

RESOLUTION OF INTENTION NO. 211997 NOV 14 1974

TO IMPROVE CAMINO RUIZ, BLACK MOUNTAIN ROAD AND MIRA MESA BOULEVARD.

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 CAMINO RUIZ, between the northerly line of Miramar Road to 400'± north of Capricorn Way, be graded; that certain paving, curbs, berms, sidewalks, drainage structures and storm drains, drainage channels, sewer encasement, chain link fence, metal guard rail, raised pavement markers, traffic signal and safety lighting facilities, signal actuating and control monuments, rock slope protection, landscaping, bicycle paths and appurtenant work be constructed therein and establish the grade on the right-of-way to be acquired for Camino Ruiz.

That MIRA MESA BOULEVARD, between the southerly prolongation of the most westerly line of Mira Mesa Verde Unit No. 17 and I-15, be graded; that certain paving, curbs, berms, sidewalk, storm drains, bicycle paths, landscaping and appurtenant work be constructed therein.

That BLACK MOUNTAIN ROAD, between a line parallel to and 1,620.89 feet north of the center line of Miramar Road and the south line of Mira Mesa Boulevard, be graded; that certain paving, curbs, sidewalks, bicycle paths and appurtenant work be constructed therein.

That MIRAMAR ROAD, between a line parallel to and distant 653 feet easterly and 637 feet westerly of the centerline of Camino Ruiz, be graded; that certain paving, curbs, traffic signals, safety lighting, signal actuating and control appurtenances and appurtenant work be constructed therein.

That the said work hereinabove described on CAMINO RUIZ, MIRA MESA BOULEVARD, BLACK MOUNTAIN ROAD and MIRAMAR ROAD, 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.

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 and 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. 749283 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. 3880, 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 eight percent (8%) 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. Such bonds shall mature as follows: (1) Assessments less than one hundred fifty dollars (\$150) shall have bonds which extend over a period ending two (2) years from the second day of January next succeeding the next September 1st following their date; (2) Assessments of one hundred fifty dollars (\$150) or more shall have bonds which 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 JAN 9 1975 at 8:30 o'clock a.m. in the Council Chambers of the City Administration Building, 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

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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

##### EXEMPT PUBLIC PROPERTY

The Council hereby declares that all lots and parcels of land belonging to The City of San Diego, used for park, recreation, fire, police, library and Parcel "A" and "B" of Mira Mesa Verde Unit No. 26, Map 6993, Lot "A" of Mira Mesa Verde Unit No. 10, Map 6571, and Parcel "A" of Mira Mesa Verde Unit No. 14, Map 6912, being reserved for future streets, and all lots and parcels of land belonging to the San Diego Unified School District and the San Diego Community College District, 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.

#### Section 7

##### PUBLIC CONTRIBUTION

The City of San Diego will contribute approximately two hundred twenty-three thousand two hundred dollars (\$223,200) of the estimated project cost of one million eight hundred forty-eight thousand nine hundred dollars (\$1,848,900).

#### Section 8

##### 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 9

PUBLICATION OF RESOLUTION OF INTENTION

The City Clerk is directed to cause this Resolution of Intention to be published twice at least ten (10) 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 10

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 Ted Bronfield  
Ted Bronfield, Deputy

NOV 14 1974

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

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Patricia Polan*, Deputy.

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1974 NOV -8 AM 11:23  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **211997** Adopted **NOV 14 1974**