

RESOLUTION NO. 208252 JUN 26 1973

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; OMITTING CERTAIN PUBLIC PROPERTY FROM ASSESSMENT; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED UNDER THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS; PROVIDING FOR A CONTRIBUTION BY THE CITY; 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.

(Mission Boulevard South 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, and uplands, tidelands, and submerged lands owned by The City of San Diego;
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:

A. Certain grading, the construction of certain curbs, gutters, sidewalks, driveway entrances, and paving, the installation of certain ornamental street lighting facilities, the resurfacing of existing center islands and the relocation and reconstruction of certain portions of those islands, landscaping and the planting of certain trees, shrubs, and other ornamental vegetation, and appurtenances and appurtenant work in portions of:

MISSION BOULEVARD

between Pacific Beach Drive and San Diego Place.

B. Certain grading and the installation of certain traffic signals and safety lighting and appurtenances and appurtenant work in portions of the following:

MISSION BOULEVARD AND
PACIFIC BEACH DRIVE

between lines approximately 220 feet northerly and southerly

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of and parallel with the centerline of Pacific Beach Drive,
60 feet wide, and between lines approximately 120 feet
easterly and westerly of and parallel with the centerline
of Mission Boulevard, 80 feet wide;

MISSION BOULEVARD AND
SANTA CLARA PLACE

between lines approximately 190 feet northerly and southerly
of and parallel with the centerline of Santa Clara Place
and between lines approximately 100 feet easterly and westerly
of and parallel with the centerline of Mission Boulevard;

MISSION BOULEVARD AND
EL CARMEL PLACE

between lines approximately 180 feet northerly and southerly
of and parallel with the centerline of El Carmel Place and
between lines approximately 80 feet easterly and westerly of
and parallel with the centerline of Mission Boulevard; and

MISSION BOULEVARD, WEST
MISSION BAY DRIVE, AND
VENTURA PLACE

between lines approximately 130 feet northerly and southerly
of and parallel with the centerline of West Mission Bay Drive,
80 feet wide, and between lines approximately 100 feet easterly

and westerly of and parallel with the centerline of Mission Boulevard, 80 feet wide.

C. Certain grading and the construction of certain storm drain facilities, including storm drain inlets and pipes, and appurtenances and appurtenant work, including the relocation and replacement of certain existing water facilities and sanitary sewers, in portions of the following:

MISSION BOULEVARD

between Toulon Court and the northerly line of the first alley northerly of Windimere Court; between the first alley northerly of Seagirt Court and the first alley southerly of Portsmouth Court; between the first alley northerly of Ostend Court and the first alley southerly of Nantasket Court; between the northerly line of San Luis Obispo Place and the first alley southerly of San Luis Obispo Place; between the southerly line of Dover Court and the first alley northerly of Dover Court; between the first alleys northerly and southerly of San Gabriel Place; between Avalon Court and the northerly line of Capistrano Place;

FIRST ALLEY NORTHERLY
OF WINDIMERE COURT

between the westerly line of Mission Boulevard and a line

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approximately 20 feet westerly of and parallel with said westerly line;

SAN RAFAEL PLACE, SAN JOSE PLACE,
SAN JUAN PLACE, SAN LUIS OBISPO
PLACE, DOVER COURT, SAN GABRIEL
PLACE, AND CAPISTRANO PLACE

between Mission Boulevard and the easterly line of Bayside Walk;

BAYSIDE LANE

between San Rafael Place and a line approximately five feet southerly of and parallel with the southerly line of the first alley southerly of Vanitie Court; between the southerly line of the first alley southerly of San Jose Place and a line approximately 10 feet northerly of and parallel with the northerly line of the first alley northerly of Salem Court; between the northerly line of the first alley northerly of Niantic Court and a line approximately 10 feet southerly of and parallel with the southerly line of Niantic Court; between the northerly line of San Juan Place and a line approximately 10 feet northerly of and parallel with said northerly line; between the first alley northerly of San Luis Obispo Place and the southerly line of Kingston Court;

NIANTIC COURT, NANTASKET COURT,
MONTEREY COURT, AND LIVERPOOL COURT

between the westerly line of Bayside Lane and the easterly line of Bayside Walk.

D. Certain grading and the construction of certain storm drain facilities, including storm drain pipes and pumping stations, and appurtenances and appurtenant work, in portions of the following:

THOSE CERTAIN UPLANDS, TIDELANDS,
AND SUBMERGED LANDS OWNED BY THE
CITY OF SAN DIEGO EASTERLY OF
BAYSIDE WALK and located within a strip approximately 350 feet in width, the westerly line of the strip being the easterly line of Bayside Walk

between the easterly prolongations of the northerly line of San Rafael Place and the southerly line of San Jose Place;
between the easterly prolongations of the northerly line of Niantic Court and the southerly line of Monterey Court;
between the easterly prolongations of the northerly line of Liverpool Court and the southerly line of San Luis Obispo Place; between the easterly prolongations of the northerly line of Dover Court and the southerly line of Capistrano Place.

E. The maintenance of each of the several improvements for a period of two years from the respective dates of completion of said improvements and the acceptance thereof by the city.

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. The Council hereby declares that all lots and parcels of land belonging to The City of San Diego and in use in the performance of any public function shall be and are hereby omitted from the assesment hereafter to be made to cover the costs and expenses of the improvement. Said district is described by a map of the assessment district designated "Plat No. 3867," consisting of twenty five sheets, numbered 1 to 25, 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

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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 nine 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

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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. It is hereby ordered that a portion of the cost and expense of the improvement shall be paid out of the treasury of the city from such fund or funds as the Council may hereinafter designate. Said contribution shall be in the amount of \$ 712,000, shall be first deducted from the total estimated cost and expenses of the improvement, and the assessment upon property in the district shall include only the remainder of the estimated cost and expense.

Section 5. In the opinion of this Council the public interest will not be served by allowing property owners to take the contract or contracts and hereby provides that such property owners shall not take the contract or contracts.

Section 6. After completion of the improvement and payment of all claims from the improvement fund, the surplus, if any, remaining in the improvement fund shall be used as follows:

(a) If the entire surplus does not exceed the lesser of \$1,000 or five percent of the total amount expended from the improvement fund, the entire surplus shall be transferred to the General Fund of the city.

(b) If the entire surplus is more than the amount specified in subparagraph (a), but is \$ 17,000 or less, the entire surplus shall be transferred to a fund for the maintenance of the improvements.

(c) If the entire surplus is more than \$ 17,000, \$13,000 thereof shall be transferred to a fund for the maintenance of the improvements and the remainder 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 7. The proposed improvement hereinbefore described is hereby referred to the City Engineer of said city

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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 8. 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 H. Valderhaug
Harold O. Valderhaug, Deputy

JUN 26 1973

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

RECEIVED
CITY CLERK'S OFFICE
1973 JUN 25 PM 1:32
SAN DIEGO, CALIF. 92108

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

(Seal)

By Mary Anne Messer, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 208252 Adopted JUN 26 1973