

RESOLUTION NO. 217523

R. 77-1073

January 19, 1977

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

(Palm Avenue Assessment District)

WHEREAS, the Council adopted a resolution approving a
Report of the City Manager under the Municipal Improvement Act of
1913 and Resolution of Intention No. 217521, and
providing for a hearing thereon; and

WHEREAS, it is desirable that, prior to said hearing,
bids be received for the purchase of bonds to be issued pursuant
to the Improvement Act of 1911 to represent unpaid assessments;

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

01155

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

(Palm Avenue Assessment District)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) sealed bids for improvement bonds of The City of San Diego to be issued pursuant to the provisions of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highway Code) 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 Department, 3rd Floor, City Operations Building, 1222 First Avenue, San Diego, California 92101, up to, but not later than 11:00 a.m., on March 14, 1977. Bids may be delivered personally or mailed to the Purchasing Department at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent or his designated representative in Conference Room No. 2 on the second floor of said City Operations Building. The Purchasing Agent will thereafter report the results of said bidding to the Council.

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.

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MAY 31 1978

217523

01156

THE PROJECT AND ASSESSMENT DISTRICT. The project generally consists of the widening and realignment of, and construction of street, sewer and drainage improvements, in and upon Palm Avenue in the City of San Diego, and the levy of an assessment against lands in the city to pay a portion of the cost thereof, all as more particularly described in the Report of the City Manager on file in the Office of the City Clerk.

ESTIMATED ASSESSMENT. The estimated cost of the project as shown on the Report of the City Manager is:

| | |
|---|-------------------|
| Construction | \$1,027,093 |
| Contingencies | <u>51,347</u> |
| Estimated construction total..... | \$1,078,440 |
| Incidentals | \$ 160,560 |
| Rights-of-way | 545,000 |
| Attorneys' fees and bond discount | 45,000 |
| Traffic signal controllers and City share of RR Crossing gates and RR Crossing work | <u>39,442</u> |
| TOTAL PROJECT COST AND EXPENSE..... | \$1,868,442 |
| Less City share | <u>1,565,152</u> |
| TOTAL ESTIMATED COST AND EXPENSE ASSESSED UPON PROPERTY IN ASSESSMENT DISTRICT | <u>\$ 303,290</u> |

Until the confirmation of the diagram and assessment contained in said Report, the Council has the power and reserves the right to make changes in the proposed assessment district, the work, improvements and acquisitions, the assessment and diagram and any other act, determination or provision made, or permitted to be

MICROFILMED

MAY 31 1978

217523

01157

made, by the Council under the Municipal Improvement Act of 1913. Changes may be made in the amount of the assessment, as may be required should the actual costs differ from the foregoing estimates.

HEARING ON REPORT, CONFIRMATION AND RECORDATION OF ASSESSMENT AND AWARD OF BONDS. The above-mentioned Report and the proposed assessment contained therein has been set for hearing by the Council of the City at 2:00 p.m., on March 15, 1977. Upon the conclusion of the hearing, which may be continued from time to time, the Council, in its discretion, may abandon the proceedings, make changes therein or may confirm said assessment as filed with the City Clerk or as modified or corrected by the Council. The award of the bonds, if any, will be made following the conclusion of said hearing and the confirmation of said assessment. The assessment will be recorded in the office of the Street Superintendent not later than the day following its confirmation.

DESCRIPTION OF BONDS. The Council has determined that bonds are to be issued under the Improvement Act of 1911. The bonds are to be issued to represent each assessment of \$50. or more remaining unpaid for thirty (30) days after the date of recordation of the assessment. The bonds will be dated the thirty-first day after such recordation. The bonds will be serial bonds and will extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following their date. Pursuant to Section 6464, Streets and

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MAY 31 1978

Highways Code, the Council has elected to have the redemption provisions of the bonds provide for a premium of five percent (5%) of the unmatured principal of the bonds.

It is expected that the bonds will be dated on or about April 16, 1977. The bonds will be payable in ten (10) annual installments represented by principal coupons payable on January 2 of the years 1978 to 1987, inclusive. The first interest coupon will represent interest from the date of the bonds to 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 to be issued cannot, and will not, be determined until after the expiration of thirty (30) days from the date of recording the assessment.

INTEREST RATE. The interest rate may not exceed eight percent (8%), payable semiannually. The interest rate must be a multiple of 1/100th of 1 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 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

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MAY 31 1978

the purpose only of comparing bids it will be assumed (i) that bonds will be issued in a principal amount equal to the total estimated amount to be assessed upon property within the assessment district, namely, the sum of \$303,290 and (ii) that the bonds will be dated April 16, 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 \$ 11,000 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.

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 GARY, CARY, AMES & FRYE, San Diego, approving the validity of said bonds will be furnished to the successful bidder at or prior to the date of 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 discretion to reject any and all bids and, to the extent

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MAY 31 1978

authorized by law, to waive any irregularity or informality in
bid.

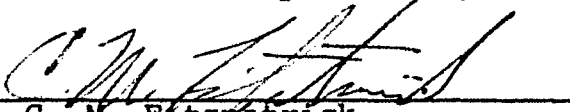
GIVEN BY ORDER of the Council of The City of San Diego,
California, on January 19, 1977.

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:832.18

12/30/76

Or. Dept.: Eng. & Dev.

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217523

MAY 31 1978

01162

JAN 19 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 *Hethlen Martinez* Deputy.

RECEIVED
CITY CLERK'S OFFICE
1977
JAN - 7 PM 2:23
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution
Number

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JAN 19 1977

Adopted

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MAY 31 1978

01163