

RESOLUTION NO. 11470

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. 11, AND SETTING THE TIME AND PLACE FOR HEARING THEREON

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

WHEREAS, McMillin Development, Inc., manager of Hidden Vista Village (Terra Nova) for the owner, Financial Scene, Inc., has 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, the formation of this district was a condition of approval of the tentative map for the subdivision, and

WHEREAS, the City Council is required to adopt a resolution of intention to form the district in order to satisfy the procedural requirements for such district, and

WHEREAS, the preliminary report was submitted by the City Engineer and the Director of Parks and Recreation for the cost of maintaining the open space district and a preliminary estimate for the assessment 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 Open Space District No. 11 and proposes and intends to establish an open space maintenance district to pay the costs of maintaining natural open space, green belt and slopes along major and collector roads, the median island in "H" Street, and parkways within the public rights of way adjacent to open space lots, including the maintenance of all trees, shrubs, plants, etc., planted or placed within said open space area 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

Section 2

DESCRIPTION OF MAINTENANCE

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 \$100,000.

The initial assessment for Chula Vista Open Space District No. 11 will be approximately \$75 for a single family home or condominium, \$37.50 for an apartment and \$640 for a commercial acre for the maintenance of slopes and natural open space.

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 City Engineer for public inspection.

Section 4

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that Tuesday, December 13, 1983, at 7:00 p.m. in the Council Chambers of City Hall, 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, or increasing the limits for the district. 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

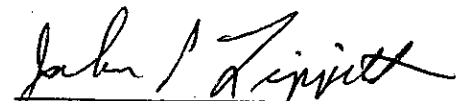
PUBLICATION OF NOTICE

The City Clerk of the City of Chula Vista is directed to cause a notice, entitled "Notice of Formation of Open Space Maintenance District No. 11", to be published at least ten days before the date of the hearing in the Chula Vista Star News.

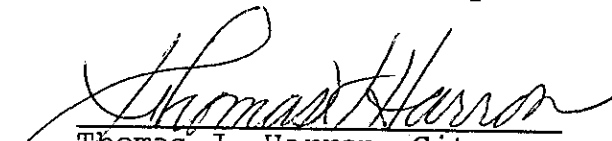
The City Clerk is directed to mail a copy of such notice, postage prepaid, to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized County Assessment Roll, all in the manner provided for in the Chula Vista Open Space District Procedural Ordinance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

Presented by

Approved as to form by



John P. Lippitt, City
Engineer



Thomas J. Harron, City
Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF

CHULA VISTA, CALIFORNIA, this 22nd day of November

19 83, by the following vote, to-wit:

AYES: Councilmen McCandliss, Scott, Malcolm, Cox, Moore

NAYES: Councilmen None

ABSTAIN: Councilmen None

ABSENT: Councilmen None

Gregory R. Cox
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, CMC, 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

RESOLUTION NO. 11470, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

ATTACHMENT "A"

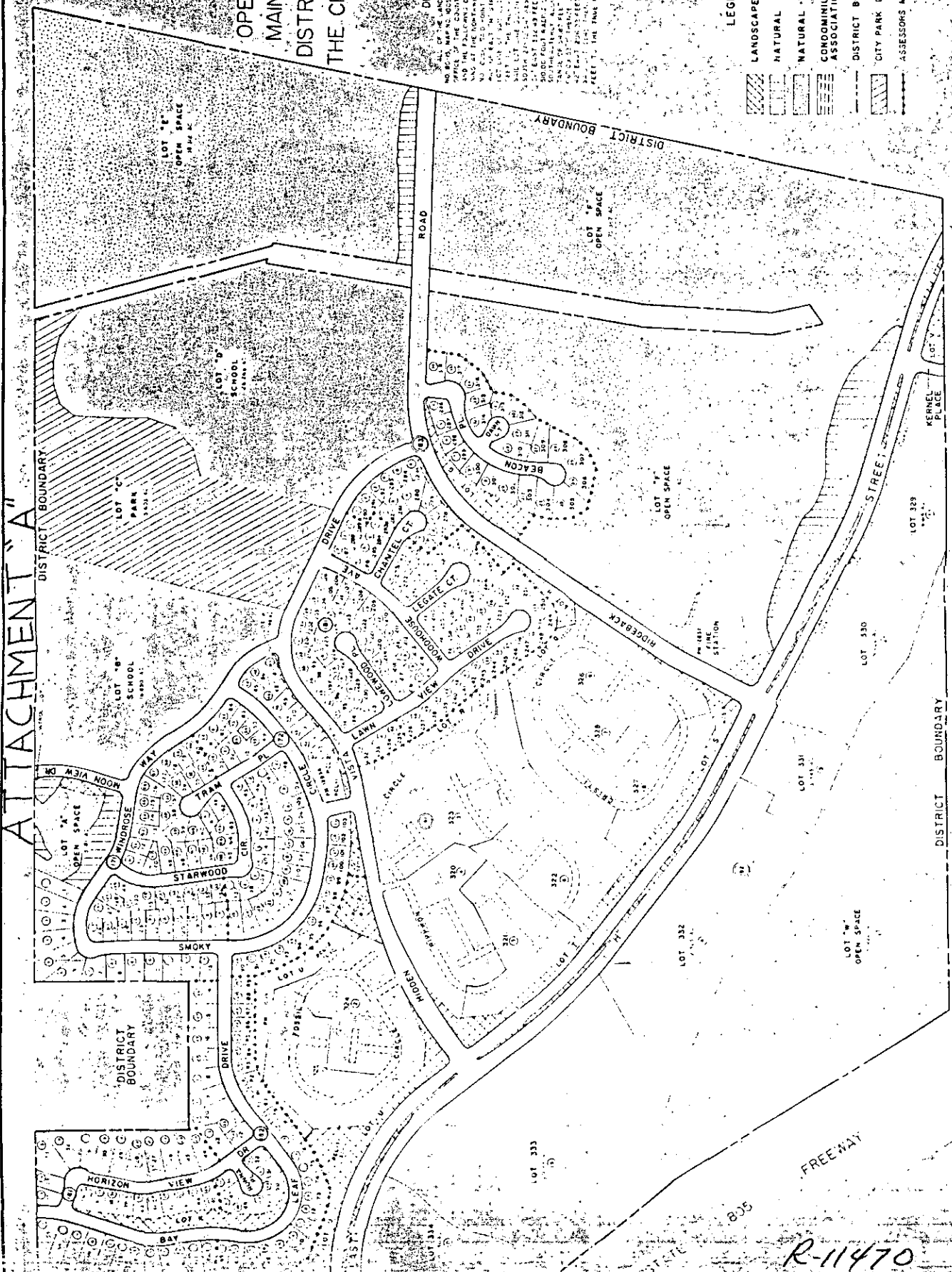
OPEN SPACE MAINTENANCE, DISTRICT NO. 11 OF THE CITY OF CHULA VISTA

DESCRIPTION

ALL OF THE LAND SHOWN WITHIN CHULA VISTA TRACT
 NO. 11, MAP NO. 1007 RECORDED APRIL 3, 1968 IN THE
 AND THE COUNTY RECORDER'S OFFICE IN SAN DIEGO,
 WAS AT THE MORTGAGE DEED OF LOT 332 OF BEACH,
 NO. 60,787, RECORD NO. 2015, THE SUNDAY, A PART OF
 BEACH, IN STREET FRONTAGE AND THE BOTTLE NECK
 1967. THE TRACT IS PART OF A DEVELOPMENT
 TO BE LIT AND OPEN TO THE PUBLIC. THE TRACT IS
 300 FEET 10 INCHES 43 FEET 0 INCHES IN WIDTH
 AND 500 FEET 0 INCHES 0 FEET 0 INCHES IN LENGTH. THE
 500 FEET 0 INCHES 0 FEET 0 INCHES IN LENGTH IS
 THE TRACT'S FRONTAGE ON THE SAN DIEGO FREEWAY.
 50 FEET 0 INCHES 0 FEET 0 INCHES IN LENGTH IS
 THE TRACT'S FRONTAGE ON THE SAN DIEGO FREEWAY.
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 THE TRACT'S FRONTAGE ON THE SAN DIEGO FREEWAY.

LEGEND

- LANDSCAPED & IRRIGATED
- NATURAL LANDSCAPED
- NATURAL
- CONDOMINIUM HOME OWNERS
ASSOCIATION MAINTENANCE
- DISTRICT BOUNDARY
- CITY PARK (NOT INCLUDED)
- ASSESSORS MAP BOOK PAGE BOUNDARY



REVISIONS	DATE	BY	REASON	SCALE	SHEET NO.	TOTAL SHEETS	DRAWING NO.	PROJECT NO.	DATE	DRAWN BY	CHECKED BY	APPROVED BY	TITLED BY	DATE TITLED	DATE OF ISSUANCE	DATE OF REVISION	DATE OF CANCELLATION	DATE OF RESCINDMENT	DATE OF RECALL	DATE OF REJECTION	DATE OF REPEAL

CITY OF CHULA VISTA ENGINEERING DEPARTMENT
OPEN SPACE MAINTENANCE DISTRICT NO. 11
OF THE CITY OF CHULA VISTA

W.O. NO.
 DRAWING NO.
 SHEET NO. OF

R-11470

"ATTACHMENT B"

Residential Units 80.25%; Commercial Property 19.75%

Residential	# of Lots or Units	Assessment/Unit	Total Assessment Units	% of Residential Assessment	% of District Assessment
Single Family Lots	320	1.0	320	30.00	24.09
Condos					
Lot 320	58	1.0	58	5.44	4.37
321	52	1.0	52	4.88	3.91
322	60	1.0	60	5.63	4.52
323	72	1.0	72	6.75	5.42
324	52	1.0	52	4.88	3.91
325	50	1.0	50	4.69	3.76
326	56	1.0	56	5.25	4.21
327	48	1.0	48	4.50	3.62
328	48	1.0	48	4.50	3.62
329	72	1.0	72	6.75	5.42
330	62	1.0	62	5.82	4.67
Apartments					
Lot 332	232	0.50	116	10.88	8.73
Commercial			1,066.	99.97%	80.25

Commercial	# of Acres	Assessment/AC	Total Assessment	% of Commercial Assessment	% of District Assessments
Lot 331	3.393	8.5	22.9	11.00%	1.72%
333	20.911	8.5	177.7	66.00%	13.37
334	5.190	8.5	44.1	16.00%	3.32
Parcel 2.1 Ac.	2.100	8.5	17.9	7.00%	1.35
	31.59		262.6	100.00%	19.75
Total Assessment Residential and Commercial			1,328.6		100.00

Landscaping open spaces ~ \$100,000
 Cost per EDU = $\frac{\$100,000}{1,328.6} = \75.27

Assessments
 Single Family & Condominium = \$175.27
 Apartment = \$37.63
 Commercial Area = \$639.77

R-11470

CITY OF CHULA VISTA
Landscape Maintenance District #11

<u>LOT</u>	<u>LANDSCAPED & IRRIGATED (sq. ft.)</u>	<u>NATURAL LANDSCAPED (sq. ft.)</u>	<u>NATURAL (ac)</u>
A	20,000	32,500	1.97
E	--	62,400	36.88
F	8,712	250,034	69.63
G	43,995	-	-
H	28,052	-	-
J	11,804	-	-
K	53,927	-	-
P	3,833	-	-
V	16,117	-	-
W	-	-	31.22
Parcel 3 Map 12836	<u>3,528</u>	-	-
Subtotal	189,968	344,934	139.70
Q (Portion)*	11,515		
S	69,913		
T	76,622		
UA* Parcel 1	127,151		
UC* Parcel 3	<u>34,717</u>		
Subtotal	319,918		
"H" Street Center Median	<u>30,000</u>		
Subtotal	30,000		
TOTAL	539,886		

*Parcel Map and Boundary Adjustment Filed.

	<u>Sq. Ft.</u>	<u>\$/sq.ft./yr</u>	
Landscape & Irrigated Lands	539,886	0.16	86,381
Natural Landscaped	344,934	0.02	6,898
Natural*	304,048	0.02	<u>6,081</u>
Total			99,360

Say 100,000

139.7 Ac. X 5% = 6.98 Ac. X 43,560 = 304,048 sq. ft.

The natural areas adjacent to streets is estimated to be 5% of the total open space. The remainder of the natural open space is assumed to require no maintenance.

R-1147



McMillin

Development

Realty

Construction

November 8, 1983

Mr. John Goss, City Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 92010

RECEIVED
CITY OF CHULA VISTA
ENGINEERING DEPT.
1983 NOV 14 AM 10:46

RE: Terra Nova: Former Fire Station Lots

Dear John:

On October 31, 1983, the McMillin Terra Nova partnership acquired 92 lots from Financial Scene, Inc. The purchase price for 55 lots on the east side of Hidden Vista Drive was \$32,000/lot, on the west side of Hidden Vista the cost of the 37 lots was \$35,000/lot. The fire station lots are adjacent to those purchased for \$35,000. The purchase was an all cash transaction. (See attached maps)

It is the desire of the McMillin Terra Nova partnership which consists of Financial Scene, Inc and McMillin Development, Inc. to acquire the two fire station lots owned by the City for \$35,000 each. The \$70,000 acquisition price would be in cash.

I'm enclosing the vesting deed on the above purchase showing a documentary transfer tax of \$3,360.50. This transfer tax reflects a purchase price of \$3,055,000. ($\$3,360.50 \div \$1.10/\text{per } \1000)

Lots: 194-201, 213-259 @ \$32,000 X 55 Lots =	\$1,760,000
Lots: 96-112, 145-162, 183-184 @ \$35,000 X 37 lots =	1,295,000
	<u>\$3,055,000</u>

As mentioned in my correspondence of August 5, 1983, the sale of these lots by the City is one of the options available under the agreement. The other option is for the City to pay for the construction costs of the houses and the developer would provide the City the profits from the sale. In our opinion, the sale of the lots option has advantages over the City contracting for the construction and sale of two single family homes.

If for any reason the above offer to purchase these lots from the City is unacceptable, it is requested the current building program be unimpeded. The plans for houses on lots 187-193 have been submitted to the City. Our schedule now calls for pulling permits on these lots

R-11470

Letter to Mr. John Goss, City Manager Page -2-

sometime in early December.

Thank you again in advance for assistance in this matter.

Sincerely yours,

Ken Baumgartner

Ken Baumgartner

Enclosures

KB/sg

cc: Gary Gramling, FSI
John Lippitt, City Engineer

R-11470

383

RECORDING REQUESTED BY

TICOR TITLE INSURANCE COMPANY

AND WHEN RECORDING SHALL BE

McMillin Terra Nova
2727 Hoover Avenue
National City, CA 92050

83-391983

RECORDED IN
OFFICIAL RECORDS
OF SAN DIEGO COUNTY, CA

1983 OCT 8 1 AM 8:00

VERA E. LYLE
COUNTY RECORDER

PARTY AS SHOWN ABOVE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Corporation Grant Deed

THIS FORM FURNISHED BY TICOR TITLE INSURERS

A.P.N.

The undersigned grantor(s) declare(s)

Documentary Transfer tax is \$ 3,370.50

(X) computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area: (X) City of Chula Vista and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

FINANCIAL SCENE INCORPORATED

a corporation organized under the laws of the State of California hereby GRANT(s)

McMILLIN TERRA NOVA, a California general partnership

the following described real property in the City of Chula Vista
County of San Diego, State of California

Lots 96 through 112 inclusive; Lots 145 through 162 inclusive; Lots 183
and 184; Lots 194 through 201 inclusive; Lots 213 through 259 inclusive
of CHULA VISTA TRACT NO. 80-15, according to Map thereof No. 10051, filed
in the Office of the County Recorder of San Diego County on April 3, 1981.

CERTIFIED TO BE A TRUE
AND CORRECT COPY
Ticor Title Insurance Company of California
By *Sherril Robertson*

NOV 15 1983
83-391983

In Witness Whereof, said Corporation has caused its corporate name and seal to be affixed hereto and this deed to be executed by its VICE President and ASSISTANT

Dated 10/25/83

FINANCIAL SCENE INCORPORATED

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On September 25, 1983 before me the undersigned a Notary Public in and for said State personally appeared

Gregory G. ... known to me to be the Vice President and

Thomas E. Taylor known to me to be the Assistant Secretary of the Corporation that executed the within instrument; known to me to be the persons who executed the within instrument on behalf of the Corporation; their names and acknowledged to me the said Corporation executed the within instrument

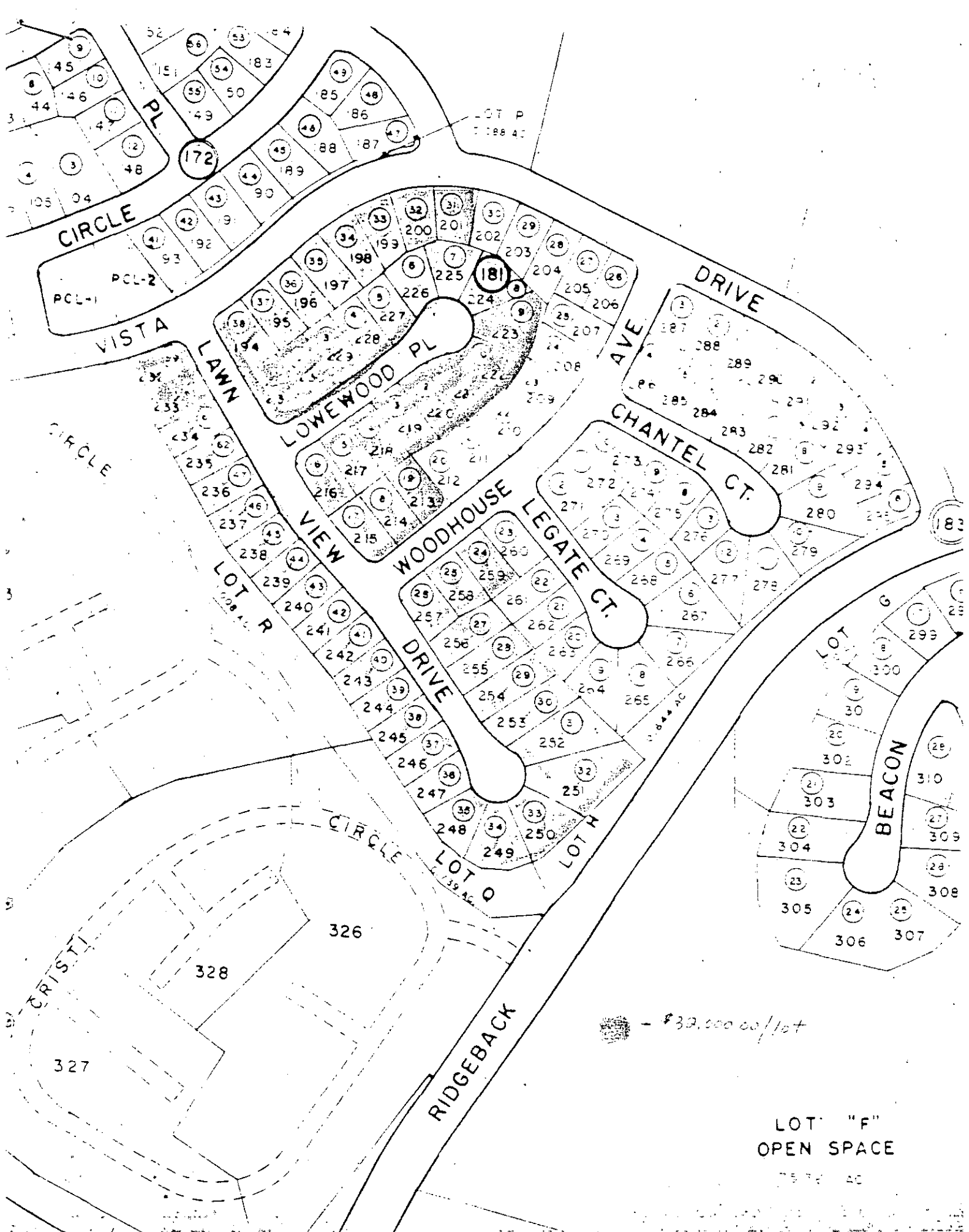
WITNESSES: *Gregory G. ...*
Thomas E. Taylor



Title Order No. 111231-02 Entry or Lien No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

R-11470



LOT P
7088 AC

172

181

- \$33,000 ea/lot

LOT "F"
OPEN SPACE

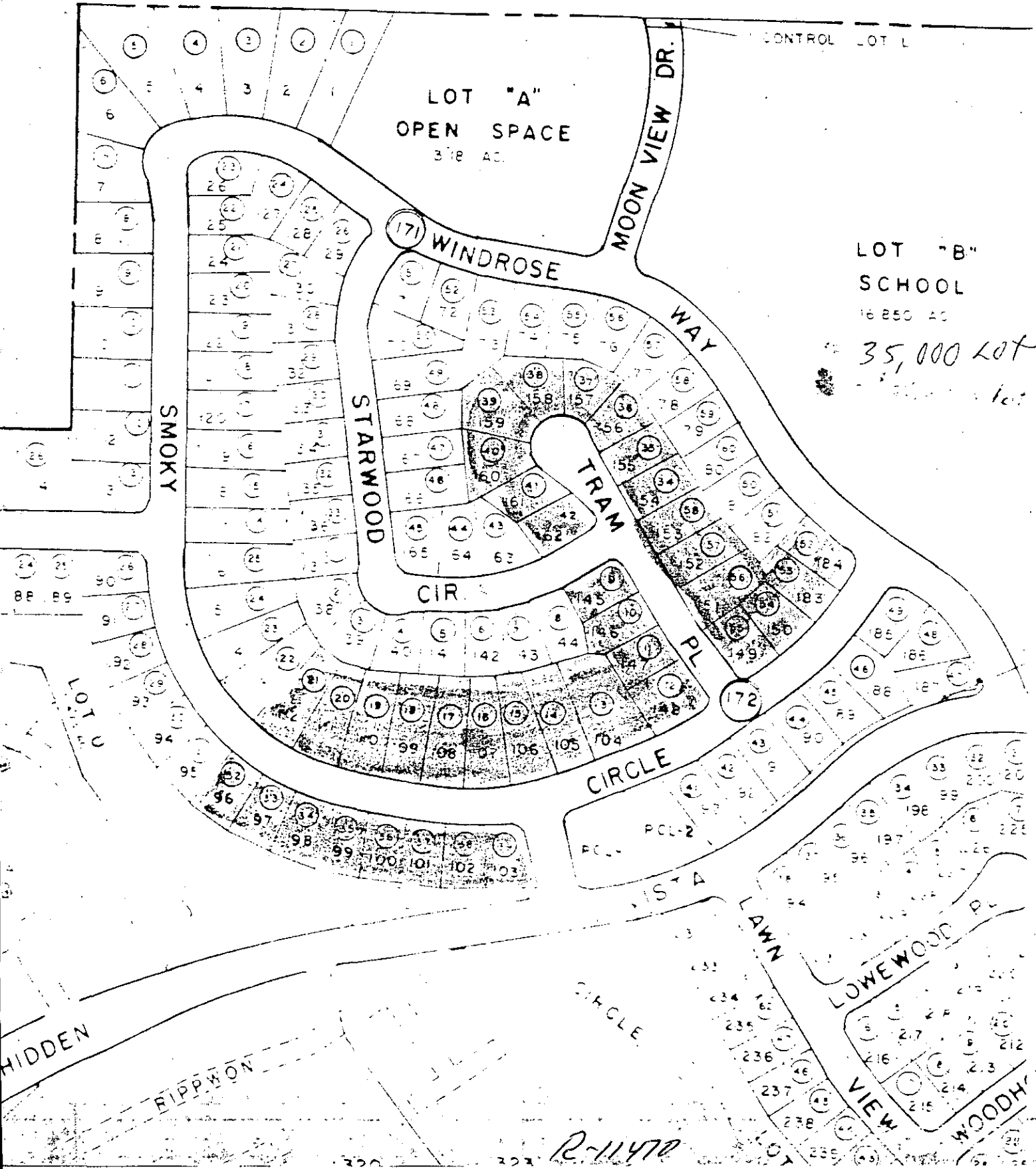
R-11470

CONTROL LOT L

LOT "A"
OPEN SPACE
3.18 AC.

LOT "B"
SCHOOL
16,850 AC.

35,000 LOT



NOTICE OF FORMATION OF OPEN SPACE MAINTENANCE DISTRICT NO. 11

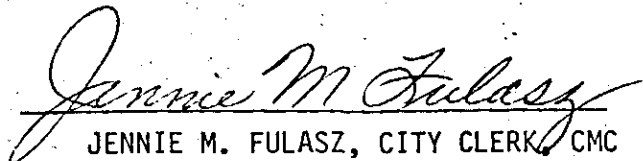
NOTICE IS HEREBY GIVEN that Tuesday, December 13, 1983, at 7:00 p.m. in the Council Chambers in the Civic Center, 276 Fourth Avenue, Chula Vista, California, is the day, hour and place for the hearing when any person interested may address the City Council regarding the proposed formation of Open Space Maintenance District No. 11. Failure to make a statement 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 statements, for or against, 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.

It is the intent of the City Council to form an open space maintenance district within Hidden Vista Village (Map No. 10051) comprising open space lots "A", "E", "F", "G", "H", "J", "K", "P", "V", "W", "S", "T", Parcels 1 and 3 of Parcel Map 13006, the East "H" Street median within the district and the right-of-way area from the curb to the property line adjacent to all open space lots. The open space lots adjacent to the condominiums will be maintained by the condominium homeowner's association and will not be a part of the proposed district. Only the highly visible portions of the open spaces will be intensely landscaped and irrigated. The remainder, and majority, of the area will be a combination of natural landscaping and natural open area. The estimated first year assessment for the benefiting properties (950 single family units, 232 apartments, and 32 commercial acres) is \$75 per single family home or condominium, \$38 per apartment and \$640 per commercial acre.

WPC 0775E

Dated: November 23, 1983


JENNIE M. FULASZ, CITY CLERK, CMC