

RESOLUTION OF INTENTION NO. 210443 **APR 25 1974**

TO IMPROVE 39TH STREET, MENLO STREET AND BROAD AVENUE.

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 39TH STREET from Birch Street to 136 feet north of Gamma Street, in said City, be graded; that certain paving, sidewalk, alley aprons and appurtenant work be constructed therein and that the grade be established from Delta Street to 136 feet north of Gamma Street.

That MENLO STREET between Dwight Street and Myrtle Avenue, in said City, be graded; that certain paving and appurtenant work be constructed therein.

That BROAD AVENUE adjacent to Blocks 291 and 291-1/2 in Seaman & Choate's Addition, Map No. 223, in said City, be graded; that certain paving, curb, commercial driveway and appurtenant work be constructed therein and establish the grade thereon.

That certain appurtenant work be constructed on Gamma Street, Delta Street, Epsilon Street, Eta Street and

Birch Street at their intersections with 39TH STREET,
and on 33rd Street at its intersection with BROAD AVENUE.

That certain lands owned by The City of San Diego and
in use in the performance of any public function shall
be and are hereby omitted from the assessment 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. 3878,"
consisting of four sheets.

That the said work hereinabove described in 39TH STREET,
MENLO STREET and BROAD AVENUE, 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.

These projects have been combined for the purpose of
economy. If the Council decides at any time to abandon
one or more of these projects, that decision shall not
affect the validity of the remainder.

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 abovementioned
improvements. Therefore, Section 5249, Division 7,
Part 3, of the Streets & 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. 747081 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:

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. 3878, 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) 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 (9) 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 MAY 30 1974 at 8:30 o'clock a.m. in the Council Chambers 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 Resolution 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 as 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 pursuance 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.

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 Street Superintendent shall cause to be conspicuously posted along the line of the contemplated work of 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 John W. Wood
John W. Wood, Deputy

210443

Passed and adopted by the Council of The City of San Diego on **APR 25 1974**,
 by the following vote:

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<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 *Yolanda Limon*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **210443** Adopted **APR 25 1974**