

RESOLUTION NO. 215197

January 28, 1976

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING A REPORT PREPARED PURSUANT TO THE SAN DIEGO PARK DISTRICT PROCEDURAL ORDINANCE OF 1969; AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS AND OBJECTIONS TO THE ACQUISITIONS, IMPROVEMENTS, DIAGRAM AND ASSESSMENT DESCRIBED AND CONTAINED IN SAID REPORT AND WHETHER PUBLIC CONVENIENCE AND NECESSITY REQUIRES SUCH ACQUISITIONS AND IMPROVEMENTS AND GIVING NOTICE THEREOF.

Park District No. 16
(Hendrix Park)

WHEREAS, this Council adopted Resolution of Intention No. 215196, declaring its intention to order certain acquisitions and improvements under 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, referring the acquisitions and improvements described therein to the Superintendent of Streets, directing the Superintendent of Streets to make and file with the City Clerk a report in writing containing all of the matters required by the procedural ordinance; and

WHEREAS, the Superintendent of Streets had made and filed the report in writing with the City Clerk, Document No. 754113, and the City Clerk has presented the report to this Council for consideration; and

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WHEREAS, under Section 17 of Article XIII of the Constitution of the State of California, Section 2804, Streets and Highways Code, and Sections 61.0101 to 61.0111, inclusive, of the San Diego Municipal Code, this Council proposes, after notice and hearing, to find and determine by no less than a four-fifths vote of all the members thereof, that the public convenience and necessity require such acquisitions and improvements and to order such acquisitions and improvements without application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing at Section 2800, Streets and Highways Code) and the debt limitation and majority protest provisions of said Act; NOW, THEREFORE,

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

Section 1. The Council has considered and passed on the Report. The Report, as filed, is hereby approved. The Report, including the right of way map, plans, specifications, estimate of costs and expenses, diagram and assessment incorporated therein by reference, are on file in the office of the City Clerk and may be examined by any interested person. Reference is made to the plans and specifications for a full and detailed description of the proposed work.

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Section 2. NOTICE IS HEREBY GIVEN that March 10, 1976, at the hour of 2:00 p.m. in the Council Chambers of the Council at the City Administration Building, 202 "C" Street, San Diego, California, are the day, hour and place fixed for the hearing by the Council of protests and objections. Any and all persons having any protest or objection to the proposed acquisitions and improvements, the extent of the assessment district, or the proposed assessment, may appear before the Council at said hearing, and show cause why the proposed acquisitions and improvements should not be carried out and the proposed assessment and diagram confirmed, all in accordance with the resolution of intention and Report. Protests or objections must be in writing and must be delivered to the City Clerk of the city, at or before the time set for said hearing. Any such protest or objection must contain a description of the property in which each signer thereof is interested sufficient to identify the same and if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property.

Section 3. NOTICE IS FURTHER GIVEN that at the previously mentioned day, hour and place, and concurrently with the aforementioned hearing, the Council will also hold a public hearing on the question of whether public convenience

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and necessity require such acquisitions and improvements, and whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply. Notice of the public hearing provided for by this section shall be published, posted and mailed by the same means, at the same time and in the same manner as for the hearing provided by Section 2 hereof.

Section 4. The City Clerk is hereby directed to cause notices of the passage of this resolution to be posted, and is also directed to mail notices of the adoption of the resolution of intention and the filing of said Report, both such notices to be given at the time and in the form and manner provided by law.

Section 5. The City Clerk is further directed to cause a Notice of Improvement to be published twice in THE SAN DIEGO DAILY TRANSCRIPT, a newspaper of general circulation published and circulated in The City of San Diego, the first such publication to be made at least twenty (20) days before the date set herein for the hearing of protests.

APPROVED: JOHN W. WITT, City Attorney

by


Robert W. MacCartee, 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 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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Office of the City Clerk, San Diego, California

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