

The City Attorney
City of San Diego
MEMORANDUM
236-6220

DATE: September 15, 1986

TO: Deputy Mayor Ed Struiksma

FROM: City Attorney

SUBJECT: Powers of the Mira Mesa Landscape Maintenance
District

In your memorandum of August 26, 1986 you asked what the Mira Mesa Landscape Maintenance District can do under state and local law. California Streets and Highways Code Sec. 22500 et seq., sets forth the activities allowed under a lighting and landscape district.

These include:

- (a) The installation or planting of landscaping.
- (b) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- (c) The installation or construction of public lighting facilities.
- (d) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- (e) The installation of park or recreational improvements, including, but not limited to, all of the following:
 - (1) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - (2) Lights, playground equipment, play courts, and public restrooms.
- (f) The maintenance or servicing, or both, of any of the foregoing.

California Streets and Highways Code Sec.
22525.

While this list is broad, it has limiting factors based upon the nature of the activity and its location. To be included in an assessment, the activity must be something that is a special benefit to the property to be assessed. This means generally that it should be something that benefits them by increasing their property value. It also must not be something that is a general benefit to the community.

JOHN W. WITT, City Attorney

By

John K. Riess

Deputy City Attorney

JKR:mem:834.4

MS-86-5