

January 5, 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN ACQUISITIONS WITHIN SAID CITY PURSUANT TO THE PARK AND PLAYGROUND ACT OF 1909; DESCRIBING THE DISTRICT TO BE BENEFITED BY SAID ACQUISITION AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; DETERMINING AND DECLARING 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 FUND AFTER COMPLETION OF THE ACQUISITION; AND REFERRING THE PROPOSED IMPROVEMENT TO THE CITY MANAGER TO MAKE AND FILE A WRITTEN REPORT

(Park District No. 10 - CREST CANYON)

WHEREAS, the Council intends, on its own motion, to initiate proceedings pursuant to the provisions of The Park and Playground Act of 1909 (commencing with Section 38000 of the Government Code), and specifically the provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000 of the California Streets and Highways Code) and The Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code), incorporated by reference therein (pursuant to the provisions of Section 38011 of the Government Code) for the acquisition, and the financing therefor, of the lands hereinafter referred to, for public park, playground and urban open-space lands purposes; and

WHEREAS, a map of the proposed assessment district, designated Plat No. 3915, has been presented to the Council, showing the exterior boundaries of the proposed district to be assessed to pay the cost and expense of said acquisition; and

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WHEREAS, the Council proposes that the City shall contribute valuable consideration toward the total project contemplated hereby; and

WHEREAS, the project is exempt from environmental impact report requirements; and

WHEREAS, the lands proposed to be acquired are adjacent to similar type lands within The City of Del Mar; and it would not be in the public interest for the City of San Diego to acquire and hold said lands for the purposes referred to above unless The City of Del Mar also acquires and holds said lands within The City of Del Mar for the same purposes, and, further, unless a mutually satisfactory and enforceable agreement is entered into by and between the cities providing for the future use, maintenance, development and improvement of said lands by the respective cities and for the contribution by The City of Del Mar towards the cost of acquiring said lands in The City of San Diego;

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

Section 1. The Council hereby declares its intention to form a park district to be designated "San Diego Park District No. 10 - Crest Canyon," pursuant to the provisions of The Park and Playground Act of 1909 (commencing with Section 38000 of the Government Code), and specifically by using the provisions of The Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code) incorporated by reference therein (with bonds to be

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issued pursuant to the provisions of The Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code).

Section 2. The Council finds and determines that the public interest, convenience and necessity require, and the Council of the City hereby declares its intention to order, the acquisition in fee simple absolute of certain open space lands in the City which have value for park and recreation purposes, and which shall be dedicated for, developed, and in perpetuity held and used for public park, playground and urban open-space lands purposes, and which are more particularly shown and described in Exhibit "A" attached hereto and incorporated by reference herein.

The foregoing lands are more particularly shown and described on City Drawing No. 17100-1-D on file as Document No. 757876 in the office of the City Clerk, and open to inspection by any person interested.

Section 3. The Council further finds and determines that the public interest, convenience and necessity require, and the Council hereby declares its intention, to contribute to the project cash in the sum of no more than \$1,177,375 from any funds available for such purpose.

Section 4. The Council hereby declares that should the City have already acquired any of the lands to be acquired pursuant to these proceedings, whether by condemnation or

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otherwise, the City shall be paid therefor out of the acquisition fund to be established pursuant hereto an amount equal to the price paid by the City, plus the reasonable costs and expenses incurred in making said acquisition.

Section 5. The Council further finds and determines that said lands proposed to be acquired are lands which are primarily in their natural state and have value for public park, playground and urban open-space lands purposes, which should and shall hereafter be held, used and developed for said purposes, which conform to the criteria established for open space land as set forth in the "Progress Guide and General Plan for the City of San Diego," as amended, and which would, if retained in their natural state or improved, enhance the present and potential value of abutting and surrounding properties and would maintain and enhance the conservation of natural and scenic resources.

Section 6. The Council hereby makes the cost and expense of the acquisition, after deducting the City's and other contributions, chargeable upon a district, which district the Council hereby declares to be the district specially benefited by said acquisition and to be assessed to pay said cost and expense. The district is described by said map of the assessment district designated "Plat No. 3915," consisting of 1 sheet, which indicates by a boundary line the extent of the territory to be included in the proposed district, and which shall govern for all details as to the extent of the assessment district. Said map is

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hereby approved and reference is hereby made to said map for a description of the district. The City Clerk is hereby directed to endorse his certificate on the original and one copy of the map of the assessment district, evidencing the adoption of this resolution, to file the original of the map in the Office of the City Clerk, and to file the copy with the County Recorder of the County of San Diego.

Section 7. The Council hereby declares that any lot or parcel of land belonging to the United States, or to the State of California, or to any county, city, public agent, mandatory of the government, public school board, public educational or reform institution or public institution for the feebleminded or the insane, and in use in the performance of any public function, and which may be within the exterior boundaries of the district to be assessed to pay the costs and expenses of said acquisition, shall be omitted from any assessment hereafter to be made to cover the costs and expenses of such acquisition.

Section 8. The Council hereby determines and declares that bonds shall be issued pursuant to the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code). The bonds shall be issued to represent each assessment of \$50 or more remaining unpaid for thirty (30) days after the date of recording the assessment in the Office of the Street Superintendent of the City. The bonds shall be dated not earlier than the 31st day after said

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recordation. The bonds shall be serial bonds and shall extend over a period ending nine (9) 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 coupon rate to be paid on the bonds and indebtedness shall be eight percent (8%) per annum, payable semi-annually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464 of the 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 unmatured principal of said bonds. Assessments under \$50 which are not paid within thirty (30) days after recordation of the assessment shall be delinquent and shall bear interest at the rate of one percent (1%) per month, the interest to be computed from the date of the bonds, and the collection of any such delinquent assessments shall be pursuant to the provisions of Chapter 18.1 (commencing with Section 5450) of Part 3 of Division 7 of the Streets and Highways Code, as provided in Section 10600.1 of the Streets and Highways Code.

Section 9. After completion of the acquisition and payment of all claims from the acquisition fund, the amount of the surplus, if any, remaining in the acquisition fund shall be used as follows:

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(a) If the entire surplus does not exceed the lesser of \$1,000 or five (5%) percent of the total amount expended from the acquisition fund, the entire surplus shall be transferred to the General Fund of the City.

(b) If the entire surplus is more than the amount specified in subparagraph (a), but is \$30,000 or less, the entire surplus shall be transferred to a fund for the maintenance and improvement of the lands referred to in this resolution.

(c) If the entire surplus is more than \$30,000, \$15,000 thereof shall be transferred to a fund for the maintenance and improvement of the lands referred to in this resolution and the remainder 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 Highway 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 10. Title to the said lands to be acquired shall be vested in and shall remain in the City; and, following their acquisition, the Council shall by ordinance formally dedicate them in perpetuity for public park,

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playground and urban open-space lands purposes. Said lands shall be developed, improved, maintained and used for said purposes; provided, however, that the detailed design, phasing and financing thereof shall be as the Council shall in its discretion hereafter direct, and subject to the provisions of applicable agreements with the City of Del Mar, as hereinafter referred to.

Section 11. The acquisition shall be ordered only after the Council shall have approved the execution and delivery of, and the Council hereby declares its intention to order the execution and delivery of, an enforceable agreement or agreements between the City and The City of Del Mar (which agreements may from time to time thereafter be amended with the approval of the Council) to the effect that the City of Del Mar shall also acquire and hold for the same purposes certain lands within the City of Del Mar adjacent to the lands to be acquired in these proceedings, and providing for coordination and cooperation in connection with the future use, maintenance, development and improvement of all of said lands, as well as for a contribution by The City of Del Mar towards the cost of the lands to be acquired in these proceedings.

Section 12. The proposed acquisition is hereby referred to the City Manager of the City, and the City Manager is hereby directed to cause a Report in writing to

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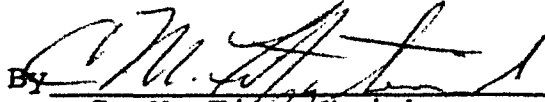
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be made and filed with the City Clerk containing the matters  
required by the Municipal Improvement Act of 1913.

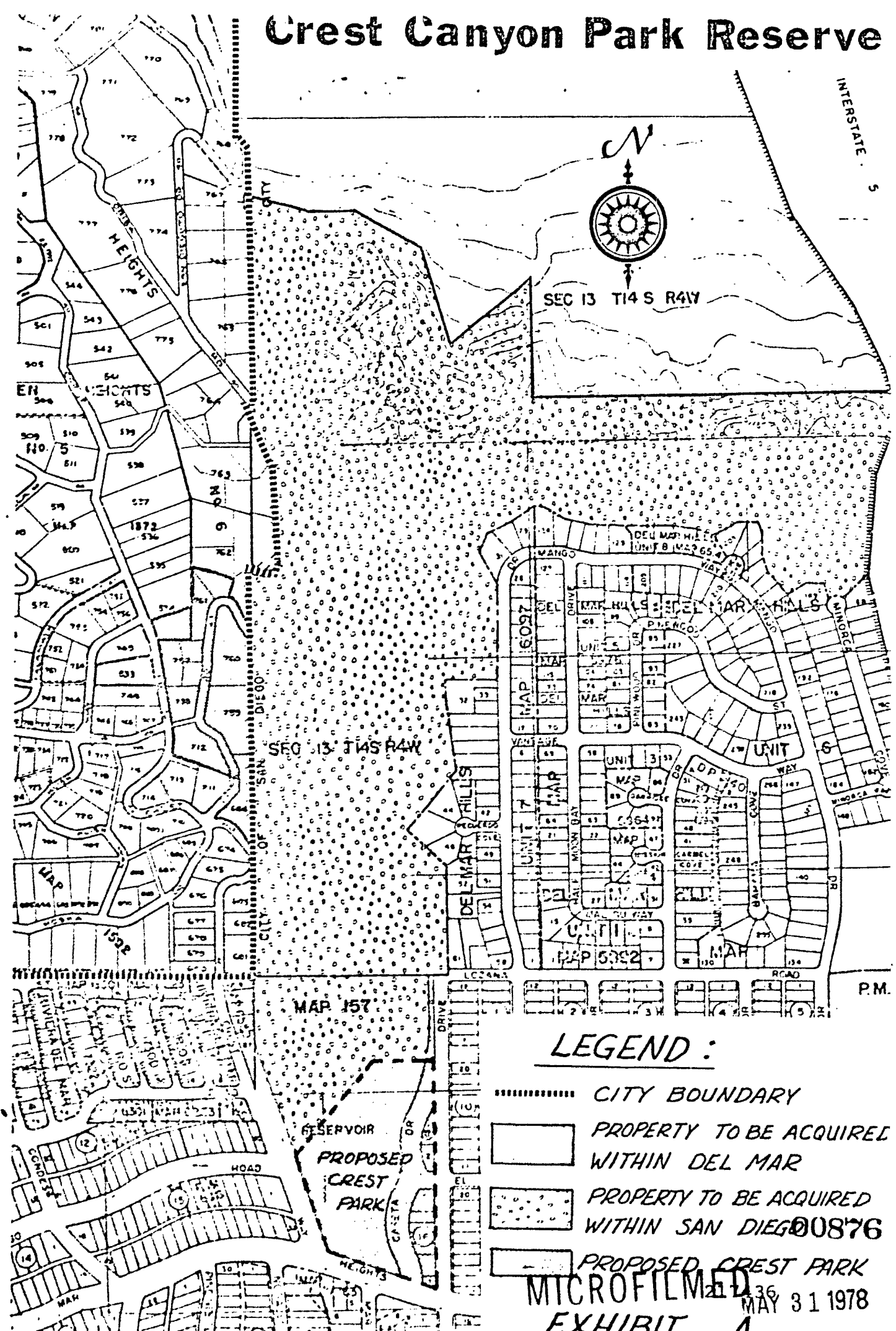
APPROVED: JOHN W. WITT, City Attorney

By   
C. M. Fitzpatrick  
Senior Chief Deputy

CMF:vl:263.20.19  
12/22/76  
Or. Dept.: Eng. & Dev.

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# Crest Canyon Park Reserve



SEC 13 T14 S R4W

SEC 13 T14 S R4W

MAP 157

## LEGEND :

- CITY BOUNDARY
- PROPERTY TO BE ACQUIRED WITHIN DEL MAR
- ▨ PROPERTY TO BE ACQUIRED WITHIN SAN DIEGO
- ▩ PROPOSED CREST PARK

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EXHIBIT A

JAN 5 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 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"/>
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.

By Kathleen Martinez, Deputy.

(Seal)

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1976 DEC 28 AM 10:26  
SAN DIEGO, CALIF.

RECEIVED *AP*  
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1977 JAN -7 AM 11:45  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **217436** Adopted **JAN 5 1977** *EP*

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