Map 5616, filed in said Recorder's office.

h. Princess Del Cerro, Unit No. 4, Map 5956, filed in said Recorder's office.

i. Princess Del Cerro, Unit No. 5, Map 6166, filed in said Recorder's office.

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j. Del Cerro, Unit No. 7, Map 3619, filed in said Recorder's office.

k. Del Cerro, Unit No. 9, Map 3862, filed in said Recorder's office.

l. Del Cerro, Unit No. 10, Map 4096, filed in said Recorder's office.

m. Del Cerro, Unit No. 13, Map 4572, filed in said Recorder's office.

n. Northerly of the following line: Commencing at the southwest corner of Lot 901, said Del Cerro, Unit No. 13, thence S 74°00'51" W a distance of 857.85' to the northerly line of Adobe Falls Road.

C. The foregoing lands to be acquired are more particularly shown on Right of Way Drawing No. 16369-D, Document No. 753267 on file with the City Clerk, and reference is hereby made to that drawing for the full and detailed location of the lands. The foregoing lands are hereinafter referred to as "project area."

II. THE CONSTRUCTION AND INSTALLATION WITHIN THE PROJECT AREA OF IMPROVEMENTS FOR PARK AND RECREATION PURPOSES,
as follows:

A. The regrading and reconstruction of an existing pedestrian way and hiking trail in the project area extending from the junction of Mound Avenue and Carthage Street on the north to Adobe Falls Road, near its junction with Waring Road, on the south.

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B. The regrading and reconstruction of an existing pedestrian way and hiking trail in the project area between the existing pedestrian way and hiking trail described in subparagraph A of this paragraph II and the northerly line of the project area in the vicinity and southwesterly of the intersection of Spear Street and Lance Street.

C. The grading and construction of a new pedestrian way and hiking trail between the existing pedestrian way described in subparagraph B of this paragraph II and the easterly line of the project area at the westerly terminus of Romany Drive.

D. The regrading and reconstruction of an existing pedestrian way and hiking trail between the existing pedestrian way and hiking trail described in subparagraph A of this paragraph II and the westerly line of the project area in the vicinity and easterly of the intersection of Carthage Street and Birchwood Street.

E. The regrading and reconstruction of an existing pedestrian way and hiking trail between the existing pedestrian way and hiking trail described in subparagraph D of this paragraph II and the northerly line of the project area in the vicinity and southwesterly of the intersection of Carthage Street and Eldridge Street.

F. The grading and construction of a new pedestrian way and hiking trail between the existing pedestrian way and hiking trail described in subparagraph A of this paragraph

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II and the easterly line of the project area at the westerly terminus of Lyden Way.

G. Grading, the construction of a concrete mounting slab, and the installation of a picnic table with seating, as follows:

1. In the project area near the junction of the existing pedestrian way and hiking trails referred to in subparagraphs A and B of this paragraph II; and

2. In the project area near the existing pedestrian way and hiking trail referred to in subparagraph A of this paragraph II and in the vicinity and northerly of the westerly terminus of Del Cerro Boulevard.

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

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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 and in use in the performance of a public function 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. 3901" 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 \$645,000.

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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). The 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. The bonds shall be serial bonds and shall have classified terms of maturity as follows:

(a) For unpaid assessments of \$100 or less, the bonds shall extend over a period ending two years from the second day of January next succeeding the next September 1st following their date;

(b) For unpaid assessments more than \$100 but less than \$400, the bonds shall extend over a period ending four years from the second day of January next succeeding the next September 1st following their date; and

(c) For unpaid assessments of \$400, or more, the bonds shall extend over a period ending nine 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%), payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section

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6464, 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 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 for the maintenance of the improvements. 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.

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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 H. Valderhaug
Harold Valderhaug, Deputy

FH:HOV
10-24-75
Or. Dept. Eng. & Dev.

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Passed and adopted by the Council of The City of San Diego on NOV 5 1975,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Kathleen Mastenig, Deputy.

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Resolution Number 214599 Adopted NOV 5 1975

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