

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE REPORT AND DECLARING THE CITY'S INTENTION TO ESTABLISH CHULA VISTA OPEN SPACE DISTRICT NO. 10, AND SETTING THE TIME AND PLACE FOR HEARING THEREON

The City Council of the City of Chula Vista does hereby resolve as follows:

WHEREAS, on October 2, 1978, Mr. Michael D. Madigan, Assistant Vice President, Pardee Construction Company, the developer of the Casa del Rey Subdivision, submitted a petition for the formation of an Open Space District in accordance with Chapter 17.08 of the Chula Vista Municipal Code, and

WHEREAS, a preliminary report was submitted by the Director of Public Works and the Director of Parks and Recreation for the cost of maintaining the Open Space District and a preliminary estimate for the assessments to be charged for each parcel.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby accept the report for the formation of an Open Space District No. 10 and proposes and intends to establish an open space maintenance district to pay costs of maintaining natural open space, green belt and slopes along major and collector roads, including the maintenance of all trees, shrubs, plants, etc., planted or placed within said open space area, as designated in Exhibit "A" attached hereto and incorporated herein by reference as if set forth in Ordinance No. 1400, in accordance with the provisions of Ordinance No. 1400 establishing procedures for the acquisition, development and maintenance of open space, known as the Chula Vista Open Space District Ordinance of 1972, and as such may be amended.

Section 1

DESCRIPTION OF MAINTENANCE

The proposed maintenance consists in general of the following:

- (a) Irrigation
- (b) Fertilization
- (c) Removal of weeds, trash and litter
- (d) Pruning of trees and shrubs
- (e) Replacement of dead or diseased trees and shrubs
- (f) Repair of equipment and facilities
- (g) Weed abatement

Note: Landscaping and irrigation system shall be maintained and guaranteed by the subdivider for a period of one year after acceptance by the City Landscape Architect.

Section 2

DESCRIPTION OF MAINTENANCE DISTRICT

The maintenance district is that as shown in Exhibit "A", attached hereto and incorporated herein by reference as if set forth in Ordinance No. 1400.

Section 3

ASSESSMENT OF COST AND EXPENSE

It is proposed to assess the total amount of the maintenance cost of the district after establishment, plus the incidental expenses thereto, to all of the real property within the district, in conformance with the provisions of the Chula Vista Open Space District Procedural Ordinance of 1972, in proportion to the estimated benefits from the maintenance to be received by the individual parcels of real property. The Council may order a portion of the cost of maintenance to be paid by the City from appropriate funds. The estimated annual maintenance cost is estimated at \$5,632.

The initial assessment for Chula Vista Open Space District will be \$25.60 per unit per annum for the maintenance of slopes of natural open space.

The assessment per dwelling unit will be adjusted every year to reflect the changes in actual number of dwelling units and annual maintenance costs.

A statement of the proposed assessments and the procedure by which they are to be levied against the lots or parcels is on file in the office of the Director of Public Works for public inspection.

Section 4

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that Tuesday, December 19, 1978, at 7:00 p.m. in the Council Chambers in the Civic Center, 276 Fourth Street, Chula Vista, California, is the day, hour and place for the hearing when any person interested may object to the proposed maintenance of the amount of the assessment, or increasing the limits for the district. Failure to make objections at that time shall be deemed a waiver of all objections and shall operate as a bar for any recovery for damages.

Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, and the signer must identify the same, and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing.

Section 5

PUBLICATION OF NOTICE

The City Clerk of the City of Chula Vista is directed to publish notice, entitled "Notice of Maintenance District", to be published at least ten days before the date of the hearing in the Chula Vista Star News.

The City Clerk is directed to mail a copy of such notice, postage prepaid, to all persons owning real property proposed to be included in the district whose names and addresses appear on the last equalized County Assessor's Roll, all in the manner provided for in the Chula Vista Open Space District Procedural Ordinance of 1972.

Witness my hand and seal this

Approved as to form by

J. Robens
J. Robens, Director of Public Works

George D. Lindberg
George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
VISTA, CALIFORNIA, this 21st day of November

by the following vote, to-wit:

Councilmen Scott, Cox, Egdahl, Hyde, Gillow

Councilmen None

Councilmen None

Councilmen None

Will T. Hyde

Mayor of the City of Chula Vista

Jennie M. Fulasz

City Clerk

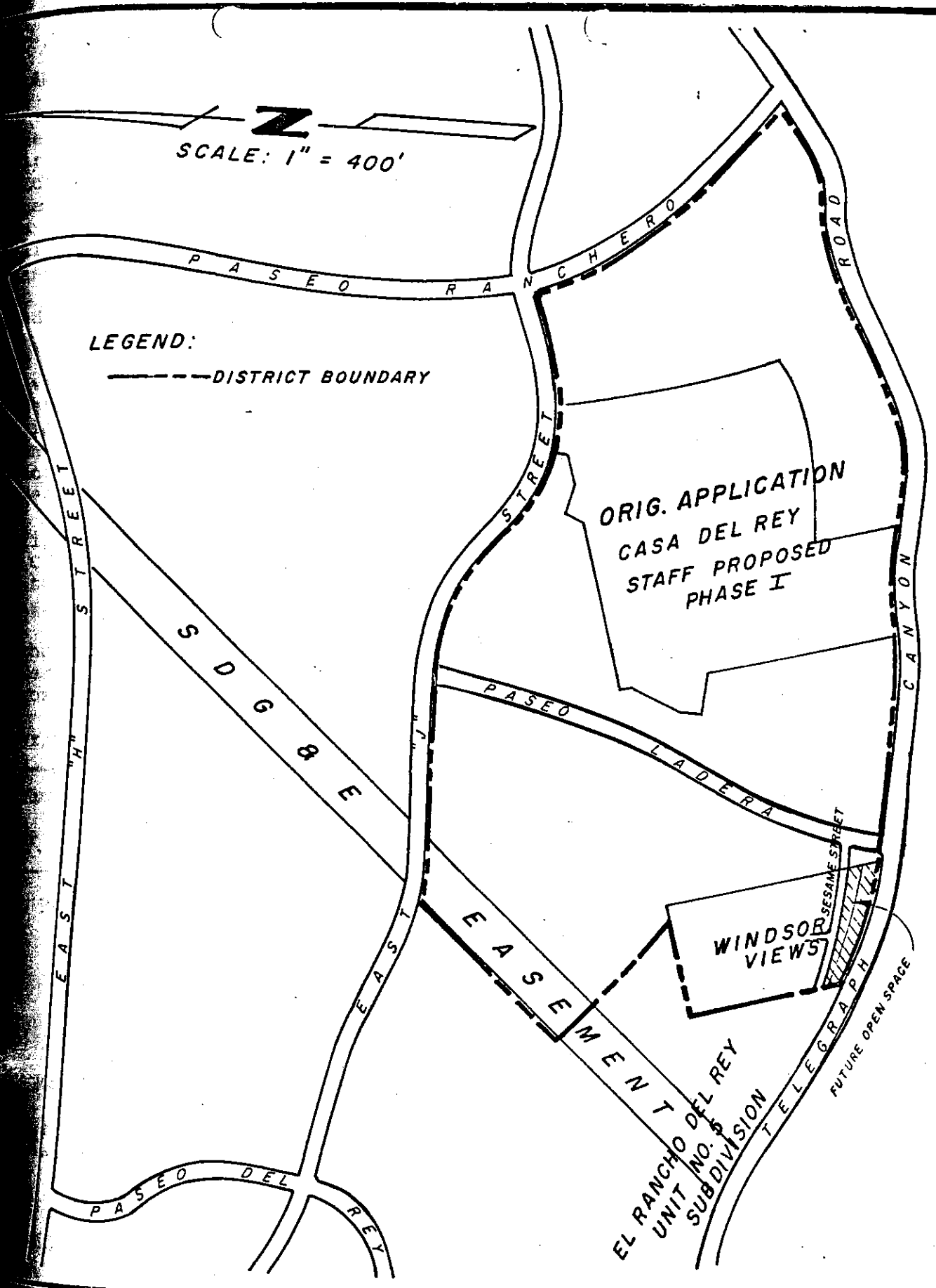
CALIFORNIA)
SAN DIEGO) ss.
CHULA VISTA)

JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,

CERTIFY that the above and foregoing is a full, true and correct copy of

No. 9370 _____, and that the same has not been amended or repealed.

City Clerk



LEGEND:
 ----- DISTRICT BOUNDARY

SCALE: 1" = 400'

ORIG. APPLICATION
 CASA DEL REY
 STAFF PROPOSED
 PHASE I

WINDSOR
 VIEWS

EL RANCHO DEL REY
 UNIT NO. 5
 SUBDIVISION

FUTURE OPEN SPACE

OWN BY
 L. M. G.
 11-9-78

TITLE EXHIBIT "A"
 STAFF PROPOSAL
 OPEN SPACE DISTRICT NO. 10

CITY OF CHULA VISTA
COUNCIL AGENDA STATEMENT

Item No. 12

For meeting of 11/21/78

TITLE Resolution #9370 Accepting the report and declaring City's Intention to form Open Space District No. 10 and Setting the Public Hearing

PREPARED BY City Engineer via the Director of Public Works

EXPLANATION (4/5TH'S VOTE REQUIRED YES ___ NO x)

On October 2, 1978, Mr. Michael D. Madigan, Assistant Vice President, Madree Construction Company, the developer of Casa del Rey Subdivision, submitted a petition for the formation of an Open Space District in accordance with Section 17.08.110. In accordance with the requirements of the ordinance, the Director of Public Works and the Director of Parks & Recreation have submitted a preliminary report for the cost of maintaining the Open Space District and a preliminary estimate for the assessments to be charged for each parcel. The total costs for the first year of maintenance is estimated to be \$5,632, with assessment spread of \$25.60 per parcel per year. (See attached Exhibit A).

Based upon the specific plan for El Rancho del Rey, I believe that the subdivision boundary for Casa del Rey may not be the most logical boundary for Open Space District No. 10. I recommend that Open Space District No. 10 be established with boundaries of Telegraph Road on the south, Paseo Ranchero on the east, "J" Street on the north, and the SDG&E easement line and El Rancho del Rey No. 5 on the west. (See plat.)

The first phase of the Open Space Maintenance District would include Casa del Rey and would represent the maintenance costs and assessment spread as reported above. This is because only the open space at Casa del Rey has been dedicated to the City.

As other areas in the district develop and as new open space lots are added, the assessment spreads would be adjusted to reflect the costs.

File # EY-096

(continued on supplemental page)

Agreement ___	Resolution <u>x</u>	Ordinance ___	Plat <u>x</u> (2)	Notification List ___
Other Report ___	ENVIRONMENTAL DOCUMENT: Attached ___ Submitted on ___			

IMPACT

79-043942

1-29-79

Q Sec 63

RECOMMENDATION

Approve resolution setting the protest hearing for December ¹⁹~~18~~ and increasing the limits for the district.

COMMISSION RECOMMENDATION

CONCLUSION

Agenda Item No. 12
For Meeting of 11/21/78
Supplemental Page Two

There is a special problem with existing maintenance for a portion of Windsor Views homeowner's property southerly of Sesame Street across from Windsor Views Subdivision. This property is not being properly maintained. Since this is along a scenic highway (Telegraph Canyon Road), I believe it is important to ensure maintenance of the open space. Including Windsor Views Subdivision the boundaries of Open Space District No. 10 will provide the legal mechanics to ensure maintenance of that area. It is not intended at this time to charge Windsor Views, but should a resolution be reached in the future for the homeowners association to maintain their open space, then the Council would have the option of acquiring this open space and charging Windsor Views property owners appropriately for the acquisition and maintenance.

A resolution of intention will establish December 19th for the next hearing and will change the original boundaries of the acquisition as described on the attached plat.

DATE: October 4, 1978
 TO: Duane Bazzel, Planning Tech III
 FROM: Emerson Hall, Director of Parks and Recreation *EH*
 FROM: David Bradstreet, Parks Superintendent *DB*
 SUBJECT: Maintenance Cost Estimate, Open Space District #10

As per your request the following cost estimates for Open Space District #10 are submitted for your information:

LOT C

Landscaped Area			
Maintenance Cost	1.569 acres or 68345 Sq. Ft. @ \$.01	=	\$ 683.45
Utility Cost	1.569 acres or 68345 Sq. Ft. @ .0160	=	1,093.20
Supplies Cost	1.569 acres or 68345 Sq. Ft. @ .0057	=	389.56
			\$2,166.21
Natural Area			
Maintenance Cost	9.227 acres or 401,928 Sq. Ft. @ \$.0011	=	\$ 442.12
			TOTAL LOT C MAINTENANCE = \$2,608.33

LOT F

Landscaped Area			
Maintenance Cost	2.070 acres or 90,169 Sq. Ft. @ \$.01	=	\$ 901.69
Utility Cost	2,070 acres or 90,169 Sq. Ft. @ .0160	=	1,442.70
Supplies Cost	2,070 acres or 90,169 Sq. Ft. @ .0057	=	513.96
			\$2,858.35
Natural Area			
Maintenance Cost	3.447 acres or 150,151 Sq. Ft. @ \$.0011	=	\$ 165.16
			TOTAL LOT F MAINTENANCE = \$3,023.51
			GRAND TOTAL = \$5,631.84
			ROUNDED TOTAL = \$5,632.00

\$5,632 per year ÷ 220 units = \$25.60 per unit per year or \$2.13 per unit per month.

It should be noted for future budget preparations that an inflationary figure of 5 to 10% should be added per each year to the above cost estimates.

AK
 Aubrey Kesterson