

RESOLUTION NO. 217393

December 29, 1976

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 CONTRIBUTIONS BY THE CITY AND BY THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; 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.

(La Jolla Scenic Drive and Via Capri 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. 3857," showing the exterior boundaries of the proposed assessment district has been presented to the Council; and

WHEREAS, the Council proposes to provide for payment of a portion of the costs and expenses of the proposed improvements by contributions proposed to be made by the

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city and by The Regents of the University of California;
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 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 OR EASEMENTS FOR
PUBLIC PURPOSES, as follows:

A. STREET PURPOSES: The acquisition of fee simple
title or easements for street purposes for the widening
and extending of streets as follows:

1. THE WIDENING OF LA JOLLA SCENIC DRIVE to a width
of approximately 102 feet at the intersection with King
Arthur Court and tapering to a width of approximately 80
feet at a distance approximately 455 feet northerly of
the northerly line of King Arthur Court, by the acquisition
of parcels of various sizes and configurations.

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2. THE EXTENDING OF LA JOLLA SCENIC DRIVE by the acquisition of a strip of land 80 feet wide, between the westerly line of Pueblo Lot No. 1265, Miscellaneous Map No. 36 filed in the office of the County Recorder of San Diego County, and a line approximately 225 feet easterly of and parallel with said westerly line.

3. THE WIDENING AND EXTENDING OF VIA CAPRI between the northerly line of the proposed extension of La Jolla Scenic Drive, as described in subparagraph 2 above, and the easterly, southerly, and westerly lines of existing Via Capri and Hillside Drive, by the acquisition of a strip of land 60 feet wide and parcels of various sizes and configurations as may be necessary or convenient for the joinder of proposed Via Capri with La Jolla Scenic Drive and Hillside Drive.

B. SLOPE AND CONSTRUCTION PURPOSES:

The acquisition of easements for the construction and maintenance of slopes and, as may be reasonably required, for construction purposes during the period of construction, the easements consisting of intermittent parcels of various sizes and configurations, contiguous to La Jolla Scenic Drive and the property described in Paragraph A, above.

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C. RIGHT OF WAY DRAWINGS: The foregoing real property and easements to be acquired are more particularly shown on Right of Way Drawings, Sheet Nos. 13742-1-D and 13742-2-D, Document No. 757798 on file with the City Clerk and reference is hereby made to those drawings for the full and detailed lines and locations of the property and easements to be acquired.

II. THE CONSTRUCTION OF IMPROVEMENTS, as follows:

A. Certain grading and the construction of certain curbs, gutters, sidewalks, driveway entrances, paving and drainage facilities and appurtenances and appurtenant work on portions of:

EXISTING AND PROPOSED LA JOLLA
SCENIC DRIVE

between the westerly prolongation of the northerly line of Soledad Mountain Road and the terminus of proposed La Jolla Scenic Drive, as described in subparagraph I-A-2, above.

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

EXISTING AND PROPOSED VIA CAPRI

between the terminus of proposed La Jolla Scenic Drive, as described in subparagraph I-A-2, above, and the southeasterly line of Chateau Ville, Map No. 3926 filed in the

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office of the County Recorder of San Diego County.

HILLSIDE DRIVE

between the southwesterly line of Via Capri and a line approximately 60 feet westerly of and parallel to said line.

C. Certain grading and erosion control treatment on the

SLOPE AND CONSTRUCTION EASEMENTS

described in subparagraph I-B, above.

D. Certain grading, the construction of water lines, and installation of fire hydrants and appurtenances and appurtenant work on portions of:

EXISTING AND PROPOSED LA JOLLA

SCENIC DRIVE

between the northwesterly prolongation of the southwesterly line of the city-owned Soledad Mountain Reservoir site and the terminus of proposed La Jolla Scenic Drive, as described in subparagraph I-A-2, above.

EXISTING AND PROPOSED VIA CAPRI

between the terminus of proposed La Jolla Scenic Drive, as described in subparagraph I-A-2, above, and the southeasterly line of Chateau Ville, said Map No. 3926.

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E. Certain grading and the construction of sanitary sewers and appurtenances and appurtenant works on portions of:

EXISTING LA JOLLA SCENIC DRIVE

between Soledad Mountain Road and proposed Via Capri, as described in subparagraph I-A-3, above.

F. Certain grading and the construction of safety lighting facilities and appurtenances and appurtenant work on portions of

EXISTING AND PROPOSED LA JOLLA
SCENIC DRIVE

between the southwesterly prolongation of the southerly line of Soledad Mountain Road and the terminus of proposed La Jolla Scenic Drive, as described in paragraph I-A-2, above.

EXISTING VIA CAPRI

between the junctions of Hillside Drive and Rue Michael with Via Capri.

G. Certain grading and paving of driveways located on private property, when consented to by the property owner and where necessary to eliminate any disparity in the level or size between the street improvements and private property.

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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. The Council hereby declares that all lots and parcels of land belonging to the city and The Regents of the University of California 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. 3857," consisting of one sheet, 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. 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.

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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 serial bonds and shall extend over a period ending fourteen 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 eight 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. It is hereby ordered that a portion of the cost and expense of the acquisition and improvement shall be contributed by and paid from moneys supplied by

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The City of San Diego and by The Regents of the University of California. The contribution by the city shall be in the amount of \$128,780.22 and shall be paid out of the city treasury from such fund or funds as the Council may hereafter designate. The contribution by the Regents shall be in the amount of \$75,853.65 and, upon receipt thereof to the city, shall be deposited in and paid out of a special fund or account established therefor in the city treasury. Said contributions shall be first deducted from the total estimated costs and expenses of the improvement and the assessment upon property in the district shall include only the remainder of the costs and expenses.

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. Pursuant to Section 10100.1, Streets and Highways Code, upon written consent by the property owner, the work will include the construction of certain drive-ways on private property to eliminate any disparity in level or size between the improvement on public property and the private property. The Council determines that it is in the public interest and is more economical to do such work on private property than to adjust the work on public

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property to eliminate such disparity. The actual cost of such work shall be added to the assessment of the lot on which the work is done.

Section 7. 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), 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 8. The proposed acquisition and improvement hereinbefore described is hereby referred to the Superintendent of Streets and the Superintendent of Streets is

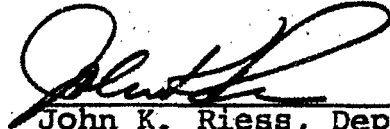
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hereby directed to make and file with the City Clerk a report in writing containing all of the matters required by said Municipal Improvement Act of 1913.

Section 9. 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:


John K. Riess, Deputy

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

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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 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 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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Kathleen Martinez, Deputy.

(Seal)

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