

RESOLUTION OF INTENTION NO. 203414

AUG 12 1971

TO IMPROVE GENESEE AVENUE,
MARLESTA DRIVE, LINDA VISTA
ROAD AND MOUNT ALIFAN DRIVE.

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 GENESEE AVENUE, in said city, between a line parallel to and distant 140 feet northerly of the southerly subdivision boundary of Balboa Towers Unit No. 1, Map No. 5638, and a line parallel to and distant 320 feet easterly of the northwesterly line of Linda Vista Road, be graded; that certain paving, curbs, berm, sidewalks, slope protection, drainage structures and appurtenances, sewer main and manhole, sewer encasement, traffic signals and safety lighting facilities and signal actuating and control appurtenances, and control monuments and appurtenant work in connection with any of the foregoing be constructed therein and change the grade of the portion of the right-of-way within Balboa Towers Unit No. 1 and establish the grade on the right-of-way to be acquired for Genesee Avenue.

That MARLESTA DRIVE, in said city, between lines parallel to and distant 50 feet northerly from the south line of Mission Village West Unit No. 4, Map No. 4738, and the northeasterly line of Genesee Avenue, be graded; that certain paving, curbs, sidewalks, drainage structures and appurtenances, rock-slope

protection, sewer encasement, sewer main, traffic signal and safety lighting facilities and signal actuating and control appurtenances, and control monuments and appurtenant work in connection with any of the foregoing be constructed therein and change the grade of the portion of Marlesta Drive within Mission Village West Unit No. 4 and Street Opening No. 19-76 and establish the grade of the portion of the right-of-way to be acquired for Marlesta Drive.

That MOUNT ALIFAN DRIVE, in said city, between lines parallel to and distant 165 feet westerly and 265 feet easterly of the westerly right-of-way line of Genesee Avenue, and GENESEE AVENUE, in said city, between lines parallel to and distant 230 feet northerly and southerly of the centerline of Mount Alifan Drive, be improved by constructing traffic signals and safety lighting facilities and signal actuating and control appurtenances therein.

That LINDA VISTA ROAD, in said city, between a line parallel to and distant 290 feet southerly and 270 feet northerly of the centerline of Genesee Avenue be improved by the construction of paving, curbs, sidewalks, traffic signals and safety lighting and signal actuation, control appurtenances and any appurtenant work in connection with any of the aforementioned improvements and change the grade thereof.

That said work hereinabove described on GENESEE AVENUE, MARLESTA DRIVE, MOUNT ALIFAN DRIVE and LINDA VISTA ROAD, all in said 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 said City, 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.

That the public rights-of-way for street dedication in GENESEE AVENUE and MARLESTA DRIVE, together with slope rights and access rights therewith, and certain drainage easements within Pueblo Lots 1197, 1204 and 1212, and Lot 93 of Wheatley Hills Subdivision, Map No. 3829, are necessary in connection with the improvements, and that the cost of the acquisition, including incidental expenses thereof, be assessed as a part of the cost of such improvement; that said acquisition is more particularly shown on the plans, profiles, drawings, typical cross-sections and specifications contained in Document No. 736842, on file in the office of the City Clerk of said City; that the cost of such acquisition be advanced from the appropriate fund of The City of San Diego and that such fund shall thereafter be reimbursed from said assessments.

Whereas, the Council desires to provide for a contribution and a payment by the City of a portion of the cost and expenses of the proposed improvement and acquisition, such contribution to be in the sum of \$844,670.00, which includes \$76,200.00 as the value of City property to be donated as a right-of-way.

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

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. 736842 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. 3839, 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.

Section 5.

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that SEP 14 1971
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

C. Alan Sumption
C. Alan Sumption, Deputy

cav
8/4/71

203414

CA-516-C

AUG 12 1971

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

RECEIVED
CITY CLERK'S OFFICE

1971 AUG -6 AM 11:08

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

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

EDWARD NIELSEN

~~JOHN LOCKWOOD~~

City Clerk of The City of San Diego, California.

(Seal)

By Edna P. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 203414 Adopted AUG 12 1971

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