

RESOLUTION NO. R-268254

MAY 4 1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
 SAN DIEGO, CALIFORNIA DECLARING ITS INTENTION TO
 ORDER CERTAIN ACQUISITION 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 ACQUISITION.
 (PARK DISTRICT NO. 20 OF THE CITY OF SAN DIEGO-BLUEBIRD CANYON)
 (ASSESSMENT DISTRICT NO. 4017)

WHEREAS, on the petition of owners of not less than 60% of assessable land of the proposed park district, the City Council of the City of San Diego (herein referred to as the "City") proposes to take proceedings pursuant to the provisions of Division 8 of the San Diego Park District Procedural Ordinance of 1969 as amended (commencing with Section 61.0801 of the San Diego Municipal Code) which, among other things, incorporates by reference the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California (commencing with Section 10000 of the California Streets and Highways Code) (herein referred to as the "Act") for the acquisition and financing therefor, of land for park and recreational purposes; and

WHEREAS, it appears to the City Council that a park district should be formed for the acquisition and financing therefor, of the land; and

WHEREAS, the exterior boundaries of the proposed park district are shown on a map thereof which indicates by a boundary line the extent of the territory proposed to be included in such park district, which map is designated "Proposed Boundaries- Park District No. 20-Bluebird Canyon, City of San Diego" (herein referred to as the "Map"), has been presented to the City Council and is on file in the office of the City Clerk; and

WHEREAS, Mr. Tom Meade, Engineering and Development Department of the City of San Diego, is competent to act as Superintendent of Streets and to make and file with the City Clerk the report with regard to the park district, which report is required by the Act to be made and filed; and

WHEREAS, before ordering the formation of the park district, the City Council is required, under the Ordinance and the Act, to adopt a resolution declaring its intention to do so;

NOW, THEREFORE, the City Council of San Diego does hereby resolve, determine and order as follows:

SECTION 1. This City Council hereby finds and declares that the public interest and necessity require the acquisition of certain land for park and recreational purposes, and this City Council hereby declares its intention to order the acquisition for such purposes and to form a park district covering the real property benefited by said acquisition (hereinafter sometimes referred to as the "Improvements").

SECTION 2. The proposed park district shall be designated "Park District No. 20 of the City of San Diego-Bluebird Canyon."

SECTION 3. The Map, which indicates by a boundary line the extent of the territory proposed to be included in said proposed park district is hereby declared to describe the proposed boundaries of Park District No. 20 of the City of San Diego-Bluebird Canyon and shall govern for all details as to the extent of said park district.

SECTION 4. The City Clerk of the City is hereby directed to endorse his certificate on the original of the Map evidencing the date and adoption of this resolution and to file said Map in his office, and forthwith to file a copy of said Map so endorsed with the County Recorder of San Diego County, California.

SECTION 5. Mr. Tom Meade is hereby appointed to perform the duties of the Superintendent of Streets for Park District No. 20 of the City of San Diego-Bluebird Canyon.

SECTION 6. The acquisition which the City Council intends to order is the acquisition of Parcel 1 of Parcel Map 14157, for use as dedicated park and recreational purposes for open space to be maintained in its natural state.

SECTION 7. The City Council further finds and determines that the land proposed to be acquired is land which is primarily in its natural state and has value for park and recreational purposes, which conforms to the criteria established for open space land as set forth in the "Progress Guide and General Plan for the City of San Diego," and which would, if retained in its natural state, enhance the present or potential value of abutting or surrounding properties or would maintain or enhance the conservation of natural or scenic resources.

SECTION 8. The City 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 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 such acquisition.

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

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 its acquisition, the City Council shall by ordinance formally dedicate it in perpetuity for park and recreation purposes.

SECTION 11. Serial bonds, bearing interest at a rate not to exceed the maximum rate permitted by law at the time of sale, (under present law the maximum is twelve percent (12%) per annum) shall be issued to represent each assessment of \$150.00 or over remaining unpaid after thirty (30) days from the date of recording the assessment. Pursuant to Section 6464 of the Streets and Highways Code, the City 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. The last installment of such bonds shall mature not later than nine (9) years from the second day of January next succeeding the next September 1st following their date. Said bonds shall be issued under and as provided in the Ordinance and pursuant to Part 5 of the Improvement Act of 1911 being Division 7 of the Streets and Highways Code of the State of California.

SECTION 12. Any surplus remaining in the acquisition fund, by reason of the assessment and any supplemental assessment, shall be used as a credit upon the assessment and any supplemental assessment, in the manner provided in Section 10427 and 10427.1 of the Streets and Highways Code of the State of California.

SECTION 13. The Improvements are referred to Mr. Tom Meade who is requested and directed to file his report which meet the requirements of Section 10204 of the Act and Mr. Meade has made and filed with the City Clerk such report in writing with regard to the Improvements. The report is hereby approved by the City Council in all respects. The report contains the following:

- (a) A plat map showing the land to be acquired.
- (b) An estimate of the cost of acquisition of the land, and incidental expenses in connection with the acquisition.

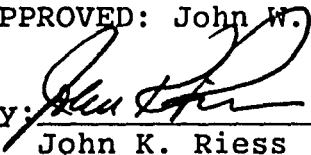
- (c) A diagram showing the park district, and the boundaries and dimensions of the subdivisions of and within the park district as they existed at the time of passage of this resolution (each subdivision to be given a separate number on the diagram); and
- (d) A proposed assessment of the total amount of the cost and expenses of the Improvements upon the several subdivisions of land in the park district in direct proportion to the estimated benefits to be received by such subdivisions, respectively, from the Improvements (the assessment refers to the subdivisions by their respective numbers assigned as provided in (c) above.

SECTION 14. Pursuant to Resolution of the City Council adopted on December 15, 1986, as Resolution No. R-267264, the City intends to contribute up to \$45,000.00 in order to pay the incidental expenses from funds to be received from the Open Space Bond Fund 79104, Dept. 79104, Org. 101., and such other funds as designated by the City Council for the purpose of paying a portion of the costs and expenses of the Improvements. Said Resolution is hereby ratified and reaffirmed.

SECTION 15. All persons having any objections to the proposed acquisition may appear before the City Council at the City Administration Building, 202 C Street, San Diego, California, on June 9, 1987, at 10:00 a.m. and show cause why the proposed acquisition should not be carried out in accordance with this resolution of intention. Inquiries regarding these proceedings can be directed to Mr. Tom Meade, Engineering and Development Department, City of San Diego, 1222 First Avenue, San Diego, California 92101, telephone number (619) 236-6010.

SECTION 16. That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED: John W. Witt, City Attorney

By: 
John K. Riess
Deputy City Attorney

JKR:mrh
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MAY 4 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-268254 Adopted MAY 4 1987

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CITY CLERK'S OFFICE

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