

RESOLUTION NO. 205972

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY INTO THE SAN DIEGO STREET LIGHTING MAINTENANCE DISTRICT NO. 1; TO CONFIRM THE ASSESSMENT FOR SAID DISTRICT INCLUDING THE ANNEXED TERRITORY FOR THE ENSUING YEAR; AND TO ENTER INTO A NEW CONTRACT WITH SAN DIEGO GAS & ELECTRIC COMPANY FOR THE FURNISHING OF ELECTRICAL ENERGY AND SWITCHING FOR THE PERIOD JULY 1, 1972, THROUGH JUNE 30, 1973.

WHEREAS, in proceedings taken pursuant to the San Diego Maintenance District Procedural Ordinance of 1969 (commencing with Section 65.0201, San Diego Municipal Code), this Council heretofore ordered the establishment of the San Diego Street Lighting Maintenance District No. 1 by Resolution No. 203247, adopted July 27, 1971, and ordered the costs and expenses of said maintenance to be assessed to the benefiting property within the assessment district; and

WHEREAS, pursuant to the aforesaid proceedings, the City Engineer's Report including the required maps, on file in the office of the City Clerk as Document No. 736278, was duly considered, passed upon and approved by this Council on June 22, 1971; and

WHEREAS, the public interest, convenience and necessity now require that certain additional territory hereinafter described be annexed to and included within the aforesaid San Diego Street Lighting Maintenance District No. 1; and

WHEREAS, the City Engineer's Report on the annexation of additional territory described more particularly therein, has

been considered, approved and filed in the office of the City Clerk as Document No. 740418; and

WHEREAS, in addition to the annexation of the additional territory, the public interest, convenience and necessity now require, and Section 65.0230 of the San Diego Municipal Code so provides, that the assessment to be levied for the ensuing year in connection with the San Diego Street Lighting Maintenance District No. 1 be made and confirmed; and

WHEREAS, due to rate increases of over five percent (5%) it is necessary to conduct and hold a public hearing prior to entering into a new contract with San Diego Gas & Electric Company for the ensuing year as provided in Section 65.0226 of the San Diego Municipal Code; NOW, THEREFORE,

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

I. ANNEXATION

That the public interest, convenience and necessity require and it is the intention of the City Council of The City of San Diego, California, pursuant to the San Diego Maintenance District Procedural Ordinance of 1969 (commencing with Section 65.0201, San Diego Municipal Code) to order the annexation of the following generally described territory, all located within the City of San Diego, into the San Diego Street Lighting Maintenance District No. 1, established and formed pursuant to Resolution No. 203247:

- a. Emerald Hills Estates;
- b. Linda Vista Road, between Genesee Avenue and Tait Street;

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c. Mission Boulevard, between Pacific Beach Drive and Sapphire Street;

d. Stockton Area (30th Street, 31st Street, 32nd Street, Island Avenue, J Street, K Street);

e. Scripps Ranch No. 3; and

f. North Miramar Ranch No. 2.

The boundaries of the territory to be annexed, the public rights of way to be maintained, and the real property proposed to be assessed are more fully described and shown on the maps on file in the office of the City Clerk as Document No. 740419, dated June 30, 1972, and by reference made a part hereof.

Section 1. Description of Maintenance.

The proposed maintenance for the territory proposed to be annexed includes the supplying of energy to street lights, replacing lamps and other glassware, and the periodic cleaning and painting of standards. Said proposed annexed territory is located entirely within an area served by a single public utility, San Diego Gas & Electric Company, whose rates are on file with and are subject to regulation by the Public Utilities Commission of the State of California. In connection with these annexation proceedings and the previously established San Diego Street Lighting Maintenance District No. 1, the City proposes to enter into a new contract with the aforesaid public utility, the form of which is on file in the office of the City Clerk as Document No. 740120 and which will include provisions for the previously established

district as well as the area proposed to be annexed. The rates for the aforesaid maintenance shall conform to the Public Utility Commission's established rates and shall be set out in the contemplated agreement. It is proposed that the aforesaid agreement shall be for a one-year time period commencing July 1, 1972.

Section 2. Description of District.

The contemplated maintenance for the territory to be annexed is, in the opinion of the Council, of more than local ordinary public benefit, and the expenses of such maintenance shall be made chargeable upon such annexed territory, and the Council does hereby declare said proposed territory to be annexed into the San Diego Street Lighting Maintenance District No. 1 to be benefited by the maintenance and to be assessed to pay the costs and expenses thereof. The proposed annexed territory, as generally described above, is described as follows:

All that real property in said City of San Diego as shown on the map on file in the office of the City Clerk under Document No. 740419, consisting of 14 pages. Said map shall govern for all details as to the lots or parcels of land to be benefited by such maintenance.

Section 3. Assessment of Cost and Expense.

It is proposed to assess the total amount of the maintenance and incidental costs for said annexed territory, less the amount

of any City contribution as ordered by the Council, upon the real property within the territory to be annexed in proportion to the estimated benefits to be received by the parcels of real property, respectively, from the maintenance. Such assessment shall be in accordance with and pursuant to the provisions of the San Diego Maintenance District Procedural Ordinance of 1969.

An estimate of the cost of the maintenance, along with the estimated cost of incidentals and the City's contribution, for a period of one year beginning July 1, 1972, is as follows:

Estimated cost of energy	\$14,809.47
Estimated cost of maintenance	7,539.23
Estimated cost of incidentals	<u>414.89</u>
Estimated total cost	\$22,763.59
Less estimated cost of proposed City contribution	\$ 9,768.95
Remainder of cost proposed to be assessed against the parcels within the territory to be annexed	\$12,994.64

An estimate of the proposed assessments to be levied against the several lots or parcels of land as shown on the map referred to above is on file in the office of the Street Superintendent and is available for public inspection.

II. CONFIRMATION OF THE ASSESSMENT

For San Diego Street Lighting Maintenance District No. 1 including the territory proposed to be annexed, that the public interest, convenience and necessity require and it is the intention of this Council to establish and confirm the assessments to be

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made and levied for the ensuing year, commencing July 1, 1972, for the San Diego Street Lighting Maintenance District No. 1 including the above referenced territory proposed to be annexed, all in accordance with Section 65.0230 of the San Diego Municipal Code.

III. AWARD OF A NEW CONTRACT

This Council does further propose, in connection with the aforesaid maintenance district proceedings, to enter into a new contract with the San Diego Gas & Electric Company for the furnishing of electrical energy and switching for the period of July 1, 1972, through June 30, 1973. Said contract will make provision for the San Diego Street Lighting Maintenance District No. 1 including the territory to be annexed. As the rates established by the Public Utilities Commission for the proposed maintenance have increased more than five percent (5%) over those rates contained in the contract last approved by this Council on July 27, 1971 by Resolution No. 203248, a public hearing is mandatory.

If any surplus results in the aforesaid maintenance district fund, such surplus shall be credited in accordance with Section 65.0234 of the San Diego Municipal Code.

IV. TIME AND PLACE OF HEARING

Notice is hereby given that on August 1, 1972, at 9:30 a.m. in the Council chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San

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Diego, California, is the day, hour and place for the hearing when any person interested may object to the proposed annexation and inclusion of the above described property into the San Diego Maintenance District No. 1, the proposed maintenance for the aforesaid territory, the amount of the assessment, or the awarding of the contract. Failure to make objection at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages.

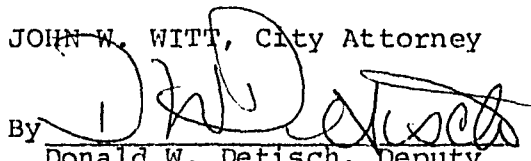
Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing. No other protests shall be considered.

V. PUBLICATION OF NOTICE

The City Clerk is directed to cause a notice entitled "Notice of Maintenance District" to be published at least fifteen (15) days before the date of the hearing in the City Official Newspaper.

Further, the City Clerk is directed to mail a copy of such notice, postage prepaid, to all persons owning real property proposed to be assessed and to all persons owning real property proposed to be annexed and assessed, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner provided for in the San Diego Maintenance District Procedural Ordinance of 1969.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

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DWD:K
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JUN 29 1972

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

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CITY CLERK'S OFFICE

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

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

By *Edward Nielsen*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number **205972** Adopted **JUN 29 1972**

[Signature] *ew*