

RESOLUTION NO. 200431 JUL 30 1970

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING 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.

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, on June 9, 1970, the Council of The City of San Diego adopted Resolution No. 199983 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

WHEREAS, said Resolution No. 199983 fixed June 30, 1970, at the hour of 9:30 a.m. on said day, and the Council Chamber, City Administration Building, 202 "C" Street, San Diego, California, as the place for holding 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 question of the extent of said proposed improvement district (including, without limitation, the proposed changes in boundaries); and

WHEREAS, said Resolution No. 199983 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. 199983 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. 199983, a full and fair public hearing was held, was continued to July 21, 1970, at which time a further full and fair public hearing was held, was continued to July 28, 1970, at which time a further full and fair public hearing was held, and was continued to July 30, 1970, at which time a further full and fair public hearing was 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 Resolutions Nos. 199489 and 199983, 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 the hearings on said Resolutions Nos. 199489 and 199983 are hereby concluded.

Section 3. That, as a result of said hearings and upon the evidence presented, the Council hereby orders changes in the boundaries of said proposed improvement district as follows:

(a) include the property known as the CARMEL VALLEY ANNEXATION; and

(b) exclude the property known as EL CAMINO MEMORIAL PARK; and

(c) exclude a portion of the Fenton Material Co. property (approximately 379.34 acres) subject to the recording of a deed which will restrict the use of the property until the fees are paid into said district.

Such boundaries do not include any territory which will not, in the judgment of the Council, be benefited by the proposed improvement.

Section 4. That, as a result of said hearing and upon the evidence presented, it is necessary to form an improvement district within the City and to proceed under the San Diego Utility Improvement Districts Procedural Ordinance 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.

Section 5. That, as a result of said hearing and upon the evidence presented, the public convenience and necessity require the acquiring, constructing, completing and financing of the improvements and acquisitions described in said Resolutions Nos. 199489 and 199983 and the documents referred to therein, and that this finding and determination, made pursuant to Section 17 of Article XIII of the California Constitution, makes inapplicable the debt limitation and majority protest provisions referred to in said Section 17, including, without limitation, Section 2804 of the Streets and Highways Code.

Section 6. That the estimated cost of the accomplishment of such purposes and the amount of the proposed 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.

Section 7. That, as a result of said hearing, and upon the evidence presented, it is determined that a portion of the City will be benefited by the accomplishment of the purpose set forth in Section 4 hereof; that the exterior boundaries of said portion (as changed in accordance with Section 3 hereof) are set forth on a map on file with the City Clerk (Document No. 733100), which map shall govern for all details as to the extent of the improvement district; and that such portion of the City set forth on said map shall hereupon constitute and be known as "CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT."

APPROVED: JOHN W. WITT, City Attorney

By   
Clifton E. Reed, Deputy

CER:rb 8-21-70

Passed and adopted by the Council of The City of San Diego on JUL 30 1970,  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE  
1970 AUG 20 PM 3:13  
SAN DIEGO, CALIF. MD

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By Eelza D. Hamel, Deputy. **KP**

Office of the City Clerk, San Diego, California

Resolution Number 200431 Adopted JUL 30 1970