

RESOLUTION NO. 205602

MAY 16 1972

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; STATING ITS INTENTION TO ENTER INTO AGREEMENTS FOR THE CONVERSION OF EXISTING OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES TO UNDERGROUND LOCATIONS; 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

(Calle Del Cielo Assessment District)

WHEREAS, The Council of The City of San Diego proposes to take proceedings pursuant to the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code) for the construction of certain improvements; and

WHEREAS, parts of the proposed improvements consist of the removal of certain existing overhead electric and communication facilities and the replacement thereof with underground electric and communication facilities, and proposed agreements therefor have been presented to the Council; 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 the City hereby declares its intention to order the improvements to be made within the City, such proposed improvements being described as follows:

A. The removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and communication facilities, and appurtenances and appurtenant work, in portions of the following public rights-of-way:

CALLE DEL CIELO, AVENIDA DE LA PLAYA.

B. The removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and communication facilities, and appurtenances and appurtenant work, upon various private lots or parcels of land adjoining the aforementioned streets, which work shall be performed by the respective owners of said private lots and parcels of land.

Section 2. Pursuant to the provisions of Sections 10102.1 and 10109 to 10111, inclusive of the Streets and Highways Code, and Chapter 28 (commencing with Section 5896.1), Part 3, Division 7 of said Code, the Council hereby states its intention to enter into an agreement between the City and San Diego Gas and Electric Company and an agreement between the City and The Pacific Telephone and Telegraph Company for the conversion of existing overhead electric and communication facilities to underground locations, forms of such proposed agreements being on file in the Office of the City Clerk under Document Nos. 739977 and 739976, respectively.

Section 3. The Council hereby makes the cost and expense of the improvement chargeable upon a district, which district the Council hereby declares to be the district benefited by said improvement and to be assessed to pay the cost and expense thereof. The district is described by a map of the assessment district designated "Plat No. 3854", consisting of 1 sheet, 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 the district. The City Clerk is hereby directed to endorse his certificate, on the original and one copy of the map of the assessment district, evidencing the adoption of this resolution, to file the original of the map in the Office of the City Clerk and to file the copy with the County Recorder of the County of San Diego.

Section 4. Pursuant to the Municipal Improvement Act of 1913 the Council hereby determines and declares that bonds shall be issued pursuant to the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code). The bonds shall be issued to represent each assessment of \$50.00 or over remaining unpaid for 30 days after the date of recording the assessment. The bonds will be dated the thirty-first day after recordation. The bonds shall be serial bonds and shall extend over a period ending 9 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 the bonds and indebtedness shall be 7 percent per annum, payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464 of the Streets and Highways Code,

the Council hereby elects to have the redemption provisions of the bonds provide for a premium of 5 percent of the unmatured principal of said bonds. Assessments under \$50.00 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 of the Streets and Highways Code).

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:

(a) For transfer to the General Fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or 5 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 of the Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5 of the Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 6. The proposed improvement is hereby referred to the City Manager of the City and the City Manager is hereby directed to cause a Report in writing to be made

and filed with the City Clerk containing all of the matters required by the Municipal Improvement Act of 1913.

Section 7. The proposed improvement and proceedings therefor are to be under and pursuant to the Municipal Improvement Act of 1913.

APPROVED: JOHN W. WITT, City Attorney

By DW Dexisch

Deputy

Passed and adopted by the Council of The City of San Diego on MAY 16 1972,
 by the following vote:

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 CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Judith A. Dillon, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 205602 Adopted MAY 16 1972