

ORDINANCE NO. 12027 FEB 23 1977
(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 20 PROVIDING FOR THE CREATION AND GOVERNMENT OF SAN DIEGO PARK FACILITIES DISTRICTS.

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

Section 1. That Chapter VI, Article 1 of the San Diego Municipal Code is hereby amended by adding Division 20, Sections 61.2000 through 61.2071, to read as follows:

DIVISION 20

SAN DIEGO PARK FACILITIES DISTRICT PROCEDURAL ORDINANCE

Part 1

General Provisions

SEC. 61.2000 Title.

This Division shall be known as the San Diego Park Facilities District Procedural Ordinance.

SEC. 61.2001 Municipal Affairs.

This Division is adopted pursuant to the municipal affairs provisions of the City Charter.

SEC. 61.2002 Purpose.

The whole or any part of the City may be formed into one or more park facilities districts pursuant to the provisions of this Division.

SEC. 61.2003 Powers.

A park facilities district may acquire, construct, improve, maintain and operate park facilities.

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SEC. 61.2004 Procedure.

Excepting for matters therein inconsistent with the provisions of this Division, the provisions of the Community Facilities Law of 1911 (Chapter 1[commencing with Section 4600], Part 3, Division 5, Health and Safety Code), excepting Article 2a and Section 4623.1 therein, shall apply to the formation and government of such districts.

SEC. 61.2005 Alternate Procedure.

The procedures provided in this Division are alternative and in addition to those provided by any other law, ordinance or provision of the Municipal Code.

SEC. 61.2006 Complete Procedure.

This Division is full authority for the formation and government of park facilities districts.

SEC. 61.2007 Other Laws.

In the performance of any act or the conduct of any proceeding pursuant to this Division, the Council may act pursuant to any other law, ordinance or provision of the Municipal Code when, in its opinion, the objects and purposes of this Division will be better effectuated thereby.

SEC. 61.2008 Necessary or Convenient Procedure.

Any act or procedure not expressly provided in this Division, which is deemed necessary or convenient to carry out its purposes, may be provided by the Council or other board, commission or officer that provides or performs such act or procedure.

SEC. 61.2009 Notice, By Whom.

When any notice is required to be given, it shall be given by or on behalf of the City Clerk.

SEC. 61.2010 Advances.

The City may advance available City funds for any purpose in the formation or government of a park facilities district and recover them from the proceeds of bonds, taxes or other revenues of such district.

SEC. 61.2011 Contributions.

The City may contribute available City funds for any purpose of a park facilities district.

SEC. 61.2012 Waiver.

All owners who shall have failed to:

(a) File timely written statements, state a ground in a timely statement, or present evidence at the hearing as to a ground stated therein, in a proceeding under Part 3 of this Division; or

(b) Appear, orally or in writing, or to state a ground, or to present evidence as to a ground stated at the hearing, in a proceeding under Part 5 of this Division;

shall have waived such right or ground, respectively.

SEC. 61.2013 Finality.

A resolution ordering a district formed, the inclusion of an acquisition or improvement in, or the annexation of territory

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to, a district, under Parts 3, 5 or 7 of this Division, shall be final and conclusive as to all rights and grounds waived under Section 61.2012 of this Part.

SEC. 61.2014 Limitations of Action.

No action or defense questioning the validity of (a) the formation of a district, (b) the inclusion of an acquisition or improvement, (c) the annexation of territory, or (d) an election at which bonded indebtedness was authorized or maximum rate of tax or a change therein was approved, shall be had or maintained in any Court of competent jurisdiction unless commenced or raised in an answer filed within 30 days after the date of adoption of the resolution so ordering as to (a), (b) or (c) or the resolution of canvass as to (d) of this section, nor shall any timely pleading be so amended; and all persons shall thereafter be forever barred.

SEC. 61.2015 Actions, By Whom and Effect.

No timely action or defense may be maintained in any Court of competent jurisdiction, nor shall any restraining order, mandate, or mandatory or prohibitive injunction or other provisional remedy be available, to question the validity of any act or proceeding had or taken pursuant to this Division, excepting only as it shall apply to the specific property of an owner who, in his proper name, is a party in such action; and such action shall not apply to any other properties or to the owners thereof, as to all of which and whom the District may continue to take such action or proceeding, including, but not limited to, the issuance and sale of bonds and the levy and collection of taxes.

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SEC. 61.2016 Liberal Construction.

This Division shall be liberally construed to promote and effectuate its purposes.

SEC. 61.2017 Irregularities.

No error, irregularity, informality, omission or illegality, and no neglect or omission of any official, in any proceeding taken pursuant to this Division, which does not amount to a failure of due process of law under the State or Federal constitutions, shall void or invalidate any action or proceeding taken pursuant hereto.

SEC. 61.2018 Severability.

If any provision of this Division or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or their application to other persons or circumstances which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

Part 2

Definitions

SEC. 61.2020 Acquisition.

Acquisition means and includes, without limiting the generality thereof:

- (a) The acquisition of lands, easements, rights of way, improvements, interest in real property, and personal property useful for the purposes of a district, and includes construction;

(b) The acquisition of property which has been or is in the process of being acquired by the City or for which jurisdiction has been or is in the process of being acquired pursuant to a special assessment procedural law or ordinance or the Municipal Code;

(c) The payment in full to owners, as described in part (a) of Section 61.2055, as to land on which has been paid the whole or any part of the principal amount of any special assessments which shall have been levied and become a lien, together with any interest, or any premiums for payment of any bonds in advance of their maturity, which shall have been issued to represent said assessments, which assessments were levied and bonds were issued to provide funds for the acquisition of park facilities;

(d) The principal of, interest on or any premiums required to be paid in the call and retirement of any improvement bonds issued to represent unpaid special assessments levied pursuant to a special assessment procedural law ordinance for the purpose of acquiring park facilities, or for the purchase of said bonds in the open market at prices not to exceed those required for advancing the maturity thereof; and

(e) The costs incurred in cancelling unpaid assessments represented by improvement bonds retired

pursuant to subdivisions (b), (c) or (d) of this section.

SEC. 61.2021 Construct.

Construct means to install, fabricate, form or put together and includes reconstruct, alter, improve, repair, replace or acquire.

SEC. 61.2022 Improve.

Improve means to acquire, construct, install, extend, repair, replace, better, equip, develop, embellish or otherwise improve.

SEC. 61.2023 Open Space.

Open space means any area that is characterized by existing openness and undeveloped or substantially undeveloped natural conditions; provided, however, that an open space is a park, and it may at any time be improved or utilized for any additional park or recreational purpose.

SEC. 61.2024 Park.

Park means and includes open space and other parks and recreational areas, purposes and facilities.

SEC. 61.2025 Park Facilities.

Park facilities means lands and improvements utilized or useful for park and recreational purposes.

SEC. 61.2026 Recreational.

Recreational means and includes any activity, voluntarily engaged in, which contributes to the education, entertainment, or physical, mental, cultural or moral development of the

individual or group attending, observing or participating therein, and includes any activity in the field of music, drama, art, hand-sports and athletics or any of them, and any informal play incorporating any such activities.

Part 3

Formation of District

SEC. 61.2030 Resolutions.

The Council may adopt such resolutions and take such actions and proceedings as are necessary or useful in the formation of a park facilities district.

SEC. 61.2031 Resolution of Intention.

The resolution of intention to form a park facilities district shall be sufficient if it states:

(a) The name and any number of the proposed district.

(b) That the Council proposes to form a park facilities district for the purpose of submitting to the voters of the district a proposition of incurring a bonded indebtedness to provide funds for the acquisition of park facilities.

(c) That the boundaries of the proposed district are delineated on a map thereof on file in the office of the City Clerk and open to public inspection stating its title.

(d) That the district contains all the properties that will be benefited by the proposed improvements.

(e) The time and place of a public hearing by the Council at which it will consider and finally act on such formation.

(f) That owners of real property within the proposed district may, up to the hour fixed for hearing, file with the City Clerk written statements signed by them stating whether the grounds on which they are for or against the formation of the district or why their properties will or will not be benefited by being included therein.

(g) That such persons may appear at the hearing and present evidence in support of their written statements.

SEC. 61.2032 Mailed Notices.

In lieu of mailing copies of the resolution of intention to owners, a notice of hearing on formation of a district shall be mailed which shall be sufficient if it states:

(a) The number, title and date of adoption of a resolution of intention and the name and number of the proposed district.

(b) That the Council proposes to form a park facilities district for the purpose of submitting to voters therein the authorizing of district bonds to acquire park facilities.

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(c) That the properties of the addresses are located therein.

(d) That the proposed boundaries of the district are delineated on a map, stating its title.

(e) The time and place of the hearing on formation.

(f) That up to the hour fixed for hearing, owners may file with the City Clerk written statements signed by them stating the grounds on which they are for or against the proposed district or why their properties will or will not be benefited by being included therein.

(g) That they may appear at the hearing and present evidence in support of their written statements.

(h) That the resolution of intention and boundary map are on file with the City Clerk and open to inspection.

SEC. 61.2033 Formation.

The district shall become formed on the date of adoption of the resolution ordering its formation, and a copy of the resolution need not be recorded with the County Recorder.

Part 4

Bonds

SEC. 61.2040 Resolutions.

The Council may adopt such resolutions and take such actions and proceedings as are necessary or useful to call, canvass and declare the results of elections at which propositions of incurring bonded indebtedness to provide funds for the acquisition of park

facilities will have been submitted for the approval of the voters of a district, the issuance and sale of the bonds and all other matters relating thereto.

SEC. 61.2041 Election Call.

The resolution calling the election shall be sufficient if it:

(a) States that an election is called for the purpose of submitting to the voters within the district a proposition of incurring an indebtedness to be represented by general obligation bonds of the district to provide funds for financing the costs and expenses of acquiring park facilities.

(b) States the maximum amount of the proposed indebtedness.

(c) Refers by title to the map of district boundaries on file with the City Clerk.

(d) Fix the date on which the election will be held.

(e) Determine the manner of holding the election.

SEC. 61.2042 Bond Authorization.

If a majority of the voters who shall have voted on a proposition of incurring a bonded indebtedness shall have voted in favor thereof, the proposition shall have carried and the Council may cause the bonds to be issued and the indebtedness represented thereby shall have been incurred.

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SEC. 61.2043 Conclusive Evidence.

The bonds, by their issuance, shall be conclusive evidence as to the regularity of all proceedings had and taken by a district leading to their issuance.

SEC. 61.2044 Supplemental Remedies.

The supplemental remedy provisions of Part 13 (commencing with Section 8800) of Division 10 of the Streets and Highways Code shall apply.

Part 5

Acquisitions and Construction

SEC. 61.2050 Specific Park Facilities.

A park facilities district may adopt such resolutions and take such actions and proceedings as may be necessary or useful for the acquisition, construction or inclusion of a park facility or facilities, in the manner provided in this Part.

SEC. 61.2051 Acquisition or Inclusion of Facilities.

A park facilities district may acquire, construct or include park facilities:

(a) Which have been or are in the process of being acquired in a special assessment and assessment bond proceeding which has been or is being conducted by the City.

(b) Which are owned by or in the process of being acquired by the City by any other lawful means.

(c) Which are otherwise owned.

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SEC. 61.2052 Resolution of Intention.

The Council may adopt a resolution of intention which shall be sufficient if it states:

(a) The name and number of the district.

(b) That the district proposes to acquire or include one or more park facilities, generally describing it or them, and specifying its or their ownership as provided in Section 61.2051 of this Part.

(c) That the district proposes to construct one or more park facilities, generally describing it or them.

(d) That a map and description more particularly delineating and describing such acquisitions, or that plans more particularly describing the improvements, are on file with the City Clerk or at such other office designated by it as will more conveniently provide for their examination and explanation.

(e) A time and place when and where the Council will consider and finally act in said matter.

(f) That owners may appear at the hearing and be heard, orally or by writing signed by them, and present evidence in support thereof.

SEC. 61.2053 Posting and Publication.

A copy of the resolution shall be posted on the bulletin board of the City Administration Building and be published in a newspaper of general circulation printed and published in

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the City, once a week for two weeks, the posting and first publication to be on or before the tenth day prior to the day of hearing.

SEC. 61.2054 Resolution Ordering Inclusion.

At the time fixed for hearing, the Council shall hear all persons interested, consider all matters presented, and may alter, modify and, by resolution, finally act in the matter.

SEC. 61.2055 Special Assessments and Improvement Bonds.

Property ordered acquired pursuant to subdivision (a) of Section 61.2051 of this Part shall be paid for as follows:

(a) When an individual assessment of an assessment, supplemental assessment or reassessment, or any installment thereof, has been paid in cash, the principal amount thereof, without interest, shall be paid to the person or persons who are shown in the official records of the County of San Diego as the owner or owners of the property to which said assessment pertained as of the date that the park facilities acquired with the proceeds of said assessment, supplemental assessment or reassessment were ordered acquired pursuant to subdivision (a) of Section 61.2051 of this Part.

(b) In the event that after the lapse of four years the person or persons referred to in subdivision (a) of this section have not been identified or, if identified, have not been located or have not otherwise come forward

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and claimed such refund, the principal amount thereof shall be and remain a part of the fund created for such acquisition, or if previously set aside, shall, with any interest earned thereon, be returned thereto, free and clear of such claim or claims.

(c) When all or any part of an individual assessment of such assessment remains unpaid, whether or not payable in installments, such individual assessment shall, by resolution, be ordered canceled and, upon filing a certified copy thereof with the Superintendent of Streets, and the City Auditor if payable in installments, shall be marked "Canceled".

(d) If individual bonds have been issued pursuant to the Improvement Act of 1911 to represent such individual unpaid assessments, amounts sufficient to call and prepay said bonds shall be deposited with the City Treasurer, and he shall cause said bonds to be called and paid.

(e) If serial bonds have been issued pursuant to the Improvement Bond Act of 1915 to represent such individual unpaid assessments, amounts sufficient to call and prepay all of said bonds shall be deposited with the City Treasurer, and he shall cause said bonds to be called and paid.

(f) In lieu of calling and retiring any bonds as provided in subdivision (d) or (e) of this section,

the Treasurer may purchase such bonds in the open market at prices not to exceed the call price thereof.

(g) All bonds which have been called and retired, as provided in this section shall be canceled and retired.

(h) Following full compliance with the provisions of this section, the Council shall, by resolution, declare that the park facility involved has been acquired by and is included within the district.

Part 6

Maintenance and Operation

SEC. 61.2060 Taxation.

In the event the Council desires to levy a rate of district property tax pursuant to Section 4640 of the Health and Safety Code for which the right to levy does not exist or which is in excess of the rate that has been established therefor pursuant to Article 4 (commencing with Section 2260 of Chapter 3 of Part 4 of Division 1) of the Revenue and Taxation Code, or a change therein, the Council shall obtain the approval thereof by the voters of such district.

SEC. 61.2061 Bond Election.

The Council may submit a maximum or excess maximum rate of property tax rate or a change therein, as a separate proposition, at the election at which bonds are to be voted on, to the voters of such district.

SEC. 61.2062 Separate Election.

The Council may cause a maximum or excess maximum rate of property tax rate or a change therein, to be submitted at a

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separate election in a district, in which event the proceedings therefor shall be substantially the same as for a bond election and with the same effect, provided that they shall be modified to show that they are for a maximum or an excess maximum rate of property tax rate or a change therein.

Part 7

Annexations

SEC. 61.2070 Nature of Territory.

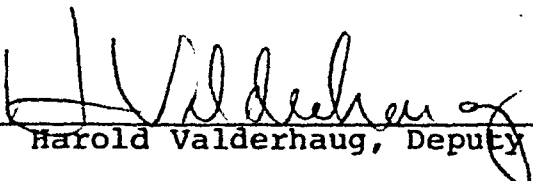
Territory within or being annexed to the City may be annexed to a park facilities district in the manner provided in Part 5 of this Division.

SEC. 61.2071 City Annexation.

Unincorporated territory which is being annexed to the City may be annexed to a park facilities district as a part of the proceedings annexing said territory to the City, in which event the City annexation proceedings shall be supplemented to provide for the annexation of the same territory to a park facilities district.

Section 2. This ordinance shall be published once in the official City newspaper within ten days and shall take effect thirty days from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold Valderhaug, Deputy

MRB:jb
12-16-76

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FEB 23 1977

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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Tom Gade | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Joel M. Strobl | <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.

(Seal)

By

Elizabeth Deeg

Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 8 1977

, and on

FEB 23 1977

~~I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By

Elizabeth Deeg

Deputy

RECEIVED
CITY CLERK'S OFFICE

1976 DEC 28 PM 1:29

SAN DIEGO, CALIF.

MICROFILMED MAY 15 1978

Office of the City Clerk, San Diego, California

Ordinance
Number

12027

Adopted

FEB 23 1977

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Elizabeth Deeg

IN THE SUPERIOR COURT OF CALIFORNIA
- IN AND FOR THE COUNTY OF SAN DIEGO -

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

PARK FACILITIES DISTRICT

ORDINANCE NO. 12027

(New Section)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 20
PROVIDING FOR THE CREATION AND GOVERNMENT OF SAN
DIEGO PARK FACILITIES DISTRICTS.
BE IT ORDAINED, by the Council of The City of San Diego, as
follows:
Section 1. That Chapter VI, Article 1 of the San Diego Municipal Code
is hereby amended by adding Division 20, Sections 61.2000 through
61.2071, to read as follows:

DIVISION 20
SAN DIEGO PARK FACILITIES
DISTRICT PROCEDURAL ORDINANCE
Part 1
General Provisions
SEC. 61.2000 Title.
This Division shall be known as the San Diego Park Facilities District
Procedural Ordinance.
SEC. 61.2001 Municipal Affairs.
This Division is adopted pursuant to the municipal affairs provisions of
the City Charter.
SEC. 61.2002 Purpose.
The whole or any part of the City may be formed into one or more park
facilities districts pursuant to the provisions of this Division.
SEC. 61.2003 Powers.
A park facilities district may acquire, construct, improve, maintain
and operate park facilities.
SEC. 61.2004 Procedure.
Excepting for matters therein inconsistent with the provisions of this
Division, the provisions of the Community Facilities Law of 1911 (Chapter
1 commencing with Section 4600, Part 3, Division 5, Health and Safety
Code), excepting Article 2a and Section 4623.1 therein, shall apply to the
formation and government of such districts.
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The procedures provided in this Division are alternative and in
addition to those provided by any other law, ordinance or provision of the
Municipal Code.
SEC. 61.2006 Complete Procedure.
This Division is full authority for the formation and government of
park facilities districts.
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In the performance of any act or the conduct of any proceeding
pursuant to this Division, the Council may act pursuant to any other law,
ordinance or provision of the Municipal Code when, in its opinion, the
objects and purposes of this Division will be better effectuated thereby.
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Any act or procedure not expressly provided in this Division, which is
deemed necessary or convenient to carry out its purposes, may be
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or performs such act or procedure.
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The City may advance available City funds for any purpose in the
formation or government of a park facilities district and recover them from
the proceeds of bonds, taxes or other revenues of such district.
SEC. 61.2011 Contributions.
The City may contribute available City funds for any purpose of a park
facilities district.

PATRICIA M. DUTRA

I, PATRICIA M. DUTRA, hereby certify
that the San Diego Daily Transcript is a daily newspaper of
general circulation within the provisions of the Government Code
of the State of California, printed and published in the City of San
Diego, County of San Diego, State of California; that I am the
principal clerk of said newspaper; and the

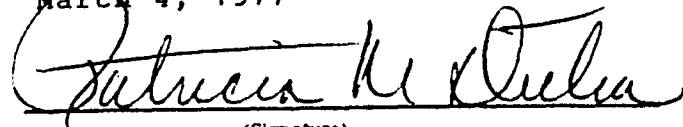
ORDINANCE NO. 12027

is a true and correct copy of which this certificate is annexed and
was published in said newspaper on

March 4, 1977

I certify under penalty of perjury that the foregoing is true and
correct, at San Diego, California, on

March 4, 1977



(Signature)

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63" @ 5.08 = 320.04 ✓

statements, or present evidence at the hearing, as to a ground stated herein, in a proceeding under Part 3 of this Division; or (b) appears, orally or in writing, or to state a ground, or to present evidence as to a ground stated at the hearing, in a proceeding under Part 5 of this Division; shall have waived such right or ground, respectively.

SEC. 61.2013 Finality.
A resolution ordering a district formed, the inclusion of an acquisition or improvement in, or the annexation of territory to, a district, under Parts 3, 5 or 7 of this Division, shall be final and conclusive as to all rights and grounds waived under Section 61.2012 of this Part.

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No action or defense questioning the validity of (a) the formation of a district, (b) the inclusion of an acquisition or improvement, (c) the annexation of territory, or (d) an election at which bonded indebtedness was authorized or maximum rate of tax or a change therein was approved, shall be had or maintained in any Court of competent jurisdiction, commenced or raised in an answer filed within 30 days after the date of adoption of the resolution so ordering as to (a), (b) or (c) or the resolution so canvass as to (d) of this section, nor shall any timely pleading be amended; and all persons shall thereafter be forever barred.

SEC. 61.2015 Actions, By Whom and Effect.
No timely action or defense may be maintained in any Court of competent jurisdiction, nor shall any restraining order, mandamus, mandatory or prohibitive injunction or other provisional remedy be available, to question the validity of any act or proceeding had or taken pursuant to this Division, excepting only as it shall apply to the specific property of an owner who, in his proper name, is a party in such action, and such action shall not apply to any other properties or to the conduct thereof, as to all of which and whom the District may continue to take such action or proceeding, including, but not limited to, the issuance and collection of bonds and the levy and collection of taxes.

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This Division shall be liberally construed to promote and effectuate its purposes.

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SEC. 61.2018 Severability.
If any provision of this Division or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or their application to other persons or circumstances which have the given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

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(b) The acquisition of property which has been or is in the process of being acquired by the City or for which jurisdiction has been or is in the process of being acquired pursuant to a special assessment procedural law or ordinance of the Municipal Code;
(c) The payment in full to owners, as described in part (a) of Section 61.2055, as to land on which has been paid the whole or a part of the principal amount of any special assessments which have been levied and become a lien, together with any interest or premiums for payment of any bonds in advance of their maturity, which shall have been issued to represent said assessments, which assessments were levied and bonds were issued to provide funds for the acquisition of park facilities;
(d) The principal of, interest on or any premiums required to be paid in the call and retirement of any improvement bonds issued to represent unpaid special assessments levied pursuant to a special assessment procedural law ordinance for the purpose of acquiring park facilities, or for the purchase of said bonds in the open market at prices not to exceed those required for advancing the maturity thereof; and
(e) The costs incurred in cancelling unpaid assessments represented by improvement bonds retired pursuant to subdivisions (a) (c) or (d) of this section.

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Construct means to install, fabricate, form or put together and includes reconstruct, alter, improve, repair, replace or acquire.

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Improve means to acquire, construct, install, extend, repair, replace, alter, equip, develop, embellish or otherwise improve.

SEC. 61.2023 Open Space.
Open space means any area that is characterized by existing open, undeveloped or substantially undeveloped natural conditions, provided, however, that an open space is a park, and it may at any time be improved or utilized for any additional park or recreational purpose.

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Park means and includes open space and other parks and recreational purposes and facilities.

SEC. 61.2025 Park Facilities.
Park facilities means lands and improvements utilized or useful for park and recreational purposes.

SEC. 61.2026 Recreational.
Recreational means and includes any activity, voluntarily engaged in, which contributes to the education, entertainment, or physical, mental or social well-being of the individual or group attending, whether such activity be performed in an organized or unorganized manner, and whether or not conducted for profit, and whether or not conducted on a regular basis.

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Ord No. 12027 NS

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SEC. 61.2001 Resolution of Intentions. The resolution of intention to form a park facilities district shall be sufficient if it states:

- (a) The name and any number of the proposed district.
- (b) That the Council proposes to form a park facilities district for the purpose of submitting to the voters of the district a proposition for incurring a bonded indebtedness to provide funds for the acquisition of park facilities.
- (c) That the boundaries of the proposed district are delineated on a map thereof on file in the office of the City Clerk and open to inspection stating its title.
- (d) That the district contains all the properties that will be benefited by the proposed improvements.
- (e) The time and place of a public hearing by the Council in which it will consider and finally act on such formation.
- (f) That owners of real property within the proposed district may, up to the hour fixed for hearing, file with the City Clerk written statements signed by them stating whether the grounds on which they are for or against the formation of the district or why their properties will or will not be benefited by being included therein.
- (g) That such persons may appear at the hearing and present evidence in support of their written statements.

SEC. 61.2032 Mailed Notices. In lieu of mailing copies of the resolution of intention to owners of property in the district a notice of hearing on formation of a district shall be mailed which shall be sufficient if it states:

- (a) The number, title and date of adoption of a resolution of intention and the name and number of the proposed district.
- (b) That the Council proposes to form a park facilities district for the purpose of submitting to voters therein the authorizing of district bonds to acquire park facilities.
- (c) That the properties of the addresses are located therein.
- (d) That the proposed boundaries of the district are delineated on a map, stating its title.
- (e) The time and place of the hearing on formation.
- (f) That up to the hour fixed for hearing, owners may file with the City Clerk written statements signed by them stating the grounds on which they are for or against the proposed district or why their properties will or will not be benefited by being included therein.
- (g) That they may appear at the hearing and present evidence in support of their written statements.
- (h) That the resolution of intention and boundary map are on file with the City Clerk and open to inspection.

SEC. 61.2033 Formation. The district shall become formed on the date of adoption of the resolution ordering its formation, and a copy of the resolution need not be recorded with the County Recorder.

Part 4 Bonds

SEC. 61.2040 Resolutions. The Council may adopt such resolutions and take such actions and proceedings as are necessary or useful to call, canvass and declare the results of elections at which propositions of incurring bonded indebtedness to provide funds for the acquisition of park facilities will have been submitted for the approval of the voters of a district, the issuance and sale of the bonds and all other matters relating thereto.

SEC. 61.2041 Election Call. The resolution calling the election shall be sufficient if it:

- (a) States that an election is called for the purpose of submitting to the voters within the district a proposition of incurring a bonded indebtedness to be represented by general obligation bonds of the district to provide for financing the costs and expenses of acquiring park facilities.
- (b) States the maximum amount of the proposed indebtedness.
- (c) Refers by title to the map of district boundaries on file with the City Clerk.
- (d) Fix the date on which the election will be held.
- (e) Determine the manner of holding the election.

SEC. 61.2042 Bond Authorization. If a majority of the voters who shall have voted on a proposition of incurring a bonded indebtedness shall have voted in favor thereof, the proposition shall have carried and the Council may cause the bonds to be issued and the indebtedness represented thereby shall have been incurred.

SEC. 61.2043 Conclusive Evidence. The bonds, by their issuance, shall be conclusive evidence as to the regularity of all proceedings had and taken by a district leading to their issuance.

SEC. 61.2044 Supplemental Remedies. The supplemental remedy provisions of Part 13 (commencing with Section 8900) of Division 10 of the Streets and Highways Code shall apply.

Part 5 Acquisitions and Construction

SEC. 61.2050 Specific Park Facilities. A park facilities district may adopt such resolutions and take such actions and proceedings as may be necessary or useful for the acquisition, construction or inclusion of a park facility or facilities, in the manner provided in this Part.

SEC. 61.2051 Acquisition or Inclusion of Facilities. A park facilities district may acquire, construct or include park facilities:

- (a) Which have been or are in the process of being acquired in a special assessment and assessment bond proceeding which has been or is being conducted by the City.
- (b) Which are owned by or in the process of being acquired by the City by any other lawful means.
- (c) Which are otherwise owned.

SEC. 61.2052 Resolution of Intention. The Council may adopt a resolution of intention which shall be sufficient if it states:

- (a) The name and number of the district.
- (b) That the district proposes to acquire or include one or more park facilities, generally describing it or them, and specifying the type of their ownership as provided in Section 61.2051 of this Part.
- (c) That the district proposes to construct one or more park facilities, generally describing it or them.
- (d) That a map and description more particularly delineating and describing such acquisitions, or that plans more particularly describing the improvements, are on file with the City Clerk or at such other place designated by it as will more conveniently provide for their examination and inspection.

The resolution shall also state where the Council will consider and hold public hearings on the proposed acquisition, construction or inclusion of such facilities, and shall specify the time and place of such hearings.

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...and first publication to be on or before the tenth day prior to the day of hearing.

SEC. 61:2054 Resolution Ordering Inclusion.
 At the time fixed for hearing, the Council shall hear all persons interested, consider all matters presented, and may alter, modify and by resolution, finally act in the matter.

SEC. 61:2055 Special Assessments and Improvement Bonds.
 Property ordered acquired pursuant to subdivision (a) of Section 61:2051 of this Part shall be paid for as follows:

(a) When an individual assessment or any installment thereof, supplemental assessment or reassessment, or any installment thereof, has been paid in cash, the principal amount thereof, without interest, shall be paid to the person or persons who are shown in the official records of the County of San Diego as the owner or owners of the property to which said assessment pertained as of the date that the park facilities acquired with the proceeds of said assessment, supplemental assessment or reassessment were ordered; and the amount pursuant to subdivision (a) of Section 61:2051 of this Part.

(b) In the event that after the lapse of four years the persons referred to in subdivision (a) of this section have not been identified or, if identified, have not been located or have not come forward and claimed such refund, the principal amount thereof shall be and remain a part of the fund created for such acquisition, and previously set aside, shall, with any interest earned thereon, be returned thereto, free and clear of such claim or claims.

(c) When all or any part of an individual assessment or supplemental assessment remains unpaid, whether or not payable in installments, and, upon filing a certified copy thereof with the Superintendent of Streets, and the City Auditor if payable in installments, shall be marked "Canceled".

(d) If individual bonds have been issued pursuant to the Improvement Act of 1911 to represent such individual assessments, amounts sufficient to call and prepay said bonds shall be deposited with the City Treasurer, and he shall cause said bonds to be called and paid.

(e) If serial bonds have been issued pursuant to the Improvement Bond Act of 1915 to represent such individual unpaid assessments, amounts sufficient to call and prepay all of said bonds shall be deposited with the City Treasurer, and he shall cause said bonds to be called and paid.

(f) In lieu of calling and retiring any bonds as provided in subdivision (d) or (e) of this section, the Treasurer may purchase such bonds in the open market at prices not to exceed the call price thereof.

(g) All bonds which have been called and retired as provided in this section shall be canceled and retired.

(h) Following full compliance with the provisions of this section, the Council shall, by resolution, declare that the park facility involved has been acquired by and is included within the district.

Part 6
Maintenance and Operation

SEC. 61:2060 Taxation.
 In the event the Council desires to levy a rate of district property tax pursuant to Section 4640 of the Health and Safety Code for which the rate does not exist or which is in excess of the rate that has been established therefor pursuant to Article 8 (commencing with Section 21000) of Chapter 3 of Part 4 of Division 11 of the Revenue and Taxation Code, or change therein, the Council shall obtain the approval thereof by the voters of such district.

SEC. 61:2061 Bond Election.
 The Council may submit a maximum or excess maximum rate of property tax rate or a change therein, as a separate proposition, at the election at which bonds are to be voted on, to the voters of such district.

SEC. 61:2062 Separate Election.
 The Council may cause a maximum or excess maximum rate of property tax rate or a change therein, to be submitted at a separate election in such district; in which event the proceedings therefor shall be substantially the same as for a bond election and with the same effect, provided that the Council shall be modified to show that they are for a maximum or an excess maximum rate of property tax rate or a change therein.

Part 7
Annexations

SEC. 61:2070 Nature of Territory.
 Territory within or being annexed to the City may be annexed to a park facilities district in the manner provided in Part 5 of this Division.

SEC. 61:2071 City Annexation.
 Unincorporated territory which is being annexed to the City may be annexed to a park facilities district as a part of the proceedings annexing such territory to the City, in which event the City annexation proceedings shall be supplemented to provide for the annexation of the same territory to a park facilities district.

Section 2: This ordinance shall be published once in the official City newspaper within ten days and shall take effect thirty days from and after its passage.

Introduced on February 8, 1977.
 Passed and adopted by the Council of The City of San Diego on February 23, 1977.

AUTHENTICATED BY:
 PETE WILSON,
 Mayor of The City of San Diego, California.
 EDWARD NIELSEN,
 City Clerk of The City of San Diego, California.
 By ELIZABETH DUNN, Deputy City Clerk.

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