RESOLUTION NO. 8337

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE INTENTION TO ESTABLISH CHULA VISTA OPEN SPACE DISTRICT NO. 7, 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 September 3, 1976, to establish an open space maintenance district in the Zenith #2, 3 and 4 Subdivisions 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. 7.

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 slopes along major and collector roads, including the maintenance of all trees, shrubs, plants, etc., planted or placed within said 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 $1,333.25.

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. 7 will be $12.82 per unit per annum for the maintenance of slopes and natural open space within the subdivision boundary for Zenith #2, 3 and 4 Subdivisions.

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, October 12, 1976, 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 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

EXHIBIT "A"

Legal Description

Open Space District No. 7

A portion of Quarter Section 90 of Rancho de la Nacion, in the City of Chula Vista, County of San Diego, State of California, according to Map thereof No. 166, filed in the office of the County Recorder of San Diego County on May 11, 1869 and more particularly described as follows:

All of Zenith II Subdivision per Map thereof No. 8331 filed on July 6, 1976 in the office of said County Recorder and Parcels 1, 2, and 4 of Parcel Map No. 2886 filed on July 29, 1974 in the office of said County Recorder.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA this 28th day of September, 1976, by the following vote, to-wit:

AYES: *Councilmen* Cox, Hamilton, Egdahl, Hobel, Hyde

NAYES: *Councilmen* None

ABSENT: *Councilmen* None

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, 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. 8337 *and that the same has not been amended or repealed.*

DATED September 28, 1976

Jennie M. Fulasz

City Clerk

(SEAL)

660

CITY OF CHULA VISTA

COUNCIL AGENDA STATEMENT

ITEM NO. 7

FOR MEETING OF: 9/28/76

#8337

ITEM TITLE: Resolution of Intention for the Formation of Chula Vista Open Space District No. 7 and Setting Public Hearing to Hear Protests and Objections

SUBMITTED BY: Director of Public Works/City Engineer WJP

ITEM EXPLANATION:

Mr. Gary L. McCabe, private engineer acting on behalf of Robinhood Homes, Inc., the developer for Zenith #2, 3 and 4 Subdivisions, submitted a petition on August 27, 1976 for the formation of an open space district in accordance with Chapter 17.08 of the Chula Vista Municipal Code. All of the contents of the petition, according to Section 17.08.110 of the City Code, are acceptable.

A preliminary report was submitted by the Director of Parks and Recreation and Director of Public Works to the City Clerk on September 3, 1976. The Planning Commission, at its meeting of September 27, 1976, will be considering the establishment of Open Space District No. 7 in Zenith #2, 3 and 4 Subdivisions. Their recommendation will be available at the Council meeting.

The formation of Open Space District No. 7 was a condition of approval of the tentative maps for Zenith #2, 3 and 4 Subdivisions. The exterior boundary of the proposed district is the same as the boundary for these subdivisions.

It is appropriate for City Council to approve the Resolution of Intention for the formation of Open Space District No. 7 and set October ~~19~~ 12 1976 as the date for a public hearing to hear protests and objections.

A transparency is available for Council viewing.

EXHIBITS ATTACHED

Agreement _____ Resolution X Ordinance _____ Plat X 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 No. 7.
2. City Council set October ~~19~~ 12 1976 as the date for a public hearing to hear protests and objections to the formation of Chula Vista Open Space District No. 7 in accordance with Section 17.08 of the City Code.

BOARD/COMMISSION RECOMMENDATION:

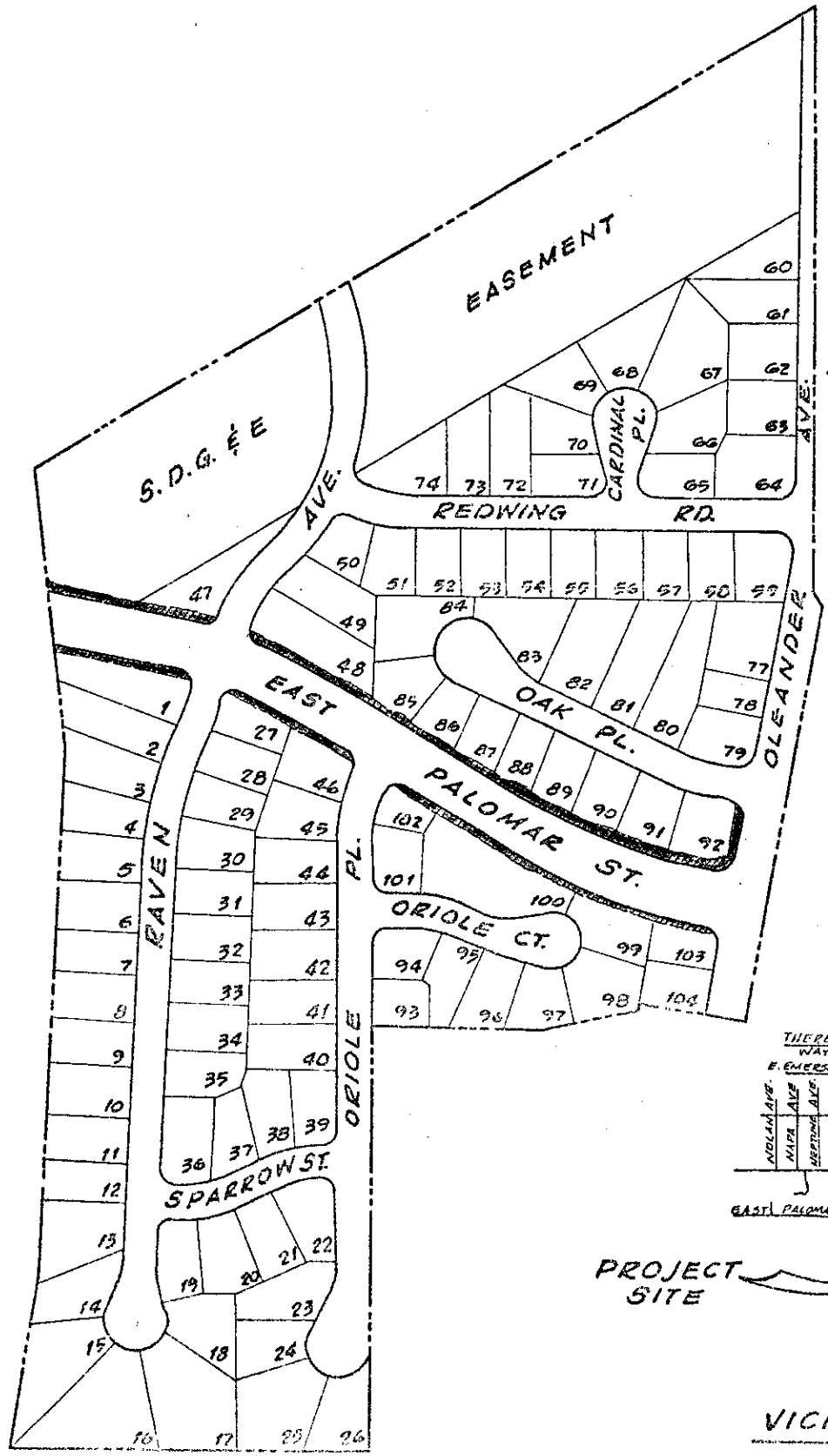
This item will be considered by the Planning Commission on September 27, 1976 for a recommendation to the City Council.

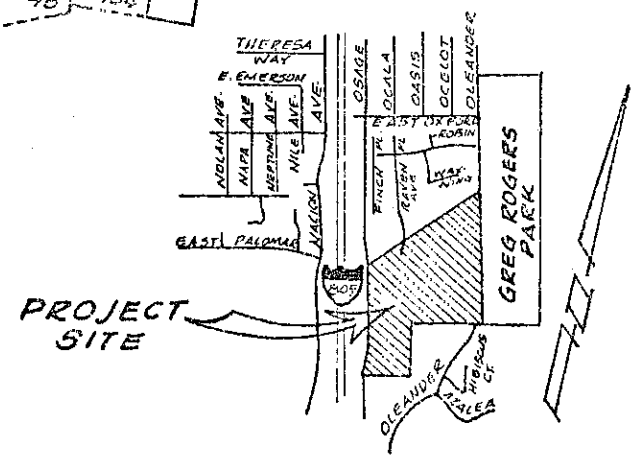
COUNCIL ACTION:

APPROVED
by the
City Council
of
Chula Vista, California
Dated 9-28-76

OPEN SPACE DISTRICT NO. VII

ZENITH II, III & IV





PROJECT SITE

VICINITY MAP

NO SCALE