

RESOLUTION NO. 200331

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN IMPROVEMENTS WITHIN SAID CITY PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; STATING ITS INTENTION TO ENTER AGREEMENTS FOR THE CONVERSION OF EXISTING OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES TO UNDERGROUND LOCATIONS; DESCRIBING THE DISTRICT TO BE BENEFITED BY SAID IMPROVEMENTS AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED UNDER THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS; PROVIDING FOR THE USE OF ANY SURPLUS AMOUNT REMAINING IN THE IMPROVEMENT FUND AFTER COMPLETION OF THE IMPROVEMENT; AND REFERRING THE PROPOSED IMPROVEMENT TO THE CITY ENGINEER TO MAKE AND FILE A WRITTEN REPORT.

(Chateau Ville Assessment District)

WHEREAS, this Council proposes to take proceedings under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) for the construction of certain improvements; and

WHEREAS, portions of the proposed improvements consist of the removal of certain existing overhead electric and communication facilities and the replacement thereof with underground electric or communication facilities and proposed agreements therefor have been presented to this Council;

NOW, THEREFORE,

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

Section 1. The public interest and convenience require and the Council of said city hereby declares its intention to order the improvements to be made within said city, such proposed improvements being described as follows, to wit:

A. Certain grading, the construction of street lighting facilities, the removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and communication facilities, and appurtenances and appurtenant work, in portions of the following streets:

VIA CAPRI

between the northerly line of Chateau Ville, a subdivision, as shown on Map No. 3926 on file with the County Recorder of San Diego County, and the southeasterly line of said Chateau Ville;

RUE MICHAEL

between the northerly and southerly terminuses of Rue Michael with Via Capri;

RUE DENISE

between Via Capri and the northerly terminus of Rue Denise;

RUE DE ROARK

between Rue Denise and the easterly terminus of Rue De Roark;

RUE DE ANNE

between Via Capri and the westerly terminus of Rue De Anne;

RUE ADRIANE

between Via Capri and the westerly line of said Chateau Ville, a subdivision.

B. Certain grading, the removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and

communication facilities, and appurtenances and appurtenant work, upon various private lots or parcels of land adjoining the above-described streets, pursuant to written requests filed or to be filed with the City Clerk by the owners of such lots or parcels.

Section 2. Pursuant to the provisions of Sections 10102.1 and 10110, Streets and Highways Code, and Chapter 28 (commencing with Section 5896.1), Part 3, Division 7 of said code, the Council hereby states its intention to enter a proposed agreement between the city and San Diego Gas and Electric Company and a proposed agreement between the city and Pacific Telephone and Telegraph Company for the conversion of existing overhead electric and communication facilities to underground locations, forms of such proposed agreements being on file in the Office of the City Clerk under Document Nos. 732669 and 732670.

Section 3. This Council hereby makes the cost and expense of said improvement chargeable upon a district, which district this Council hereby declares to be the district benefited by said improvement and to be assessed to pay the cost and expense thereof. Said district is described by a map of the assessment district designated "Plat No. 3790," consisting of one sheet, which indicates by a boundary line the extent of the territory included in the proposed district and which shall govern for all details as to the extent of the assessment district. Said map is hereby approved and reference is hereby made to said map for a description of said district. The City Clerk is hereby directed to endorse

his certificate, on the original and a copy of said map of the assessment district, evidencing the adoption of this resolution, to file the original of said map in the Office of the City Clerk and to file said copy with the County Recorder of the County of San Diego.

Section 4. Pursuant to the Municipal Improvement Act of 1913 the Council hereby determines and declares that bonds shall be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds shall be issued to represent each assessment of fifty dollars (\$50) or over remaining unpaid for thirty (30) days after the date of recording the assessment. The bonds will be dated the thirty-first day after recordation. The bonds shall be serial bonds and shall extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following their date. The bonds shall bear interest at a rate to be determined upon the sale thereof. The maximum rate of interest to be paid on the bonds and indebtedness shall be seven percent (7%), payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464, Streets and Highways Code, the Council hereby elects to have the redemption provisions of the bonds provide for a premium of five percent (5%) of the unpaid principal of said bonds. Assessments under fifty dollars (\$50) shall be subject to the penalties and costs, and collected as provided for cash assessments in the Street Opening Act of 1903 (commencing with Section 4000, Streets and Highways Code).

Section 5. In the opinion of this Council the public interest will not be served by allowing property owners to take the contract and hereby provides that such property owners shall not take the contract.

Section 6. After completion of the improvement and payment of all claims from the improvement fund, the amount of the surplus, if any, remaining in the improvement fund shall be used:

(a) For transfer to the General Fund of said city, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or five percent (5%) of the total amount expended from the improvement fund, or

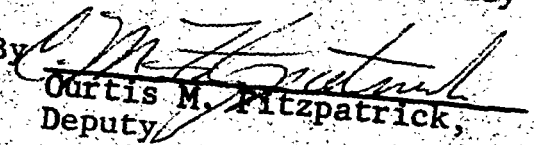
(b) If the total surplus shall be greater than that allowed under subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2, Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5, Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5,

Section 7. The proposed improvement hereinbefore described is hereby referred to the City Engineer of said city and said City Engineer is hereby directed to make and file with the City Clerk a report in writing containing all of the matters required by said Municipal Improvement Act of 1913.

Section 8. Said proposed improvement and proceedings therefor are to be under and pursuant to said Municipal Improvement Act of 1913.

APPROVED: JOHN W. WITT, City Attorney

By 
Curtis M. Fitzpatrick,
Deputy

THE CITY OF BOSTON

JUL 21 1970

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

RECEIVED
CITY CLERK'S OFFICE
1970 JUL 15 PM 12:17
SAN DIEGO, CALIF.

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.

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

By Stella Theodorou, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number **200331** Adopted **JUL 21 1970**

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Handwritten signature