

RESOLUTION NUMBER R-299036

ADOPTED ON MARCH 30, 2004

RESOLUTION CONSIDERING THE PROTESTS AND THE  
MAINTENANCE ASSESSMENT DISTRICT BALLOT  
PROCESS RE-INITIATED IN THE MATTER OF THE  
TORREY HIGHLANDS MAINTENANCE ASSESSMENT  
DISTRICT.

WHEREAS, the notice of the time and place fixed for the hearing of protests in the matter of Torrey Highlands Maintenance Assessment District [District], pursuant to Resolution No. R- 298881, adopted on FEB 09 2004, having been duly given in the manner required by law and the legal time for filing such protests and the time fixed for hearing thereon having passed; and

WHEREAS, at the conclusion of the public hearing for the proposed assessments for the District, the majority of the assessment ballots submitted to the City were opposed to the levy of the proposed assessments; and

WHEREAS, Keith B. Rhodes, property owner within the District, acknowledged at the conclusion of the public hearing for the proposed assessments for the District that he erroneously filed his protest to the levy of the proposed assessments; and

WHEREAS, Keith B. Rhodes, at the conclusion of the public hearing for the proposed assessments for the District, requested that the City commence the process to re-ballot the District; and

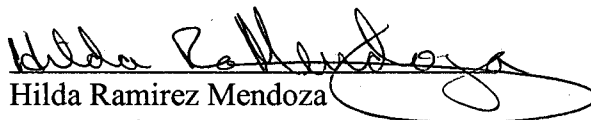
WHEREAS, Keith B. Rhodes, at the conclusion of the public hearing for the proposed assessments for the District, agreed to fund the process to re-ballot the District and to not file a protest ballot; NOW, THEREFORE,

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

1. That the Council confirms that a majority protest exists in accordance with Article XIII D, Section 4 of the California Constitution and California Government Code section 53753(c).
2. That the assessments described in Document No. RR- 298881, on file in the office of the City Clerk and on file in the office of Northern Parks Division of Park and Recreation Department, in the Maintenance Assessment District Section, shall not be levied.
3. That the maintenance described in said Resolution shall not be performed and no City funds, other than those generally authorized for maintenance, shall be authorized or used to perform the maintenance.
4. That the Maintenance Assessment District Section of the Park and Recreation Department is directed to re-initiate the ballot process for the District. Costs for said process shall be paid by Keith B. Rhodes, up to an amount of \$50,000.00, with no expectation of reimbursement by the City or the District.
5. That the Auditor and Comptroller is directed to open an account for deposit of funds paid by Keith B. Rhodes for costs of the ballot process for the District.

APPROVED: CASEY GWINN, City Attorney

By

  
Hilda Ramirez Mendoza  
Deputy City Attorney

HRM:cfq  
05/05/04  
Or.Dept: Park & Rec.  
R-2004-1190