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RESOLUTION NO. 199983

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CHANGES IN THE BOUNDARIES OF AN IMPROVEMENT DISTRICT PROPOSED TO BE FORMED OF A PORTION OF THE CITY TO BE NAMED "CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT" WHICH IN THE OPINION OF THE COUNCIL WILL BE BENEFITED BY THE ACQUISITION, CONSTRUCTION, COMPLETION AND FINANCING OF CERTAIN IMPROVEMENTS AND FIXING THE TIME AND PLACE OF HEARING ON SUCH CHANGES AND GIVING NOTICE THEREOF.

WHEREAS, on April 9, 1970, the Council of The City of San Diego adopted Resolution No. 199489 declaring the necessity for and stating its intention to form an improvement district within The City of San Diego to be named "CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT" and to proceed under the San Diego Utility Improvement Districts Procedural Ordinance as set forth in Chapter VI, Article 1, Divisions 9 through 17, of the San Diego Municipal Code and to issue bonds which shall be special obligations of and be issued on behalf of such improvement district and fixing the time and place of hearing and giving notice of such hearing; and

WHEREAS, the City Clerk has filed with this Council his certificate that said Resolution No. 199489 together with the general description of the proposed improvement (Document No. 731286) and a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement (Document No.

731287) were on file in his office and were available for inspection by any person or persons interested; and

WHEREAS, said Resolution No. 199489 fixed May 7, 1970 at the hour of 9:30 A.M. on said day as the time, and the Council Chamber, City Administration Building, 202 "C" Street, San Diego, California, as the place for a hearing by the Council on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement, the estimated cost and the amount of bonds to be issued; and stated that at said time and place any person interested will be heard; and that any holder of title to taxable land within the proposed improvement district may file with the City Clerk at any time prior to the time set for the hearing thereon written protest to the formation of the proposed improvement district; and

WHEREAS, said Resolution No. 199489 fixed the same date, time and place referred to above, to wit, May 7, 1970, at the hour of 9:30 A.M. on said day at the Council Chamber, City Administration Building, 202 "C" Street, San Diego, California, as the time and place for holding of a special hearing pursuant to Section 17 of Article XIII of the California Constitution and Section 2804 of the Streets and Highways Code and stated that at the same time and place any person interested will be heard on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement, the estimated cost, the amount of bonds to be issued and whether the Special Assessment Investigation, Limitation

and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply; and

WHEREAS, said Resolution No. 199489 ordered and directed the City Clerk to cause notice of said hearings to be given by publishing a copy of this resolution once at least ten (10) days prior to the time for said hearings above stated in the City Official Newspaper, and the City Clerk has filed a certificate of publication with this Council showing that such publication was made. Said notice was also ordered and directed to be given by posting a copy of this resolution in three (3) public places within the proposed improvement district at least fifteen (15) days before the time fixed for said hearings, and the City Clerk has filed his affidavit with this Council that said postings were made; and

WHEREAS, said Resolution No. 199489 ordered and directed the City Clerk to cause notice of said hearings to be given by mailing, postage prepaid, a copy of this resolution to each holder of title to taxable land within the proposed improvement district as such ownership is shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed improvement district, whose name and address and a designation of the land in which he is interested is on file with the City Clerk, said mailing to be completed not less than fifteen (15) days prior to the date of the hearings fixed

herein, and the City Clerk has filed his affidavit with this Council that said mailings were made; and

WHEREAS, at the time and place fixed in said Resolution No. 199489, a full and fair public hearing has been held, and all persons desiring to be heard on the questions before this Council were heard, and evidence was presented to this Council on said questions before it, and this Council is fully advised in the premises;

NOW, THEREFORE, the Council of The City of San Diego DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. That the facts set forth in the above recitals, including, without limitation, the facts set forth in the affidavits and certificates referred to therein, are true and correct, and that all proceedings have been taken in accordance with said Resolution No. 199489, the San Diego Utility Improvement Districts Procedural Ordinance, other applicable laws and provisions of the Constitutions of the United States and of the State of California.

Section 2. That, as a result of said hearing and upon the evidence presented, the Council hereby declares its intention to order changes in the boundaries of said proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefitted by the proposed improvement.

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Section 3. That the purpose as originally proposed, i.e.: ". . . to issue bonds which shall be special obligations of and be issued on behalf of such improvement district for the purpose of acquiring, constructing, completing and financing works, improvements and facilities for the collection, treatment and disposal of sewage, including interceptor and trunk sewers, pumping plants, appurtenances and appurtenant works" is unchanged.

Section 4. The estimated cost and debt as originally proposed, i.e.: ". . . the estimated cost of the accomplishment of such purposes and the amount of bonds to be issued therefor, including incidental expenses (including, without limitation, engineering, appraisal, legal fees, land and rights of way acquisition, reserve funds and expenses of financing the district and expenses of all proceedings for the authorization, issuance and sale of the bonds) is \$15,000,000. . . ." is unchanged and said sum is also the amount of bonded indebtedness to be incurred by the issuance of bonds on behalf of such proposed improvement district.

Section 5. That the general description of the proposed improvement (which is on file in the office of the City Clerk as Document No. 731286) and a map showing the exterior boundaries of the proposed improvement district as originally proposed with relation to the territory immediately contiguous thereto and to the proposed improvement (which is on file with the City Clerk as Document No. 731287) are available for inspection by any person or persons interested.

Section 6. That this resolution (which is on file with the City Clerk as Resolution No. 199983) together with the general description of the proposed improvement (which, as stated aforesaid, is on file in the office of the City Clerk as Document No. 731286) and a map showing the exterior boundaries of the proposed improvement district, as the same has been proposed to be changed, with relation to the territory immediately contiguous thereto and to the proposed improvement (which is on file with the City Clerk as Document No. 732223) are available for inspection by any person or persons interested. The map shall govern for all details as to the extent of the proposed improvement district.

Section 7. That June 30, 1970 at the hour of 9:30 A.M. on said day is hereby fixed as the time, and the Council Chamber, City Administration Building, 202 "C" Street, San Diego, California, is hereby fixed as the place for a hearing by the Council on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement, the estimated cost and the amount of bonds to be issued. That at said time and place any person interested will be heard; and that any holder of title to taxable land within the proposed improvement district may file with the City Clerk at any time prior to the time set for the hearing thereon written protest to the formation of the proposed improvement district.

Section 8. That the same date, time and place referred to in Section 7 above, to wit, June 30, 1970 at the hour of 9:30 A.M. on said day at the Council

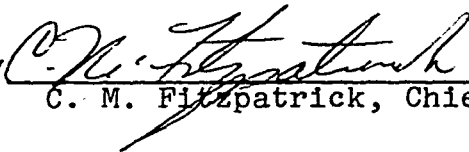
Chamber, City Administration Building, 202 "C" Street, San Diego, California, is hereby also fixed as the time and place for holding of a special hearing pursuant to Section 17 of Article XIII of the California Constitution and Section 2804 of the Streets and Highways Code, and that at the same time and place any person interested will be heard on the questions of the formation of said proposed improvement district, the extent thereof (including, without limitation, the proposed changes in boundaries), the proposed improvement, the estimated cost, the amount of bonds to be issued and whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply.

Section 9. That the City Clerk is hereby ordered and directed to cause notice of said hearing to be given by publishing a copy of this resolution once at least ten (10) days prior to the time for said hearing above stated in the City Official Newspaper. Said notice shall also be given by posting a copy of this resolution in three (3) public places within the proposed improvement district at least fifteen (15) days before the time fixed for said hearing.

Section 10. That the City Clerk is hereby ordered and directed to cause notice of said hearing to be given by mailing, postage prepaid, a copy of this resolution to each holder of title to taxable land within the proposed improvement district as such ownership is shown on the last equalized county assessment roll, at his address as shown

upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed improvement district, whose name and address and a designation of the land in which he is interested is on file with the City Clerk. Said mailing shall be completed not less than fifteen (15) days prior to the date of the hearing fixed herein.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick, Chief Deputy

RECEIVED
CITY CLERK'S OFFICE

1970 JUN -8 AM 9:30

MR SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JUN 9 1970,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

By Elfa P. Hamel, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 199983 Adopted JUN 9 1970