

RESOLUTION NO. 214894

December 17, 1975

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN ACQUISITIONS AND IMPROVEMENTS WITHIN THE CITY PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; DESCRIBING THE DISTRICT TO BE BENEFITED BY THE ACQUISITIONS AND IMPROVEMENTS AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; OMITTING PUBLIC PROPERTY FROM ASSESSMENT; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED UNDER THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS; 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 SUPERINTENDENT OF STREETS TO MAKE AND FILE A WRITTEN REPORT.

(Mira Mesa Boulevard, Phase I, 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 certain street acquisitions and improvements within The City of San Diego; and

WHEREAS, a map of the assessment district, designated "Plat No. 3879," showing the exterior boundaries of the proposed assessment district has been presented to the Council;  
NOW, THEREFORE,

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

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Section 1. The public interest and convenience require and the Council of said city hereby declares its intention to order acquisitions and improvements to be made within said city, such proposed acquisitions and improvements being described as follows, to wit:

I. THE ACQUISITION OF REAL PROPERTY AND EASEMENTS FOR PUBLIC PURPOSES, as follows:

A. STREET PURPOSES: The acquisition of fee simple title or easements for street purposes for the proposed extension of MIRA MESA BOULEVARD consisting of:

A strip of land approximately 102 feet in width, consisting of various straight and curved segments, extending generally in a northeasterly-southwesterly direction, the easterly terminus of the strip being the westerly terminus of existing Mira Mesa Boulevard near its intersection with Parkdale Avenue, as shown on Mira Mesa Verde, Unit No. 17, Map No. 7048, in the office of the Recorder of the County of San Diego and the westerly terminus of the strip being the easterly line of that unnamed frontage street located easterly of the first freeway interchange north of Carroll Canyon Road, the strip being generally located in the south halves of Sections 35 and 34, T. 14 S., R. 3 W., S.B.M., the northwest quarter of Section 3, T. 15 S., R. 3 W., S.B.M., and the east half and the southwest quarter of Section 4, T. 15 S., R. 3 W., S.B.M.

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B. SLOPE AND CONSTRUCTION PURPOSES: The acquisition of easements for the construction and maintenance of slopes and for other construction purposes, including grading, excavation, and fill, during the period of construction, such easements consisting of strips ten feet in width along the length and adjoining both sides of the property described in Paragraph A above, and adjacent to said strips, certain intermittent parcels of varying sizes and configurations, as may reasonably be required for construction purposes.

C. DRAINAGE PURPOSES: The acquisition of easements for the construction, maintenance, and operation of storm drainage facilities, such easements consisting of intermittent strips and polygonal parcels along the length and adjoining both sides of the property described in Paragraph A above, said strips being at least ten feet in width, of varying lengths, and perpendicular or diagonal to said property and said parcels being of varying sizes and configurations as may be reasonably required for storm drain purposes.

D. The foregoing property and easements to be acquired are more particularly shown on the Right of Way Drawings, Sheets 16027-1-D to 16027-9-D, inclusive, Document No. 753679 on file with the City Clerk, and reference is hereby made to that drawing for the full and detailed lines and locations of the property and easements.

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II. THE CONSTRUCTION OF IMPROVEMENTS, as follows:

A. Certain grading and the construction of paving, curbs, gutters, ditches, dikes, storm drain facilities, and appurtenances and appurtenant work on:

PROPOSED MIRA MESA BOULEVARD,

as described in Paragraph I-A above,

between the westerly terminus of existing Mira Mesa Boulevard, near its intersection with Parkdale Avenue, and the easterly line of that unnamed frontage street located easterly of the first freeway interchange north of Carroll Canyon Road;

SAID UNNAMED FRONTAGE STREET,

between a line approximately 280 feet northerly and 480 feet southerly of and parallel with the centerline of proposed Mira Mesa Boulevard.

B. Certain grading and the construction of paving, curbs, gutters, dikes and appurtenances and appurtenant work on portions of:

INTERSTATE HIGHWAY NO. 805,

between the westerly line of said unnamed frontage street and a line approximately 370 feet westerly of and parallel with said westerly line; and between the centerline of proposed Mira Mesa Boulevard and a line approximately 470 feet southerly of and parallel with said centerline.

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C. Certain grading, including excavation and fill, and the construction of certain dikes and ditches and appurtenances and appurtenant work on:

PROPOSED EASEMENTS FOR SLOPE

AND CONSTRUCTION PURPOSES, as

described in Paragraph I-B above, between the easterly and westerly termini of each of the several strips of said easements and within the lines of the intermittent parcels of varying size and configuration.

D. Certain grading and the construction of storm drains and other drainage facilities and appurtenances and appurtenant work on:

PROPOSED DRAINAGE EASEMENTS, as

described in Paragraph I-C above, between the termini of each of the several strips of said easements and within the lines of the several polygonal parcels of said easements.

Section 2. This Council hereby makes the cost and expense of the acquisition and improvement chargeable upon a district, which district this Council hereby declares to be the district benefited by said acquisition and improvement and to be assessed to pay the cost and expense thereof.

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The Council hereby declares that all lots and parcels of land belonging to the United States, the State of California, the county, the city, any school district, or any other special 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 acquisition and improvement. The district is described by a map of the assessment district designated "Plat No. 3879," consisting of ten sheets, numbered 1 to 10, inclusive, which indicated 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. The map is hereby approved and reference is hereby made to the map for a description of the district. The City Clerk is hereby directed to endorse his certificate, on the original and a copy of the map of the assessment district, evidencing the adoption of this resolution, to file the original of the map in the Office of the City Clerk and to file the 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 remain-

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ing unpaid for 30 days after the date of recording the assessment. 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 the 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 the bonds provide for a premium of five percent of the unpaid principal of said bonds. Assessments under \$50 shall be subject to the penalties and costs, and collected as provided in Section 10600.1, Streets and Highways Code.

Section 4. 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 5. 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:

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(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), it 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 6. The proposed acquisition and improvement hereinbefore described is hereby referred to the Superintendent of Streets and the Superintendent of Streets 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 7. The proposed acquisition and improvement and proceedings therefor are to be under and pursuant to the Municipal Improvement Act of 1913.

APPROVED: JOHN W. WITT, City Attorney

By:

*H. Valderhaug*  
Harold O. Valderhaug; Deputy



DEC 17 1975

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 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"/>
Lee Hubbard	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<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"/>
Jess D. Haro	<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 *Kathleen Martiney*, Deputy.

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