

RESOLUTION NO. 217522

R. 77-1072

January 19, 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING THE REPORT PREPARED PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; FIXING THE TIME AND PLACE FOR HEARING PROTESTS AND OBJECTIONS THERETO; DETERMINING WHETHER THE PUBLIC CONVENIENCE AND NECESSITY REQUIRES SUCH WORK AND IMPROVEMENTS; AND GIVING NOTICE OF SAID HEARING.

(Palm Avenue Assessment District)

WHEREAS, the Council of the City of San Diego has heretofore adopted its Resolution of Intention No. 217521 declaring its intention to order certain street improvements, work and acquisitions and related facilities and improvements appurtenant thereto within the City of San Diego (hereinafter sometimes referred to as the "improvements") under and pursuant to the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code), and referring the improvements described therein to the City Manager, and directing the City Manager to cause the making and filing with the City Clerk of a Report in writing containing all the matters required by said Municipal Improvement Act of 1913; and

WHEREAS, said Report has been made and filed with the City Clerk, Document No. 758012, and the City Clerk has presented the Report to the Council for consideration; and

WHEREAS, pursuant to Section 17 of Article XIII of the Constitution of the State of California, Section 2804 of the

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Streets and Highways Code, and Sections 61.0101 through 61.0111, inclusive, of the San Diego Municipal Code, the Council proposes, after notice and hearing, to find and determine by no less than a four-fifths (4/5ths) vote of all the members thereof, that the public convenience and necessity require the improvements, and to order the improvements without application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing at Section 2800 of the Streets and Highways Code) and the debt limitation and majority protest provisions of said Act;

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

Section 1. The Council has considered and passed upon the Report. The Report, including all exhibits thereto, as filed is hereby approved. The Report, including the improvement plans, drawings, profiles, cross-sections and specifications, the description and depiction of the additional rights-of-way to be acquired, the estimate of costs and expenses, and the diagram and assessment incorporated therein by reference, is on file in the Office of the City Clerk and may be examined by any person interested. Reference is made to the legal description and to City Drawings Nos. 15661-1-D through 15661-14-D and 15430-1-D through 15430-4-D, for a full and detailed description of the plans, drawings, profiles, cross-sections and specifications and said additional rights-of-way to be acquired.

Section 2. NOTICE IS HEREBY GIVEN THAT

March 15, 1977, at the hour of 2:00 o'clock P.M., in

the Council Chambers of the Council at the City Administration Building, 202 "C" Street, San Diego, California, are the day, hour and place fixed for the hearing by the Council of any and all protests and objections. Any and all persons having any protest or objection to the proposed improvements, the extent of the assessment district or the proposed assessment may appear before the Council at the hearing and show cause why the proposed improvements should not be made in the proposed assessment and diagram confirmed, all in accordance with the Resolution of Intention and the Report. Protests and objections must be in writing and must be delivered to the City Clerk of the City at or before the time set for the hearing as set forth above. Any protest or objection must contain a description of the property in which each signer is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment role as the owners of the property, must contain or be accompanied by written evidence that the signers are the owners of the property.

Section 3. NOTICE IS FURTHER GIVEN that at the above-mentioned day, hour and place, and concurrently with the above-mentioned hearing, the Council will hold a public hearing on the question whether the public interest, convenience and necessity require the improvements and whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and the debt limitation and majority protest provisions thereof, shall apply. Notice of the public hearing provided by this

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Section shall be published, posted and mailed by the same means, at the same time and in the same manner as for the hearing provided for Section 2 of this Resolution.

Section 4. The City Clerk is hereby directed to cause notices of the passage of this Resolution to be posted and is also directed to mail notices of the adoption of the Resolution of Intention and the filing of the Report, which Notices shall be given at the time and in the form and manner as provided by law.

The Clerk is further directed to cause a Notice of Improvement to be published twice in The Daily Transcript, a newspaper of general circulation published and circulated in The City of San Diego, the first such publication to be made at least twenty (20) days before the date set herein for the hearing of protests.

APPROVED: JOHN W. WITT, City Attorney

By 

C. M. Fitzpatrick
Senior Chief Deputy

CMP:vl:832.18
12/30/76
Or.Dept.: Eng. & Dev.

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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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

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CC-1276 (REV. 12-75)

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