

RESOLUTION NO. 215196

January 28, 1976

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; 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. 16 (Hendrix Park)

WHEREAS, a petition was filed with the City Clerk under Document No. 750457 requesting the formation of a park district in the Scripps Miramar Ranch area under the San Diego Park District Procedural Ordinance of 1969, was certified by the City Clerk to be insufficient and the Council adopted Resolution No. 213266 initiating, on its own motion, proceedings for the formation of said park district; and

WHEREAS, a map of the assessment district, designated "Plat No. 3904," showing the exterior boundaries of the proposed park district has been presented to the Council;
NOW, THEREFORE

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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. 16 (Hendrix Park) 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 in fee simple are located in the Scripps Village Center, northwesterly of and adjoining Aviary Drive near its intersection with Willow Creek Road.

B. The lands to be acquired in fee simple consist of the following:

All of Lot 6, Scripps Village Center, Unit 3, Map No. 7085, filed in the office of the County Recorder of San Diego County, and that portion of Lot 5, said map,

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located northerly and easterly of the following line:
Commencing at the northwesterly corner of said Lot 6, thence southerly along the westerly lines of said Lots 6 and 5 a distance of 411.33 feet to the point of beginning; thence South $88^{\circ} 49' 02''$ East a distance of 185.00 feet; thence South $01^{\circ} 10' 58''$ West a distance of 107.00 feet; thence South $33^{\circ} 15' 00''$ East a distance of 79.85 feet to the northwesterly line of Aviary Drive.

II. THE ACQUISITION OF AN EASEMENT FOR PUBLIC PEDESTRIAN ACCESS AND MAINTENANCE PURPOSES, as follows:

A. The easement to be acquired is located westerly of and adjoining the lands described in paragraph I, above.

B. The easement to be acquired consists of the following:

That portion of Lot 8, Scripps Village Center, Unit 4, Map No. 7086, filed in said recorder's office, described as follows: Beginning at the northwesterly corner of Lot 6, Scripps Village Center, Unit 3, thence South $01^{\circ} 10' 58''$ West along the westerly line of said Lot 6 and the easterly line of said Lot 8 a distance of 375.00 feet; thence North $88^{\circ} 49' 02''$ West a distance of 35.00 feet; thence North $01^{\circ} 10' 58''$ East a distance of 358.00 feet; thence North $66^{\circ} 27' 25''$ East a distance of 35.83 feet to the point of beginning.

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III. THE ACQUISITION OF EASEMENTS FOR DRAINAGE PURPOSES, as follows:

A. The easements to be acquired are located, in part, within and, in part, westerly of and adjoining the easement for public pedestrian access and maintenance purposes described in paragraph II, above.

B. The easements to be acquired consist of the following:

1. That portion of Lot 8, Scripps Village Center, Unit 4, consisting of a strip of land 10 feet in width, the centerline being described as follows: Commencing at the northwesterly corner of Lot 6, Scripps Village Center, Unit 3, thence South $01^{\circ} 10' 58''$ West along the westerly line of said Lot 6 and the easterly line of said Lot 8 a distance of 11 feet to the true point of beginning; thence South $74^{\circ} 44' 25''$ West a distance of 72 feet to a terminus.

2. That portion of Lot 8, Scripps Village Center, Unit 4, consisting of a strip of land 10 feet in width, the centerline being described as follows: Commencing at the northwesterly corner of Lot 6, Scripps Village Center, Unit 3, thence South $01^{\circ} 10' 58''$ West along the westerly line of said Lot 6 and the easterly line of said Lot 8 a distance of 36 feet to the true point of beginning; thence North $70^{\circ} 00' 24''$ West to a terminus in the southeasterly line of the easement described in subparagraph 1 of this paragraph B.

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3. That portion of Lot 8, Scripps Village Center, Unit 4, consisting of a strip of land 10 feet in width, the centerline being described as follows: Commencing at the northwesterly corner of Lot 6, Scripps Village Center, Unit 3, thence South 01° 10' 58" West along the westerly line of said Lot 6 and the easterly line of Lot 8 a distance of 358.80 feet to the true point of beginning; thence North 50° 19' 02" West a distance of 45.50 feet; thence North 13° 55' 02" West a distance of 15 feet to a terminus.

IV. THE FOREGOING LANDS AND EASEMENTS ARE MORE PARTICULARLY SHOWN on Right of Way Drawings Nos. 13582-B, 13580-1-B, and 13619-1-B, Document Nos. 754136 , 754137 , and 754138 on file with the City Clerk and reference is hereby made to those drawings for the full and detailed locations of the lands and easements. The foregoing lands and easements are hereinafter referred to as "project area."

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

A. The installation of benches and picnic tables, with benches, and the construction of concrete slabs therefor; the construction of waterlines and the installation of a drinking fountain; the construction of drainage facilities; the installation of demountable posts on an existing roadway; the grading of a roadway and the construction of a driveway

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entrance therefor; and appurtenances and appurtenant work for the foregoing.

B. The maintenance of the various improvements for a period of six months from the respective dates of completion of such improvements and the acceptance thereof by the city.

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

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United States, the State of California, the county, the city, 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. 3904" 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. 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

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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 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 the bonds provide for a premium of five percent (5%) of the unpaid principal of said

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bonds. Assessments under \$50 shall be subject to the penalties and costs, and collected as provided in Section 10600.1, Streets and Highways Code.

Section 6. 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 7. 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 as follows:

- (1) If the surplus is less than \$30,000, the entire surplus shall be transferred to a fund for the maintenance of the acquisitions and improvements.
- (2) If the surplus is \$30,000 or more, the entire 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.

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Section 8. 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 9. 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 Robert W. MacCartee
Robert W. MacCartee, Deputy

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Passed and adopted by the Council of The City of San Diego on JAN 28 1976,
 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Tom Gade	<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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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