

RESOLUTION NO. 200158

WHEREAS, the City Council of The City of San Diego, California, proposes to construct public improvements in the City of San Diego on ELDER AVENUE, DONAX AVENUE, 14TH STREET, 15TH STREET and ELM AVENUE, as described in the proposed Resolution of Intention attached hereto; and it is the opinion of said City Council that the purpose sought to be accomplished by said work and improvements can best be achieved by a single comprehensive scheme of improvement, which improvements are of such character that it directly and peculiarly affects certain properties in the City of Imperial Beach; and

WHEREAS, Section 5117 of the Streets and Highways Code of the State of California requires that the consent of the City Council of the City of Imperial Beach be procured to the making of said improvements, and to the inclusion of such properties lying in the City of Imperial Beach, within the boundaries of the district proposed to be assessed for said improvement, as described in the proposed Resolution of Intention, a copy of which is attached hereto; and which property will, in the opinion of the City Council of The City of San Diego, benefit by the proposed improvement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

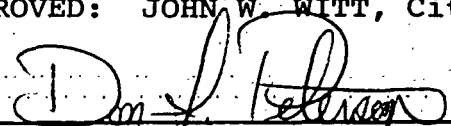
1. The proposed Resolution of Intention marked as Exhibit A and attached hereto be, and the same is hereby approved as the proposed Resolution of Intention for the improvements above referred to; and that the consent of the City Council of the City of Imperial Beach is hereby requested for the formation of the assessment district referred to in the proposed Resolution of Intention and to the improvements described therein, and to

the assumption of jurisdiction by the City Council of The City of San Diego for all purposes in connection therewith.

2. The City Clerk is hereby directed to forward a certified copy of this Resolution together with the proposed Resolution of Intention attached thereto to the Clerk of the City of Imperial Beach.

APPROVED: JOHN W. WITT, City Attorney

By


Don S. Peterson, Deputy

RESOLUTION OF INTENTION NO. _____

TO IMPROVE AND TO ESTABLISH THE GRADE ON ELDER AVENUE, DONAX AVENUE, 14TH STREET AND 15TH STREET, AND TO IMPROVE ELM AVENUE.

BE IT RESOLVED, that the Council of The City of San Diego proposes and intends to order the following work to be done and improvements to be made in said City under the provisions of the Improvement Act of 1911 and amendments thereto, and that the alternate procedures authorized by Article XIII, Section 17 of the California Constitution and provided for in Sections 61.0101 through 61.0111 of the San Diego Municipal Code shall be followed in lieu of the procedures of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, such work being more particularly described as follows:

Section 1.

DESCRIPTION OF WORK

That ELDER AVENUE, between the easterly line of Georgia Street and a line parallel to and 150 feet easterly of the easterly line of Granger Street, in the City of San Diego and the City of Imperial Beach, be graded; that certain paving, curbs, sidewalks, cross gutters, control monuments, alley aprons, drainage facilities and appurtenances and appurtenant work in connection with any of the foregoing be constructed therein and establish the grade thereof.

That DONAX AVENUE, between the easterly line of Georgia Street and a line parallel and 155 feet easterly of the east line of Granger Street, in the City of San Diego and the City of Imperial Beach, be graded; that certain paving, curbs, sidewalks, cross gutters, control monuments, alley aprons, drainage facilities and appurtenances and appurtenant work in connection with any of the foregoing be constructed therein and establish the grade thereof.

That 14TH STREET, in the City of San Diego, between the northerly line of Elder Avenue and southerly line of Donax Avenue be graded; that certain paving, curbs, sidewalks, cross gutters, control monuments, drainage facilities and appurtenances and appurtenant work in connection with any of the foregoing be constructed therein and establish the grade thereof.

That a portion of the westerly side of 15TH STREET, in the City of San Diego, between the southerly line of Elder Avenue and a line parallel to and 241.56 feet southerly of the southerly line of Elder Avenue be graded; that certain paving, curbs, sidewalks be constructed therein and the grade be established thereof.

That ELM AVENUE, in the City of San Diego, between a line parallel to and 100 feet easterly of the easterly line of 14th Street and a line parallel to and 60 feet westerly of the westerly line of 14th Street be graded and that certain paving be constructed therein.

That the said work hereinabove described on ELDER AVENUE, DONAX AVENUE, 14TH STREET, 15TH STREET and ELM AVENUE in the City of San Diego, and the City of Imperial Beach, and streets intersecting therewith, shall be done to the grade shown and indicated on the plans and profiles on file in the office of the City Clerk of said City, and hereinafter referred to, and reference is hereby made to said plans and profiles for the description of the grade at which the work is to be done.

These projects were separately initiated and have been combined for the purpose of economy. If the Council decides at any time to abandon one or more of these projects, that decision shall not affect the validity of the remainder.

It is the opinion of the City Council that the public interest will not be served by allowing the property owners to take over the contract for the above-mentioned improvements. Therefore, Section 5249, Division 7, Part 3 of the Streets and Highways Code will not apply.

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The public interest of convenience so requires and it is the opinion of this Council that the proposed work is of such a character that it directly and peculiarly effects property in the City of San Diego and the City of Imperial Beach, and that the purposes sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work.

The City Council of the City of Imperial Beach, by Resolution No. _____, dated _____, has consented to the formation of this assessment district, to the work described in this Resolution of Intention, and to the assumption of jurisdiction thereover by The City of San Diego.

Section 2.

PLANS, PROFILES, DRAWINGS AND SPECIFICATIONS

All of the work hereinbefore generally described shall be constructed in the manner, at the locations, within the limits, of the materials, of the dimensions, and to the official grades as shown upon and in accordance with the plans, profiles, drawings, typical cross-sections and specifications therefor contained in Document No. 732338 on file in the Office of the City Clerk, copies of which are on file in the Office of the City Engineer, and by this reference thereto all said plans, profiles, drawings, typical cross-sections and specifications are made a part hereof.

Section 3.

DESCRIPTION OF ASSESSMENT DISTRICT

The contemplated work and improvement hereinbefore mentioned is, in the opinion of the Council, of more than local ordinary public benefit, and the expenses of such work and improvement are made chargeable upon the district hereinafter described, and the Council does declare said district to be the district benefited by the work and improvement, and to be assessed to pay the costs and expenses thereof. The district is described as follows, to wit:

All that real property in the said City of San Diego included within the exterior boundary lines of said District, 3807 as shown upon Plat No. _____, which plat, approved by the Council, is on file in the Office of the City Clerk, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the plat for a further full and more particular description of the assessment district and the plat so on file shall govern for all details as to the extent of the assessment district.

Section 4.

DESCRIPTION OF BONDS

Serial bonds bearing interest at the rate of seven percent (7%) per annum shall be issued to represent each unpaid assessment of fifty dollars (\$50.00) or more, to represent the expenses of the acquisition, work and improvement, all as provided by the "Improvement Act of 1911," being Part 5, Division 7, of the Streets and Highways Code. The bonds shall extend over nine a period ending _____ years from the second day of January next succeeding the next September 1st following their date. Payments on the principal of unpaid assessments and interest thereof shall be made by property owners to the City Treasurer, and the same shall be disbursed by said City Treasurer, all as provided in the "Improvement Act of 1911" hereinabove referred to. If said bonds are redeemed before maturity and before commencement of proceedings for sale, in addition to all other sums unpaid and accrued, a premium of five percent (5%) of the unmatured principal shall be paid.

Section 5.

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that at 9:30 o'clock a.m. in the Council Chamber of the City Administration Building, Community Concourse, 202 "C" Street, in the City of San Diego, California, is the day, hour and place for the hearing when any person interested may object to the City Council's determination that the public convenience and necessity require the improvement described in the Resolution of Intention without further proceedings under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, all as authorized by Article XIII, Section 17 of the Constitution of California, and provided for in Sections 61.0101 through 61.0111 of the San Diego Municipal Code; and as the time and place for the hearing when and where any and all persons having any objections or protests to the proposed work or improvement, to the grades at which the work is to be done, or to the extent of the district to be assessed, may appear and show cause why the proposed improvement should not be carried out in accordance with the Resolution of Intention; 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, all as more particularly provided in Division 7 of the Streets and Highways Code of the State of California.

Section 6.

IMPROVEMENT ACT

All of the work herein proposed shall be done in pursuance of an act of the legislature of the State of California designated as the "Improvement Act of 1911," and amendments thereto, being Division 7 of the Streets and Highways Code of the State of California.

Section 7.

PUBLICATION OF RESOLUTION OF INTENTION

The City Clerk is directed to cause this Resolution of Intention to be published twice at least ten days before the date of the hearing in the City Official Newspaper.

The City Clerk is directed to mail notices of the adoption of this Resolution of Intention, 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 and form provided for under California Streets and Highways Code, Sections 5070, 5194 and 5195.

Section 8.

POSTING OF NOTICE OF IMPROVEMENT

The Superintendent of Streets shall cause to be conspicuously posted along the line of the contemplated work or improvement and along all open streets within the district liable to be assessed for the work; notices of the passage of this Resolution of Intention in time, form and manner provided by the Streets and Highways Code.

APPROVED: JOHN W. MITT, City Attorney

By _____

Don S. Peterson, Deputy

RECEIVED
CITY CLERK'S OFFICE
1970 JUN 24 PM 12:26
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JUN 30 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By Elfa P. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 200158 Adopted JUN 30 1970