

RESOLUTION NO. 7813

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE INTENTION TO ESTABLISH CHULA VISTA OPEN SPACE DISTRICT NO. 5, AND SETTING THE TIME AND PLACE FOR HEARING THEREON

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

WHEREAS, the City Council has heretofore directed the Director of Public Works to proceed with the necessary studies, following the submission of their preliminary report on July 15, 1975, to establish an open space maintenance district in the South Bay Villas Subdivision area, and

WHEREAS, such studies have been completed and are ready to be submitted to the City Council at a public hearing to determine the desirability of establishing the Chula Vista Open Space District No. 5.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista 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 full, 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 Procedural 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 described in Exhibit "A", attached hereto and incorporated herein by reference as if set forth in full.

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 anticipated annual maintenance cost is estimated at \$8,825, as shown on Exhibit "A", attached hereto and incorporated herein by reference as if set forth in full.

No assessment will be levied pursuant to the Chula Vista Open Space District Procedural Ordinance of 1972 to pay the costs of acquisition and development.

The initial assessment for Chula Vista Open Space District No. 5 will be \$6.18 per unit per month for the maintenance of slopes and natural open space within the subdivision boundary for South Bay Villas Subdivision.

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

A statement of the proposed assessments and the procedure thereby 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, August 5, 1975, at 7:30 p.m. in the Council Chambers in the Civic Center, 276 Fourth Avenue, Chula Vista, California, is the day, hour and place for the hearing when any person interested may object to the proposed maintenance or the amount of the assessment. Failure to make objections at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any claim 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, sufficient to 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 cause a 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 assessed whose names and addresses appear on the last equalized County Assessment Roll, all in the manner provided for in the Chula Vista Open Space District Procedural Ordinance of 1972.

Presented by

W. J. Robens

William J. Robens, Director of
Public Works

Approved as to form by

George D. Lindberg

George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 15th day of July,
1975, by the following vote, to-wit:

⁵AYES: Councilmen Hyde, Scott, Hamilton
⁰NAYES: Councilmen None
⁵ABSENT: Councilmen Hobel, Egdahl

Thomas D. Hamilton Jr.
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____ and
that the same has not been amended or repealed.

DATED _____

(SEAL)

City Clerk

LEGAL DESCRIPTION
OPEN SPACE DISTRICT #5

South Bay Villas, being a subdivision of the Northwest Quarter of Quarter Section 69 of the Rancho de la Nacion, in the County of San Diego, State of California, according to Map thereof No. 166 made by Morrill, on file in the office of the County Recorder of said San Diego County.

MAINTENANCE COSTS

OPEN SPACE DISTRICT #5

EXHIBIT "A"

The following cost estimates are based upon the acceptable standard of maintenance for the landscaped slopes in Lot "A" and "B" of South Bay Villas Subdivision.

The 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:

551,557 sq. ft. @ \$0.016 per sq. ft. per yr. = \$8,825

\$8,825 ÷ 119 units (per unit cost per year) = \$74.16

\$74.16 ÷ 12 month (per unit cost per month) = \$6.18

CITY OF CHULA VISTA
COUNCIL AGENDA STATEMENT

ITEM NO. 11b

FOR MEETING OF: 7/15/75

ITEM TITLE: Resolution of Intention for the Formation of Chula Vista Open Space District No. 5 and Setting Public Hearing to Hear Protests and Objections

SUBMITTED BY: Director of Public Works/City Engineer

ITEM EXPLANATION:

Following acceptance of the report for the formation of Open Space District #5, it is appropriate for the City Council to approve the Resolution of Intention for the formation of Open Space District #5 and set August 5, 1975 as the date for a public hearing to hear protests and objections.

EXHIBITS ATTACHED

Agreement _____ Resolution X Ordinance _____ Plat _____ Other _____

Environmental Document: Attached _____ Submitted on _____

STAFF RECOMMENDATION:

1. City Council approve the Resolution of Intention for the formation of Chula Vista Open Space District #5.
2. City Council set August 5, 1975 as the date for a public hearing to hear protests and objections to the formation of Chula Vista Open Space District #5 in accordance with Section 17.08 of the Chula Vista City Code

BOARD/COMMISSION RECOMMENDATION:

COUNCIL ACTION:

H/b

June 13, 1975
File No. DY 048

TO: Planning Commission

FROM: Emerson Hall, Director of Parks & Recreation
William J. Robens, Director of Public Works

SUBJECT: Establishment of Open Space District #5 in South Bay
Villas Subdivision

Mr. James R. Shattuck, President of Shattuck Construction Company, the developer for South Bay Villas Subdivision, submitted a petition on May 29, 1975 for the formation of an open space district in accordance with Ordinance #1400. All of the contents of the petition, according to Section 35.211 of the Ordinance are acceptable.

The Director of the Parks & Recreation Department has studied the areas to be included in the district, which includes all of Lots C, E, F, G, H and I and as shown on the plat for Open Space District #5. The improvements to be maintained consist of the landscaping, plant material and irrigation system.

The anticipated annual maintenance cost is estimated at \$8,825. It is proposed that the cost of maintenance be assessed equally against each dwelling unit and each of the odd shape lots excepting Lot D for a total of 119 units. The assessment cost for each dwelling unit and for each of the odd shape lots is \$74.16 per annum.

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.

The cost of the maintenance of the open space district will be paid as a part of the property tax and will be delivered to the City. These monies will be deposited in the general fund for payment of maintenance costs incurred for the district.

The maintenance agreement should provide a review process to increase or decrease the cost of maintenance based on actual cost. The review should be accomplished when required, but not less than once every three years. The attached Exhibit "A" indicates the calculations which determine the unit assessment of \$74.16 per annum.

APM:b
Attachment

EXHIBIT

LOCATOR
OPEN SPACE DISTRICT
NO. 5 - SOUTHBAY VILLAS

200 400 FT

A-1(B)

NORTH

69

CITY OF CHICAGO
COUNTY OF SOUTHWEST

PCZ 74-112A
RICH HILLS
40 ACRES

A-8

A-1(B)

VACANT

VACANT

OPEN SPACE

R-3

VACANT

C-C-P

VACANT

C-C-D

C-O-P

R-3-G-P

VACANT

R-3

TELEGRAPH

VACANT

DOVER DR

WALKER DR

WALKER DR

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