

RESOLUTION NO. 200854

ADOPTED SEP 24 1970

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, RESCINDING RESOLUTIONS NOS. 200624 AND 200625, REPEALING A PART OF RESOLUTIONS NOS. 200431 AND 200432 AND 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 DECLARING ITS INTENTION TO FORM SUCH IMPROVEMENT DISTRICT AND TO INCUR BONDED INDEBTEDNESS PAYABLE FROM TAXES LEVIED EXCLUSIVELY UPON THE TAXABLE LAND IN SUCH IMPROVEMENT DISTRICT BY THE ISSUANCE OF BONDS ON BEHALF OF SUCH IMPROVEMENT DISTRICT, AND FIXING THE TIME AND PLACE OF HEARING ON SUCH CHANGES AND SUCH FORMATION, 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 reported to this Council 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 Nos. 731287A, B and C) 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 Chambers, 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 Chambers, 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 said 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 said 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 therein, 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 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 was fully advised in the premises; and

WHEREAS, said hearing was adjourned to June 9, 1970, and on said date the Council of The City of San Diego adopted Resolution No. 199983 declaring its intention to order changes in the boundaries of said proposed improvement district within The City of San Diego to be named "CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT", but not so as to include any land which will not, in its judgment, be benefited by the proposed improvement and fixing the time and place of hearing on such changes and giving notice of such hearing; and

WHEREAS, the City Clerk has filed with the Council his certificate that said Resolution No. 199983 together with the general description of the proposed improvement

(which, as stated aforesaid, was 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 Nos. 731827A and 732223) were on file in his office and were available for inspection by any person or persons interested; and

WHEREAS, said Resolution No. 199983 fixed June 30, 1970, at the hour of 9:30 A.M. on said day as the time, and the Council Chambers, 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. 199983 fixed the same date, time and place referred to above, to wit, June 30, 1970, at the hour of 9:30 A.M. on said day at the Council Chambers, 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. 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 said 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 said 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 therein, 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 was fully advised in the premises; and

WHEREAS, on July 30, 1970, the Council of the City of San Diego adopted Resolution No. 200431 and Resolution No. 200432 declaring that the hearings on said Resolutions Nos. 199489 and 199983 were concluded; and

WHEREAS, in said Resolution No. 200431, the Council of the City of San Diego ordered changes in the boundaries of said proposed improvement district and stated

that such boundaries do not include any territory which will not, in the judgment of the Council, be benefited by the proposed improvement, and said Council resolved, determined and ordered that, as a result of said hearings 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; and

WHEREAS, in said Resolution No. 200432, the Council of the City of San Diego resolved, determined and ordered that, as a result of said hearings 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; and

WHEREAS, in said Resolution No. 200432, the Council of the City of San Diego resolved, determined and ordered 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; and

WHEREAS, in said Resolution No. 200431, the Council of the City of San Diego resolved, determined and ordered that, as a result of said hearings 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 3 of said Resolution No. 200431; that the exterior boundaries of said portion (as changed in accordance with Section 3 of said Resolution No. 200431) 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"; and

WHEREAS, on August 25, 1970, the Council of the City of San Diego adopted resolutions for the issuance and sale of the Bonds so authorized, numbered and titled as follows:

"RESOLUTION NO. 200624

"RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, PROVIDING FOR THE ISSUANCE OF \$9,500,000 OF BONDS WHICH SHALL BE SPECIAL OBLIGATIONS OF AND BE ISSUED ON BEHALF OF THAT CERTAIN IMPROVEMENT DISTRICT WITHIN THE CITY NAMED "CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT"

"RESOLUTION NO. 200625

"RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, PROVIDING FOR THE SALE OF \$9,500,000 BONDS ON BEHALF OF CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE INVITING SEALED BIDS FOR SAID BONDS"

; and

WHEREAS, additional information has come to the attention of this Council which makes it necessary and desirable to change the boundaries of said proposed improvement district.

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

Section 1. That, except for the statement that at the conclusion of the hearing on July 30, 1970, the Council was fully advised in the premises, the facts, findings and determinations 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 are hereby affirmed, and that all proceedings have been taken in accordance with 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 it is deemed necessary to form an improvement district within the City to be named CITY OF SAN DIEGO PENASQUITOS SEWER DISTRICT and 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; but, that, as a result of additional information presented to it, 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 benefited by the proposed improvement.

Section 3. That, in pursuance of the intent stated in Section 2, the Council hereby rescinds Resolutions Nos. 200624 and 200625, and repeals that part of Section 7 of Resolution No. 200431 and that part of Section 6 of Resolution No. 200432 which read as follows:

" . . . 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."

Section 4. That the purpose as originally proposed (stated in Section 2) is unchanged.

Section 5. 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 6. That the bonds shall not be general obligations of the City, nor shall the credit of the City or the property or revenue of any public utility owned by the City be pledged for the payment thereof; and that the bonds shall be special obligations of and be issued on behalf of the improvement district; and that taxes for the payment of the interest on the bonds and the principal thereof shall be levied exclusively upon the taxable land in the improvement district.

Section 7. That the maximum interest rate which the bonds may bear, shall be 8% per year payable semi-annually, except that interest for the first year may be

payable at the end of said year or at such time prior to the end of that year as may be determined in the resolution providing for the issuance of the bonds.

Section 8. 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 changed on July 30, 1970, with relation to the territory immediately contiguous thereto and to the proposed improvement (which is on file with the City Clerk as Document Nos. 731287A and 733100) are available for inspection by any person or persons interested.

Section 9. That this resolution (which is on file with the City Clerk as Resolution No. 200854) 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 Nos. 731287A and 733481) 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 10. That October 15, 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 11. That the same date, time and place referred to in Section 10 above, to wit, October 15, 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.

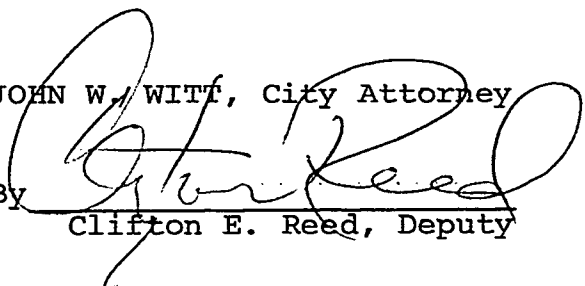
Section 12. That the City Clerk is hereby ordered and directed to cause notice of said hearing to be given by publishing a copy of this resolution once at least ten (10) days prior to the time for said hearing above stated in the City Official Newspaper. Said notice shall also be given by posting a copy 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 13. 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


Clifton E. Reed, Deputy

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CITY CLERK'S OFFICE

1970 SEP 23 PM 3:38

me SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on

SEP 24 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.

(Seal)

By Elfa P. Hansel, Deputy.

Office of the City Clerk, San Diego, California

Resolution
Number

200854

Adopted

SEP 24 1970