

RESOLUTION NO. 201168 ADOPTED November 3, 1970

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; 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.

(Centre City Way 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 improvement of certain streets, right of way and easements; 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:

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A. Certain grading, the removal of certain existing improvements, and the construction of certain curbs, gutters, sidewalks, crosswalks, paving, drainage facilities, electrical and street lighting facilities, traffic signal facilities, walls, seats, statuary, fountains, water and irrigation sprinkling facilities, the planting of trees, shrubs and other ornamental vegetation and appurtenances and appurtenant work on portions of:

"C" STREET

between the westerly line of 3rd Avenue and a line approximately 45 feet easterly of and parallel with the easterly line of 8th Avenue;

3RD AVENUE

between lines approximately 85 feet northerly and southerly of and parallel with the centerline of "C" Street;

4TH AVENUE

between lines approximately 85 feet northerly and southerly of and parallel with the centerline of "C" Street;

5TH AVENUE

between the southerly line of Broadway and the northerly line of "B" Street;

6TH AVENUE

between lines approximately 85 feet northerly and southerly of and parallel with the centerline of "C" Street;

7TH AVENUE

between lines approximately 85 feet northerly and southerly of and parallel with the centerline of "C" Street; and

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8TH AVENUE

between lines approximately 85 feet northerly and southerly of and parallel with the centerline of "C" Street.

B. Certain grading, the removal of certain existing improvements and the construction of certain curbs, sidewalks, walls, fountains, water and irrigation sprinkling facilities, drainage facilities, the planting of trees, shrubs and other ornamental vegetation and appurtenances and appurtenant work on portions of:

That certain public pedestrian easement owned by The City of San Diego, located in a strip of land 16 feet in width, the westerly line thereof being the easterly line of 5th Avenue

between the northerly line of "C" Street and a line approximately 200 feet northerly of and parallel with the northerly line of "C" Street.

C. Certain grading, the removal of certain existing improvements and the construction of certain curbs, sidewalks, water and irrigation sprinkling facilities, the planting of trees, shrubs and other ornamental vegetation and appurtenances and appurtenant work on portions of:

That certain public pedestrian easement owned by The City of San Diego, located in a strip of land 16 feet in width, the easterly line thereof being the westerly line of 6th Avenue

between the northerly line of "C" Street and a line approximately 50 feet northerly of and parallel with the northerly line of "C" Street.

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D. Certain grading, the removal of certain existing improvements, and the construction of certain curbs, gutters, traffic signal facilities and appurtenances and appurtenant work on portions of:

"B" STREET

between lines approximately 50 feet easterly and westerly of and parallel with the centerline of 5th Avenue.

Section 2. This Council hereby makes the cost and expense of the 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. 3820" consisting of two sheets, numbered 1 and 2, inclusive, 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 3. 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 \$50 or over remaining unpaid for 30 days after the date of recording the assessment. The bonds shall be dated the thirty-first day after recordation. The bonds shall be serial bonds and shall extend over a period ending 14 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 said bonds and indebtedness shall be seven percent, 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 said bonds provide for a premium of five percent of the unpaid principal of said bonds. Assessments under \$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 4. 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 5. 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:

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(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 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 6. 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 7. 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 Don S. Peterson
Don S. Peterson, Deputy

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Passed and adopted by the Council of The City of San Diego on November 3, 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 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.

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

(Seal)

By Stella Theodoros, Deputy, *ke*

Office of the City Clerk, San Diego, California

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FORM CC-1276 (1-69)

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