

RESOLUTION NO. 217438

R. 77-1044

January 5, 1977

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN DIEGO, CALIFORNIA, DIRECTING THE CITY
CLERK TO GIVE NOTICES INVITING SEALED BIDS
FOR THE PURCHASE OF BONDS

(Park District No. 10 - CREST CANYON)

WHEREAS, on January 5, 1977, the Council adopted Resolution of Intention No. 217436, and adopted Resolution No. 217437, approving a Report of the City Manager under The Park and Playground Act of 1909, and providing for a hearing thereon; and

WHEREAS, it is desirable that bids be received for the purchase of bonds to be issued to represent unpaid assessments in advance of said hearing; NOW, THEREFORE,

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

Section 1. Sealed bids for the purchase of said bonds shall be received at the time and in the manner stated in the following notice. The City Clerk is directed to publish said notice once in The Daily Transcript. Said notice shall be substantially as follows:

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MAY 31 1978

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NOTICE INVITING SEALED BIDS ON
1911 ACT BONDS OF THE CITY OF
SAN DIEGO, CALIFORNIA

(Park District No. 10 - CREST CANYON)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of The Park and Playground Act of 1909 (commencing with Section 38000 of the Government Code), and specifically the provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code), incorporated by reference therein, sealed bids for improvement bonds of The City of San Diego to be issued pursuant to the provisions of the Improvement Act of 1911 are invited and will be taken as herein provided.

TIME AND PLACE FOR FILING AND OPENING OF BIDS. Bids must be sealed and filed with the Purchasing Agent in his office in the City Operations Building, 1222 First Avenue, San Diego, California, up to, but not later than 11:00 A.M. on February 14, 1977. Bids may be delivered personally or mailed to the Purchasing Agent at his office at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent in Conference Room No. 2 on the second floor of said City Operations Building. The Purchasing Agent will thereafter report on the results of said bidding to the Council.

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BID FORM. Forms of bids for the purchase of the bonds are provided by and may be obtained from the Purchasing Agent. All bids shall be submitted in substantially the same form as that provided by the Purchasing Agent.

THE PROJECT AND ASSESSMENT DISTRICT. The project generally consists of the acquisition of certain open space lands in the City commonly known as CREST CANYON and its tributaries for public park, playground and urban open space lands purposes. The acquisition and the district to be assessed to pay the costs and expenses thereof are wholly within the City of San Diego and lie generally from Del Mar Heights Road to the San Dieguito River Flood Plain, between the residences of Del Mar Heights and the City of Del Mar, all as more particularly described in the Report of the City Manager on file in the office of the City Clerk.

ASSESSMENT. The amount of the proposed assessment is \$285,455. The estimated cost of the entire project as shown in the Report of the City Manager is:

Estimated cost of acquisition of San Diego lands, including closing costs	\$1,350,000
Estimated incidental expenses	108,000
Estimated bond discount	20,730
Estimated counsel fees	<u>5,600</u>

Total estimated costs and expenses		\$1,484,330
LESS: City of San Diego contribution	\$1,177,375	
City of Del Mar contribution	<u>21,500</u>	
		<u>\$1,198,875</u>
Total estimated costs and expenses to be assessed upon property within assessment district		\$ 285,455

DESCRIPTION OF BONDS. The Council has determined that bonds are to be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds are to be issued to represent each assessment of \$50 or over remaining unpaid for 30 days after the date of recordation of the assessment. The bonds will be serial bonds and will extend over a period ending nine years from the second day of January next succeeding the next September 1st following their date. Pursuant to Section 6464, Streets and Highways Code, the Council has elected to have the redemption provisions of the bonds provide for a premium of five percent of the unmatured principal of the bonds.

It is expected that the bonds will be dated on or about March 19, 1977 (but may be dated later). The bonds will be payable in ten annual installments represented by principal coupons payable on January 2 of the years 1978 to 1987, inclusive. The

first interest coupon shall be for interest from the date of the bonds and shall be payable to the holder on January 2, 1978, and thereafter interest coupons will represent semiannual interest on the unpaid balance.

PRINCIPAL AMOUNT OF BONDS. The principal sums of the individual bonds will vary in amounts. The aggregate principal amount of bonds actually to be issued may vary from the amount referred to above.

INTEREST RATE. The coupon interest rate may not exceed eight percent payable semiannually. The interest rate must be a multiple of 1/100th of one percent. Only a single interest rate shall be bid for all of the bonds to be issued.

AWARD. The bonds will be sold for cash only. All bids must be for not less than all of the bonds proposed to be issued, and any bid for less than all of the bonds or for varying rates of interest will be rejected. The bonds will be awarded to the highest responsible bidder, considering the interest rate specified and the premium or discount, if any, designated by the bidder. For the purpose only of comparing bids it will be assumed (i) that bonds will be issued in a principal amount of \$285,455; and (ii) that the bonds will be dated March 19, 1977. The highest bid will be determined by deducting the premium from, or adding

the discount to, the total amount of interest which would be required to be paid from the date of the bonds on the decreasing balances thereof to January 2, 1987, at the coupon rate specified in the bid. The award will be made on the basis of the lowest net interest cost. If there shall be tie bids, the highest bid will be determined by lot.

TIME OF AWARD. The City will take action awarding the bonds or rejecting the bids not later than 72 hours after the time above specified for the filing of bids; provided, that the award may be made after the expiration of such time if the successful bidder shall not have given the Council notice in writing of the withdrawal of his bid.

GOOD FAITH CHECK. A certified or cashier's check on a responsible bank or trust company in the amount of \$10,000 payable to the order of the City must accompany each proposal as a guarantee that the bidder, if successful, will accept and pay for the bonds in accordance with the terms of his bid. The proceeds of the check accompanying any accepted proposal will be applied on the purchase price; provided, that if the successful bidder fails to perform in accordance with the terms of this notice and of his bid said proceeds will then be retained by the City. The check accompanying each unaccepted proposal will be returned promptly.

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DELIVERY. Delivery of said bonds will be made to the successful bidder at the office of the Treasurer, City Administration Building, 202 "C" Street, San Diego, California. It is expected that the bonds will be delivered within 75 days from the date of sale thereof. The successful bidder shall have the right, at his option, to cancel the contract of purchase if the Treasurer shall fail to execute the bonds and tender them for delivery within said 75-day period, in which event the successful bidder shall be entitled to the return of the good faith check accompanying his bid. At the time of delivery the purchaser must pay accrued interest from the date of the bonds to the date of delivery, computed on a 360-day year basis.

LEGAL OPINION; COST OF PRINTING BONDS. The unqualified opinion of Richard A. Burt, attorney, of the firm of Gray, Cary, Ames & Frye, San Diego, California, approving the validity of said bonds will be furnished to the successful bidder upon the delivery of the bonds, at the expense of the City. The cost of printing bonds will be borne by the City and will not be payable by the successful bidder.

RIGHT OF REJECTION. The Council reserves the right in its absolute discretion to reject any and all bids and, to the extent authorized by law, to waive any irregularity or informality in any bid, and, in the event of litigation challenging the

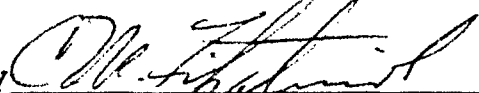
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validity of the bonds, to rescind the award of the sale of the bonds.

GIVEN BY ORDER of the Council of The City of San Diego,
California, on January 5, 1977.

EDWARD NIELSEN,
EDWARD NIELSEN, City Clerk
The City of San Diego, California

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:263.20.19
12/22/76
Or. Dept.: Eng. & Dev.

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JAN 5 1977

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 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 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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 DEC 28 AM 10:26
SAN DIEGO, CALIF.

RECEIVED
CITY CLERK'S OFFICE
1977 JAN -7 AM 11:45
SAN DIEGO, CALIF.

CC-1276 (REV. 12-78)

Office of the City Clerk, San Diego, California

Resolution Number **217438** Adopted **JAN 5 1977**

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