

RESOLUTION NO. R-254557

R-81-2472

JUN 29 1981

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN ACQUISITIONS WITHIN SAID CITY PURSUANT TO THE SAN DIEGO PARK DISTRICT PROCEDURAL ORDINANCE OF 1969; 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 IMPROVEMENT FUND AFTER COMPLETION OF THE ACQUISITION; AND REFERRING THE PROPOSED ACQUISITION TO THE CITY MANAGER TO MAKE AND FILE A WRITTEN REPORT

(Alberta Canyon Park District - Park District No. 592)

WHEREAS, a petition has been received by the City Clerk for the formation of a park district pursuant to the provisions of the San Diego Park District Procedural Ordinance of 1969, as amended, said petition having been filed in the office of the City Clerk on September 3, 1980, as Document No. P-20-1; and the Council, on October 27, 1980, adopted Resolution No. R-252969, which, among other things, acknowledged the receipt of said petition; and

WHEREAS, a map of the proposed assessment district, designated Plat No. 3973, has been presented to the Council, showing the exterior boundaries of the proposed district; NOW, THEREFORE,

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

Section 1. The Council hereby initiates proceedings for the formation of San Diego Park District No. 592, to be called "Alberta Canyon Park District," pursuant to the provisions of Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended.

Section 2. The Council finds and determines that the public interest and convenience 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 are located at the southeast corner of the intersection of Alberta and Pennsylvania Streets, in the City, and which are more particularly described as follows:

Lots 12 through 16, inclusive, of Block 237, University Heights, according to map thereof No. 526.

The foregoing lands are more particularly shown and described on City Drawing No. 15405-B, on file as Document No. RR-254557 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 lands proposed to be acquired, as described in Section 2 of this resolution, are lands which are primarily in

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their natural state and have value for park and recreation purposes, and 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 would, if retained in their natural state or improved, enhance the present or potential value of abutting or surrounding properties or would maintain or enhance the conservation of natural or scenic resources.

Section 4. The Council hereby makes the cost and expense of the acquisition chargeable upon a district, which district the Council hereby declares to be the district benefited by said acquisition and to be assessed to pay the cost and expense thereof. The district is described by said map of the assessment district designated "Plat No. 3973," consisting of one 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 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.

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Section 5. 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, school board, educational or reform institution or institution for the feebleminded or the insane, and in use in the performance of any public function, and which may be in 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 said acquisition.

Section 6. 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 \$150 or over remaining unpaid for 30 days after the date of recording the assessment. The bonds shall be dated the thirty-first day after recordation of the assessment. 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 rate of interest to be paid on the bonds and indebtedness shall not exceed the maximum rate allowed by law on the date of issuance, payable semiannually, 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. If any installment of the principal of an unpaid assessment or of interest thereon is not paid to the City Treasurer on or before the due date of June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, then the Treasurer shall, after the close of business on the due date, add to the principal or interest so delinquent a penalty of 2% of the total amount of such delinquency, and at the beginning of the business day of the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 2% of the amount of such delinquency. The Treasurer shall collect such penalties with and as a part of the delinquent payment. The Council hereby elects to have the last sentence of the default clause of the bonds provide that the 2% penalty first imposed shall be retained by the Treasurer as a cost of serving the delinquency and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment. Assessments under \$150 shall be subject to the penalties and costs and collected as provided in Section 10600.1 of the Streets and Highways Code.

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Section 7. 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:

(a) For transfer to the General Fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or five percent (5%) of the total amount expended from the acquisition fund, or

(b) If the total surplus shall be greater than that allowed under subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2 of the Streets and Highways Code. If any surplus results for the reasons stated in Section 10427.5 of the Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 8. 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 be made and filed with the City Clerk containing all of the matters required by the Municipal Improvement Act of 1913.

Section 9. The proposed acquisition and proceedings therefor are to be under and pursuant to Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended.

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Section 10. Pursuant to the provisions of the San Diego Park District Procedural Ordinance of 1969, as amended, title to the said land to be acquired shall be and remain in the City; and following their acquisition, the Council shall by ordinance formally dedicate them in perpetuity for park and recreation purposes. The City, however, shall in no way be obligated to expend public funds to develop or maintain said lands.

APPROVED: JOHN W. WITT, City Attorney

By: James Sammartino Gardner
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	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Benidge* Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-254557 Adopted JUN 29 1981