

RESOLUTION NO. 217521

R. 77-1071

January 19, 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN WORK AND IMPROVEMENTS, INCLUDING STREET, DRAINAGE, SEWER AND LANDSCAPING IMPROVEMENTS, AND TO ESTABLISH, CHANGE AND MODIFY OFFICIAL GRADES WITHIN THE CITY, PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; DESCRIBING THE PROPOSED WORK AND IMPROVEMENTS; SPECIFYING THE EXTERIOR BOUNDARIES OF THE DISTRICT TO BE BENEFITED BY SAID WORK AND IMPROVEMENTS AND TO BE ASSESSED TO PAY A PORTION OF THE COSTS AND EXPENSES THEREOF; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED TO REPRESENT UNPAID ASSESSMENTS TO BE LEVIED; PROVIDING FOR THE DISPOSAL OF ANY SURPLUS REMAINING IN THE IMPROVEMENT FUND AFTER THE COMPLETION OF THE WORK AND IMPROVEMENTS; AND DIRECTING THE CITY MANAGER TO MAKE AND FILE A WRITTEN REPORT AS PROVIDED BY SAID ACT.

(Palm Avenue Assessment District)

WHEREAS, a map of a proposed assessment district, designated Plat No. 3911, denominated "Palm Avenue Assessment District," has been presented to the Council, showing the exterior boundaries of the proposed assessment district; and

WHEREAS, the Council, having before it for consideration and having considered that certain environmental impact as amended report/under File No. 73-7-020; and

WHEREAS, the Council having found that the public interest, convenience and necessity require the work and improvements hereinafter described;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of San Diego hereby declares its intention to order the work and improvements hereinafter described to be done and made in

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the City of San Diego under the provisions of Municipal Improvement Act of 1913, and amendments thereto; and therefore,

IT IS HEREBY RESOLVED, DETERMINED AND ORDERED as follows:

Section 1. The Council, on its own motion, hereby initiates proceedings for the formation of an assessment district to be called "Palm Avenue Assessment District," pursuant to the provisions of the Municipal Improvement Act of 1913, as amended, to pay a portion of the cost and expense of the work and improvements and acquisitions required therefor, hereinafter described (which work, improvements, and acquisitions are herein sometimes referred to individually and collectively as the "improvements").

Section 2. That the public interest, convenience and necessity require, and it is the intention of the Council of the City of San Diego to order, the following improvements to be made, done and installed in the City of San Diego, described generally as follows: grading, paving, construction of curbs, sidewalks, gutters, driveways, berms, fences, guard rails, storm drains, inlets, landscaping, monumentation, ditches, traffic signals, safety lighting, sewers, manholes, temporary and permanent relocations, and the construction and installation of all appurtenances to render said works and improvements complete and workable.

Section 3. Said improvements shall be constructed generally at the locations, within the limits, and of the dimen-

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sions, on and in Palm Avenue approximately between Interstate 5 and Hawaii Avenue, within the established rights-of-way therefor as they now exist and as the same shall be widened and realigned, all as more particularly shown and described on City Drawings Numbers 15430-1-D through 15430-4-D, on file in the Office of the City Clerk, Document No. 758006, which drawings are hereby referred to for particulars.

Section 4. Said improvements shall be constructed to the grades as shown on the plans, profiles, drawings, cross-sections, and specifications therefor as shall hereafter be approved and adopted by the Council, which plans, profiles, drawings, cross-sections and specifications are hereby referred to for particulars, and the grades so established, changed and modified shall be the official grade of the streets, boulevards and places to be improved.

Section 5. The Council hereby makes the cost and expense of the improvements chargeable upon a district, which district the Council hereby declares to be the district benefited by said improvements and to be assessed to pay the cost and expense thereof. The district is shown and described by said map of the assessment district designated Plat No. 3911, consisting of three (3) sheets, which indicates by a boundary line the extent of the territory to be included in the proposed district, and which shall govern for all details as to the extent of the assessment district. The City Clerk is hereby directed to endorse his certificate on the original and one copy of said map of

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the assessment district, evidencing the adoption of this resolution, to file the original of said map in the Office of the City Clerk, and to file the copy thereof with the County Recorder of the County of San Diego.

Section 6. The Council hereby determines and declares that bonds shall be issued pursuant to the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code). The bonds shall be issued to represent each assessment of \$50 or more remaining unpaid for thirty (30) days after the date of recording the assessment in the Office of the Street Superintendent of the City. The bonds shall be dated the 31st day after recordation. The bonds shall be serial bonds and shall extend over a period ending nine (9) 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 coupon rate to be paid on the bonds and indebtedness shall be eight percent (8%) per annum, payable semi-annually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464 of the Streets and Highways Code, the Council hereby elects to have the redemption provisions of the bonds provide for a premium of five percent (5%) of the unmatured principal of said bonds. Assessments under \$50 which are not paid within thirty (30) days after recordation of the assessment shall be delinquent and shall bear interest at the rate of one percent (1%) per month, the interest to be computed from the date of the bonds, and the collection of

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any such delinquent assessments shall be pursuant to the provisions of Chapter 18.1 (commencing with Section 5450) of Part 3 of Division 7 of the Streets and Highways Code, as provided in Section 10600.1 of the Streets and Highways Code.

Section 7. The Council hereby determines and declares that the public interests will not be served by allowing the property owners to contract for the improvements, or any portion thereof, and, therefore, all such owners shall be barred from electing to take any portion of the contract.

Section 8. Said improvements, and all proceedings therefor, shall be done under and pursuant to the provisions of the Municipal Improvement Act of 1913, and said bonds shall, as authorized by said Municipal Improvement Act of 1913, be issued pursuant to and as provided for in the Improvement Act of 1911.

Section 9. After completion of the improvements and payment of all claims from the improvement fund, the amount of the surplus, if any, remaining in the improvement fund shall be used:

(a) For transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund; or

(b) If the total surplus shall be greater than allowed under subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any supplemental assessment, in the manner as provided in Sections 10427.1 and

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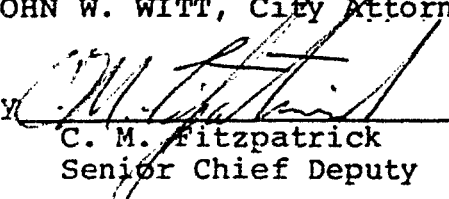
10427.2 of the Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5 of the Streets and Highways Code, said surplus shall be disposed of as provided in said Section 10427.5.

Section 10. The proposed improvements are hereby referred to the City Manager of the City, and the City Manager is hereby directed to cause a report in writing to be made and filed with the City Clerk containing all of the matters required by the Municipal Improvement Act of 1913.

Section 11. The Council hereby declares its intention to and does hereby order that approximately seventy-five percent (75%) of the costs and expenses of the improvements shall be paid out of the treasury of the City of San Diego from such fund or funds as the Council shall hereafter designate.

APPROVED: JOHN W. WITT, City Attorney

BY 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:832.18
12/20/76
Or.Dept.: Eng. & Dev.

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Passed and adopted by the Council of The City of San Diego on JAN 19 1977,
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.

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JAN -7 PM 2:23
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Office of the City Clerk, San Diego, California

Resolution
Number

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Adopted

JAN 19 1977

CC-1276 (REV. 12-75)

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