

R. 77-1045

RESOLUTION NO. 217437

January 5, 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING A REPORT PREPARED PURSUANT TO THE PARK AND PLAYGROUND ACT OF 1909; AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS AND OBJECTIONS TO THE ACQUISITION, DIAGRAM AND ASSESSMENT DESCRIBED AND CONTAINED IN THE REPORT, AND WHETHER THE PUBLIC CONVENIENCE AND NECESSITY REQUIRES SUCH ACQUISITION; AND GIVING NOTICE OF SAID HEARING

(Park District No. 10 - CREST CANYON)

WHEREAS, the Council of The City of San Diego adopted Resolution of Intention No. 217436, declaring its intention to order certain acquisitions pursuant to the Park and Playground Act of 1909, referring the acquisition described therein to the City Manager, and directing the City Manager to cause the making and filing with the City Clerk of a Report in writing containing all of the matters required by said Act; and

WHEREAS, said Report has been made and filed with the City Clerk, Document No. 757877, and the City Clerk has presented the Report to the Council for consideration; and

WHEREAS, pursuant to Section 17 of Article XIII of the Constitution of the State of California, Section 2804 of the Streets and Highways Code, and Sections 61.0101 to 61.0111, inclusive, of the San Diego Municipal Code, the 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

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convenience and necessity require the acquisition and to order the acquisition without application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing at Section 2800 of the 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 description and depiction of the lands to be acquired, an estimate of costs and expenses, and diagram and assessment incorporated therein by reference, is on file in the Office of the City Clerk and may be examined by any person interested. Reference is made to City Drawing No. 17100-1-D for a full and detailed description and depiction of the proposed acquisition.

Section 2. NOTICE IS HEREBY GIVEN THAT February 16, 1977, 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 any and all protests and objections. Any and all persons having any protest or objection to the

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proposed acquisition, the extent of the assessment district or the proposed assessment may appear before the Council at the hearing and show cause why the proposed acquisition should not be made and the proposed assessment and diagram confirmed, all in accordance with the Resolution of Intention and the 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 the hearing as set forth above. Any protest or objection must contain a description of the property in which each signer is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of the property, must contain or be accompanied by written evidence that the signers are the owners of the property.

Section 3. NOTICE IS FURTHER GIVEN that at the above-mentioned day, hour and place, and concurrently with the above-mentioned hearing, the Council also will hold a public hearing on the question whether the public convenience and necessity require the acquisition 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 of this Resolution.

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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 the Report, both of such notices to be given at the time and in the form and manner as provided by law.

Section 5. The City Clerk is further directed to cause a Notice of Improvement to be published twice in The 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 20 days before the date set herein for the hearing of protests.

APPROVED: JOHN W. WITT, City Attorney

BY 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:v1:263.20.19
12/22/76
Or.Dept.: Eng. & Dev.

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

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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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1977 JAN -7 AM 11:45
SAN DIEGO, CALIF.

RECEIVED
CITY CLERK'S OFFICE
1976 DEC 28 AM 10:27
SAN DIEGO, CALIF.

CS 276 (REV. 12-78)

Office of the City Clerk, San Diego, California	
Resolution Number 217437	Adopted JAN 5 1977

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