

COUNCIL POLICY

SUBJECT: OPEN SPACE ACQUISITION THROUGH DONATION OR
ASSESSMENT DISTRICT PROCEEDINGS
POLICY NO.: 600-31
EFFECTIVE DATE: May 20, 1985

BACKGROUND:

The City of San Diego currently utilizes various methods of preserving open space throughout the city. Due to the high cost of land, it is necessary to employ means other than outright purchase of open space for preservation purposes. Two such methods are by private donations and assessment district proceedings. Special districts may be formed under provisions of State law or under provisions of the City's own procedural ordinance. Assessment districts for open space acquisition may be initiated by either the City Council or a petition from a community desiring acquisition. In order to inform all interested parties of their obligations implicit in the petition, guidelines for determining any proposed City contribution should be established.

PURPOSE:

The purpose of this policy is to establish guidelines on the extent to which the City will participate in the acquisition of open space areas through private donations and assessment district proceedings. City participation may take the form of: 1) a cash contribution at the time of the creation of the assessment district; 2) the donation of City-owned property as provided under Council Policy 600-23; or 3) both.

POLICY:**1. Criteria**

In order for the City to participate in the acquisition of open space areas by either private donations or assessment district proceedings, the following is required:

- a. Any parcel of land to be acquired shall be in conformance with the provisions of Council Policy 600-23.
- b. Proposed open space areas must be designated as open space on the San Diego Progress Guide and General Plan as amended. The Plan designates a City-wide open space system which is more specifically delineated in various community plans. The open space system designated in the Progress Guide and General Plan forms the basis for the City's open space preservation efforts.
- c. (1) City contribution will be appropriated upon Council approval of the petition to form an assessment district. These funds shall be invested during the interim with interest earnings to be credited to the original funding source.

(2) A public hearing will be held by the Council within 15 months from the time funds are appropriated. At the hearing, Council may authorize the expenditure of funds previously appropriated or abandon the project and return the funds to the original source.

COUNCIL POLICY

- d. Land acquired under this program shall be owned in fee by the City of San Diego.
- e. If any of the property proposed to be included in a purchase by assessment district is already within the City ownership, and the acquisition is clearly in the interests of the general public, the City may donate this property to the district should the City Council so desire. An exception to this policy is any City-owned property originally purchased with funds requiring reimbursement by law, or owned by the Water Utilities Department. These City-owned properties must be purchased by the district. In these cases, the fair market value of the City-owned property shall be determined by a qualified real estate appraiser. The City Council may determine an amount for a City contribution to the assessment district which may be in the form of cash or land, or a combination of the two. If the value of the City land exceeds the Council-authorized contribution, the excess must be reimbursed to the City by the district.
- f. The amount of City contribution towards total acquisition costs will be based on the priority ranking system adopted by Council on file in the Office of the City Clerk as Document No. RR-259663, which is subject to change, and shall be in accordance with the following. The schedule of contributions provided below are guidelines only and there is no guarantee that a project will receive the maximum, or any, contribution:

<u>Category</u>	<u>Maximum City Contribution</u>
A & B	50 percent
C,D,E & F	30 percent
G & H	25 percent

The amount of City contribution will be based on the appraised value of the property to be purchased, as established by a qualified real estate appraiser.

- g. Only those open space areas that provide public access will be eligible for City contributions.

2. Private Donations

The City may allocate funds toward acquisition of open space land in conjunction with private donations. The extent of City participation will be in conformance with the above mentioned criteria. Donations may be in the form of cash or land, or a combination of cash and land. Funds donated shall be deposited with the City of San Diego prior to the offer to purchase.

3. Assessment District Proceedings

The City contribution toward acquisition of open space land in conjunction with assessment district proceedings is generally as follows:

- a. Staff of the Park Development/Open Space Division will determine if the proposed project meets the requirements of acquisition, in accordance with Council Policy 600-23.
- b. The Special Districts Section Engineer will determine the potential area of benefit for the project and obtain property-owner listing.

COUNCIL POLICY

- c. Property Department provides an estimate of the land value.
 - d. A petition provided by the Special Districts Sections of the Engineering and Development Department must be circulated and signatures obtained of the owners of 67 percent of the benefitting area of the project in order to facilitate proceedings. Once the area of benefit has been established, a signed petition must be returned within 90 days to the Engineering and Development Department for submission to the City Council. If the petition is not submitted within 90 days with the necessary signatures, the project is abandoned.
 - e. Following acceptance and approval of the petition by the City Council, a formal appraisal of the property will be made. City staff will prepare precise maps of the assessment district, acquisition plats, and a cost estimate of the amount to be assessed against each property. At this stage the City appoints a bond counsel for the project. City contribution will be appropriated for a period of 15 months following Council approval of the petition to form the district (four months).
 - f. Following the appraisal of the land and the appointment of a bond counsel, City staff prepares a spread of acquisition costs amongst the various benefitting properties involved (two months).
 - g. Bond counsel prepares resolutions for the project to proceed to a public hearing (one month).
 - h. Council adopts the Resolution of Intention, approves the Engineer's Report and sets the time and place for the public hearing (one month).
 - i. Letters are mailed to property owners advising them of the time and place of the public hearing and their estimated assessment. City advertises for bids on the bond. Notices are posted in district area and are published in the Daily Transcript. Bond bids are opened (two months).
 - j. City Council holds public hearing on the project. If approved, Council confirms the assessment district and staff proceeds with acquisition of the property in accordance with Council Policy 700-32 and 700-39.
4. Maintenance

In conjunction with the district established to purchase an open space area, a separate district may be formed to provide for ongoing maintenance, if a level of maintenance higher than that provided for in Council Policy 600-23 is desired. This district may have the same boundaries as the acquisition district or may be a part of a larger district.

CROSS REFERENCE:

Council Policy 600-23
Council Policy 700-32
Council Policy 700-39
Council Policy 800-03

HISTORY:

Adopted by Resolution R-255250 10/26/1981

Amended by Resolution R-263231 05/20/1985