

RESOLUTION NO. 201079

OCT 22 1970

WHEREAS, the City Council of The City of San Diego, California, proposes to construct public improvements in the City of San Diego on CERVANTES AVENUE and PARADISE ROAD, 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 National City; 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 National City procured to the making of said improvements, and to the inclusion of such properties lying in the City of National City, within the boundaries of the district proposed to be assessed for said improvements, 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 improvements; 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 National City 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

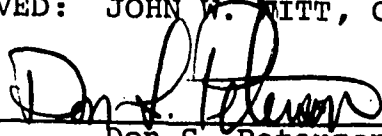
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assumption of jurisdiction by the City Council of The City of San Diego for all purposes in connection therewith.

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 National City.

APPROVED: JOHN W. MITT, City Attorney

By



Don S. Peterson, Deputy

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10/16/70

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Reso. Int. 1

PROPOSED

RESOLUTION OF INTENTION NO. \_\_\_\_\_

TO IMPROVE AND TO CHANGE THE GRADE  
ON CERVANTES AVENUE, AND TO IMPROVE AND  
TO ESTABLISH THE GRADE ON PARADISE ROAD.

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 it is the intention of the Council of The City of San Diego, to order the following work to be done and improvement to be made in said City, and in the City of National City, to wit:

That a portion of CERVANTES AVENUE, in the City of San Diego, between the easterly line of Euclid Avenue and the southwesterly extension of the northwesterly line of Alta Vista Avenue, be graded; that certain paving, curbs, monuments, water main and appurtenances, sanitary sewer main and appurtenances, manholes, cross gutter and return segment, alley apron, sanitary sewer laterals and copper water services and appurtenances and appurtenant work in connection with any of the foregoing, be constructed therein and change the grade between the easterly line of Euclid Avenue and the northwesterly extension of the centerline of Paradise Road; and that certain appurtenant work be constructed in Euclid Avenue and Bonita Drive at their intersection with said Cervantes Avenue and that certain

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EXHIBIT A

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appurtenant work be constructed in Clairmont Avenue and Drexel Avenue, in National City, at their intersection with said Cervantes Avenue.

That a portion of PARADISE ROAD in the City of San Diego, between the southerly line of Cervantes Avenue and the northerly extension of the westerly line of Lorenz Avenue, be graded; that certain paving, curbs, and appurtenant work in connection with the foregoing be constructed herein and establish the grade thereof.

That the said work hereinabove described on CERVANTES AVENUE and PARADISE ROAD in the City of San Diego and the City of National City, 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 The City of San Diego, 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.

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

The public interest or 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 affects property in the City of San Diego and the City of National City, 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 National City, 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.

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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. \_\_\_\_\_ 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,

as shown upon Plat No. 3792, 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

a period ending nine 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.

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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 Reso-  
lution 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 pur-  
suance 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.

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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.

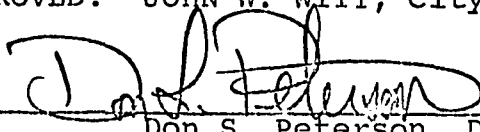
Section 8.

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. WITT, City Attorney

By



Don S. Peterson, Deputy

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Passed and adopted by the Council of The City of San Diego on OCT 22 1970,  
 by the following vote:

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Andrew Villani*, Deputy, *rc*

Office of the City Clerk, San Diego, California	
Resolution Number <u>201079</u>	Adopted <u>OCT 22 1970</u>

FORM CC-1276 (1-69)

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