

RESOLUTION NO. 205604

MAY 16 1972

RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO, CALIFORNIA, DIRECTING THE
CITY CLERK TO GIVE NOTICE INVITING SEALED
BIDS FOR THE PURCHASE OF IMPROVEMENT BONDS

(Calle Del Cielo Assessment District)

WHEREAS, the Council adopted a resolution approving
a Report of the City Manager under the Municipal Improvement
Act of 1913 and Resolution of Intention No. 205602,
and provided for a hearing thereon; and

WHEREAS, it is desirable that, prior to said hearing,
bids be received for the purchase of bonds to be issued to
represent unpaid assessments; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of
San Diego, as follows:

Section 1. Sealed bids for the purchase of said
bonds shall be received at the time and in the manner stated
in the following notice. The City Clerk is directed to publish
said notice once in The Daily Transcript. Said notice
shall be substantially as follows:

NOTICE INVITING BIDS ON
1911 ACT BONDS OF THE
CITY OF SAN DIEGO,
CALIFORNIA

(Calle Del Cielo Assessment District)

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) sealed bids for improvement bonds of The City of San Diego are invited and will be taken as herein provided.

TIME AND PLACE FOR FILING AND OPENING OF BIDS. Bids must be sealed and filed with the City Clerk in his office on the 12th Floor, City Administration Building, 202 "C" Street, San Diego, California, up to, but not later than 11:00 A.M. on JUN 19, 1972. Bids may be delivered personally or mailed to the City Clerk at his office at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent in ^{Conference Room No. 2 on the} ~~the Purchasing Department,~~ second floor of the City Operations Building. ~~ment, Third Floor Conference Room, in said City Administration Building;~~ The Purchasing Agent will thereafter report the results of said bidding to the Council.

BID FORM. Forms of bids for the purchase of the bonds are provided by and may be obtained from the City Clerk. All bids shall be submitted in substantially the same form as that provided by the City Clerk.

THE PROJECT AND ASSESSMENT DISTRICT. The project generally consists of the removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and communication facilities.

Said improvements and the district to be assessed to pay the costs and expenses thereof are located in the La Jolla area of The City of San Diego, all as more particularly described in the Report of the City Manager on file in the office of the City Clerk.

ESTIMATED ASSESSMENT. The estimated cost of the project as shown on the Report of the City Engineer is:

Estimated cost of conversion of electric facilities located in public rights-of-way	\$ 20,000.00
Estimated cost of conversion of communication facilities located in public rights-of-way	\$ 3,200.00
Estimated incidental expenses.	\$ 6,404.00
Estimated bond discount.	<u>\$ 1,500.00</u>
Total estimated costs and expenses to be assessed upon property within the assessment district.	\$ 31,104.00

Until the approval of said Report and the confirmation of the diagram and assessment contained therein, the Council of said city has the power and reserves the right to make changes in the proposed assessment district, the improvements, the assessment and diagram and any other act, determination or provision made, or permitted to be made, by the Council under the Municipal Improvement Act of 1913. Changes may be made in the amount of the assessment, as may be required should the actual costs differ from the foregoing estimates.

HEARING ON REPORT, CONFIRMATION AND RECORDATION OF ASSESSMENT AND AWARD OF BONDS. The above-mentioned Report and the proposed assessment contained therein has been set for hearing by the Council of said city at 9:30 A.M. on JUN 20, 1972. Upon the conclusion of the hearing the Council, in its discretion, may abandon the proceedings, make changes therein or may confirm said assessment as filed with the City Clerk or as modified or corrected by the Council. The award of the bonds, if any, will be made following the conclusion of said hearing and the confirmation of said assessment. The assessment will be recorded not later than the day following its confirmation.

DESCRIPTION OF BONDS. Pursuant to the Municipal Improvement Act of 1913, the Council has determined that bonds are to be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds are to be issued to represent each assessment of \$50 or over remaining

unpaid for thirty (30) days after the date of recordation of the assessment. The bonds will be dated the thirty-first day after such recordation. The bonds will be serial bonds and will extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following their date. Pursuant to Section 6464, Streets and Highways Code, the Council has elected to have the redemption provisions of the bonds provide for a premium of 5% of the unmatured principal of the bonds.

It is expected that the bonds will be dated on or about July 21, 1972. The bonds will be payable in ten (10) annual installments represented by principal coupons payable on January 2 of the years 1973 to 1982, inclusive. The first interest coupon will represent interest from the date of the bonds to January 2, 1973 and thereafter interest coupons will represent semiannual interest on the unpaid balance.

PRINCIPAL AMOUNT OF BONDS. The principal sums of the individual bonds will vary in amounts. The aggregate principal amount of bonds to be issued cannot, and will not, be determined until after the expiration of thirty (30) days from the date of recording the assessment.

INTEREST RATE. The interest rate may not exceed 7%, payable semiannually. The interest rate must be a multiple of 1/100th of 1%. Only a single interest rate shall be bid for all of the bonds to be issued.

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AWARD. The bonds will be sold for cash only. All bids must be for not less than all of the bonds to be issued, and any bid for less than all of the bonds or for varying rates of interest will be rejected. The bonds will be awarded to the highest responsible bidder, considering the interest rate specified and the premium or discount, if any, designated by the bidder. For the purpose only of comparing bids it will be assumed (i) that bonds will be issued in a principal amount equal to the total estimated amount to be assessed upon property within the assessment district, namely, the sum of \$ 31,104.00 and (ii) that the bonds will be dated July 21, 1972. The highest bid will be determined by deducting the premium from, or adding the discount to, the total amount of interest which would be required to be paid from the date of the bonds on the decreasing balances thereof to July 2, 1982 at the coupon rate specified in the bid. The award will be made on the basis of the lowest net interest cost. If there shall be tie bids, the highest bid will be determined by lot.

TIME OF AWARD. The city will take action awarding the bonds or rejecting the bids not later than 72 hours after the time above specified for the filing of bids; provided, that the award may be made after the expiration of such time if the successful bidder shall not have given the Council notice in writing of the withdrawal of his bid.

GOOD FAITH CHECK. A certified or cashier's check on a responsible bank or trust company in the amount of \$ 1,000.00 payable to the order of the city must accompany each proposal as a guarantee that the bidder, if successful, will accept and pay for the bonds in accordance with the terms of his bid. The proceeds of the check accompanying any accepted proposal will be applied on the purchase price; provided, that if the successful bidder fails to perform in accordance with the terms of this notice and of his bid said proceeds will then be retained by the city. The check accompanying each unaccepted proposal will be returned promptly.

DELIVERY. Delivery of said bonds will be made to the successful bidder at the office of the Treasurer, City Administration Building, 202 "C" Street, San Diego, California. It is expected that the bonds will be delivered within 75 days from the date of sale thereof. The successful bidder shall have the right, at his option, to cancel the contract of purchase if the Treasurer shall fail to execute the bonds and tender them for delivery within said 75-day period, in which event the successful bidder shall be entitled to the return of the good faith check accompanying his bid. At the time of delivery the purchaser must pay accrued interest from the date of the bonds to the date of delivery, computed on a 360-day year basis.

LEGAL OPINION; COST OF PRINTING BONDS. The unqualified opinion of Richard A. Burt, attorney, of the firm of Gray, Cary,

Ames and Frye, San Diego, approving the validity of said bonds will be furnished to the successful bidder at or prior to the date of delivery of the bonds at the expense of the city. The cost of printing bonds will be borne by the city and will not be payable by the successful bidder.

RIGHT OF REJECTION. The Council reserves the right in its discretion to reject any and all bids and, to the extent authorized by law, to waive any irregularity or informality in any bid.

GIVEN BY ORDER of the Council of The City of San Diego, California, on MAY 16, 1972.

EDWARD NIELSEN
City Clerk, The City of
San Diego, California

APPROVED: JOHN W. WITT,
City Attorney

By D.H. Detsch
Deputy

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

RECEIVED
CITY CLERK'S OFFICE
1972 MAY 12 PM 3:48
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 205604 Adopted MAY 16 1972