

RESOLUTION NO. 217733

R. 77-1428

FEB 16 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA, MAKING FINDINGS  
AND OVERRULING PROTESTS AND OBJECTIONS,  
CONFIRMING DIAGRAM AND ASSESSMENT, AS  
AMENDED, ORDERING ACQUISITION, ORDERING  
CITY CONTRIBUTION, AND ORDERING EXECUTION  
OF AGREEMENT WITH THE CITY OF DEL MAR

(Park District No. 10 - Crest Canyon)

WHEREAS, in proceedings under the Park and Playground Act of 1909 (commencing with Section 38000 of the Government Code), which incorporates by reference provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code), the Council adopted its resolution of intention, Resolution No. 217436, ordering the City Manager to cause the Report required by said Act to be prepared, and pursuant thereto the City Manager caused said Report to be prepared, consisting of the description and depiction of the proposed acquisition, an estimate of the costs and expenses of said acquisition, a diagram showing the assessment district, and the proposed assessment of the costs and expenses of the proposed acquisition, said Report being on file with the City Clerk; and

WHEREAS, the Council, by Resolution No. 217437, approved said Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question whether the public convenience and necessity require such

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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; and

WHEREAS, notices of the passage of said Resolution Nos. 217436 and 217437 were duly published, posted and mailed, as provided by said Act, and said hearing was duly held at the time and place so fixed; and

WHEREAS, the Council adopted Resolution No. 217732 ordering certain changes and modifications; and

WHEREAS, at said hearing all persons desiring to be heard were fully heard and all oral and written protests and objections, if any, were fully heard, and this Council gave all persons present an opportunity to hear and be heard with respect to said Report, the diagram and assessment, the proposed acquisition, the boundaries of the proposed assessment district, the bonds to be issued to represent unpaid assessments, the question whether the public convenience and necessity require such acquisition, whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply, said changes and modifications, and in any way relating to the Report and the proceedings proposed by said resolution of intention; and

WHEREAS, the Council has received evidence relating to the Report, the proposed acquisition, the boundaries of the

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proposed assessment district, the assessment, said changes and modifications, and the special benefits to the property to be included in the proposed assessment district; and

WHEREAS, Section 11 of said resolution of intention provided that the acquisition shall be ordered only after the Council shall have approved the execution and delivery of an agreement with The City of Del Mar, and a form of such agreement has been prepared and is on file in the office of the City Clerk as Document No. 758347, which agreement the Council has approved and does hereby approve; NOW, THEREFORE,

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

Section 1. Written protest or objection against the proposed acquisition and assessment has not been made by the owners of more than one-half of the area of the land included within the assessment district to be assessed for the acquisition. Each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied.

Section 2. The Council finds that each of the lots or parcels of land proposed to be assessed shall be specially benefited by the acquisition substantially in proportion to the amount of the proposed assessment against such lot or parcel, and, accordingly, the assessment contained in said Report, as amended by Resolution No. 217732, is hereby confirmed.

Section 3. The Council hereby declares that the

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Report, as amended, is approved, and orders the acquisition to be made, as described in the resolution of intention and said Report, as amended, subject to the full execution and delivery of the agreement as referenced in Section 6 below. Reference is hereby made to said resolution of intention, said Report, and Resolution No. 217732, for a full and complete description of said acquisition and for further particulars.

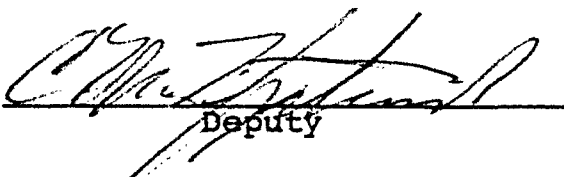
Section 4. The Council finds and determines that the public convenience and necessity require such acquisition and that the same is feasible and such acquisition shall be and is hereby ordered without the application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof.

Section 5. The City shall contribute cash in the amount of \$ 1,198,875 towards the cost of said acquisition.

Section 6. The City Manager is authorized and directed to execute and deliver, and perform, on behalf of The City the agreement with The City of Del Mar substantially in the form and content as set forth in Document No. 758347 on file with the City Clerk.

APPROVED: JOHN W. WITT, City Attorney

By

  
Deputy

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Passed and adopted by the Council of The City of San Diego on FEB 16 1977  
 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.

(Seal)

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

By *Kathleen Masterson*, Deputy.

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 1977 FEB 11 PM 4:09  
 SAN DIEGO, CALIF.  
 C-1276 (REV. 12-76)

Office of the City Clerk, San Diego, California

Resolution Number 217733 Adopted FEB 16 1977

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