

RESOLUTION NUMBER R 307362DATE OF FINAL PASSAGE APR 10 2012A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
RESCINDING CITY RESOLUTION NO. R-302887

WHEREAS on, July 30, 2007, the City Council for the City of San Diego (City) adopted and approved Resolution No. R-302887 forming the Greater Golden Hill Maintenance Assessment District (GGHMAD) and authorizing assessment levies therefore; and

WHEREAS on September 22, 2011, the Court of Appeal for the State of California, Fourth Appellate District Division One (Fourth District), found the formation of the GGHMAD was invalid under article XIID of the constitution of the State of California; and

WHEREAS the Fourth District directed the Superior Court of the State of California, County of San Diego (Superior Court) to issue a writ directing the City to vacate City Resolution No. R-302887; and

WHEREAS on February 3, 2012, the Superior Court issued the Peremptory Writ of Mandate attached hereto as Exhibit "A," directing the City to vacate City Resolution No. R-302887 which formed the GGHMAD and assessments imposed thereby;

NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego:

1. City Resolution No. R-302887 is hereby vacated;
2. The formation of the GGHMAD and the special assessments imposed thereby are hereby rescinded;
3. This action is not subject to the Mayor's veto as it is taken pursuant to the order of the court.

APPROVED AS TO FORM:

JAN I. GOLDSMITH, City Attorney

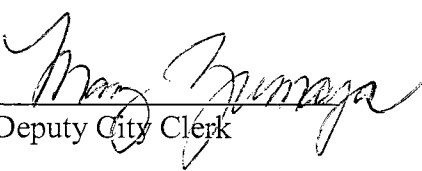
By


Carmen A. Brock
Deputy City Attorney

CAB:mc
R-2011-347

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

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13 HASKINS & ASSOCIATES APC
14 4045 Bonita Road, Ste. 206
15 Bonita, CA 91902-1336
16 Phone: (619) 479-9811
17 Fax: (619) 470-0337

18 Attorneys for Petitioner GOLDEN HILL
19 NEIGHBORHOOD ASSOCIATION Inc. and
20 John McNab

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF SAN DIEGO

23 GOLDEN HILL NEIGHBORHOOD
24 ASSOCIATION, INC., et al,
25
26 Petitioners, Plaintiffs
27
28 v.
29 CITY OF SAN DIEGO,
30 Respondent and Defendant.

Case Nos.
37-2007-00074201-
CU-WM-CTL;
37-2008-00088429-
CU-MC-CTL

[Proposed]

**PEREMPTORY
WRIT OF MANDATE**

31 TO RESPONDENTS CITY OF SAN DIEGO AND TO THEIR CITY COUNCIL
32 MEMBERS, OFFICERS, AGENTS, EMPLOYEES, AND TO ALL PERSONS
33 ACTING ON THEIR BEHALF, OR THROUGH OR UNDER COLOR OF THEIR
34 AUTHORITY:

35 Judgment having been entered n this action, ordering that a peremptory writ
36 of mandate be issued from this Court,

RECEIVED
CLERK'S OFFICE
12 FEB -3 AM 10:34
SAN DIEGO, CALIF.

RECEIVED BY MAIL
DATE 02/03/12
DOC NAME
RISK MANAGEMENT
COPY TO: CITY ATTORNEY 02/03/12

FILED
Clerk of the Superior Court

FEB - 3 2012

By: J. Browder, Deputy

1 YOU ARE HEREBY DIRECTED AND COMMANDED, UPON RECEIPT OF THIS
2 WRIT IN ACCORDANCE WITH YOUR RESPECTIVE OBLIGATIONS UNDER
3 THE LAW:

- 4 1. To Vacate the City's Resolution No. R-302887 forming the Maintenance
5 Assessment District of Golden Hill ;
6 2. To invalidate the assessments imposed by that Maintenance Assessment
7 District;
8 3. To make and file a Return to this Writ within thirty (30) days from the date
9 the City has taken all action necessary to comply with paragraphs 1 and 2.
10

11 WITNESS the Honorable Richard S. Whitney, Judge of the Superior Court.
12 ATTEST my hand and seal of this Court, this 3rd day of February, 2012.
13

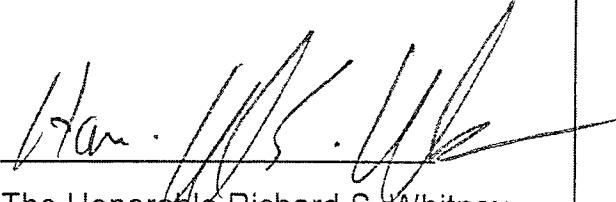
14
15 SAN DIEGO COUNTY SUPERIOR
16 COURT CLERK

17 Dated: 2-3-2012

18 By: _____

19 LET THE FOREGOING WRIT ISSUE

20 Dated: 2-3-2012 January 2012


The Honorable Richard S. Whitney
Judge of the Superior Court of California

21
22 Respectfully submitted by:
23 Charles R. Khoury Jr.

24 Attorney for Plaintiff Golden Hill
25 Neighborhood Association

26 Approved as to Form:
27 Carmen A. Brock Esq.
28 Deputy City Attorney

1 Charles R. Khoury Jr.
2 P.O. Box 791
3 Del Mar Ca. 92014

CASE NUMBER: 37-2007-00074201-CU-WM-CTL;

DECLARATION OF SERVICE

4 I, the undersigned, say: I am a citizen of the United States, over 18 years of age,
5 employed in the County of San Diego and am not a party to the subject cause. My business
6 address is P.O. Box 791 Del Mar California. I served one copy of the proposed Writ of
7 Mandate, personally by hand to the City Attorney by giving it to the receptionist at the Office
8 of the City Attorney:

9 Office of the City Attorney
10 1200 Third Ave
11 suite 1100
12 San Diego CA
13 92101
14 attn. Carmen Brock Esq.
15 Deputy City Attorney

16 I declare under penalty of perjury, under the laws of the State of California the above
17 statement is true.

18 Executed at DEL MAR California on January 9, 2011

19 ~~CHARLES R. KHOURY JR~~