

RESOLUTION NO. 217934

March 16, 1977

RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN DIEGO, CALIFORNIA, MAKING FINDINGS  
AND OVERRULING PROTESTS AND OBJECTIONS,  
CONFIRMING DIAGRAM AND ASSESSMENT AND  
ORDERING IMPROVEMENTS, AS CHANGED BY  
RESOLUTION NO. 217933.

(La Jolla Scenic Drive and Via Capri Assessment District)

WHEREAS, in proceedings under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code), the Council adopted resolution of intention, Resolution No. 217393, ordering the Superintendent of Streets to prepare the Report required by that Act and pursuant thereto the Superintendent of Streets prepared the Report, consisting of plans and specifications describing the proposed acquisitions and improvements, an estimate of the costs and expenses thereof, a diagram showing the assessment district, and a proposed assessment of such costs and expenses, the Report being on file with the City Clerk; and

WHEREAS, the Council by Resolution No. 217394 approved the Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question of whether public convenience and necessity require

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such 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; and

WHEREAS, notices of the passage of Resolutions Nos. 217393 and 217394 were duly published, posted and mailed, as provided by that Act, and the hearings were duly held at the time and place so fixed and all continuances thereof, if any, were duly made and ordered; and

WHEREAS, pursuant to the Environmental Quality Act of 1970 (commencing with Section 21050, Public Resources Code) and the Environmental Impact Report Procedural Ordinance (commencing with Section 69.0101, San Diego Municipal Code) an environmental impact report has been prepared and completed, an official final environmental impact report has been presented to and adopted by the Council, and the Council has considered the report's contents; and

WHEREAS, the Council adopted Resolution No. 217933 ordering certain changes described therein; and

WHEREAS, at the hearings all persons desiring to be heard were fully heard and all oral and written protests

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and objections, if any, were fully heard and this Council gave all persons present an opportunity to hear and be heard in respect to the Report, the diagram and assessment, the proposed acquisitions and improvements, the proposed changes, the boundaries of the proposed assessment district, the serial bonds to be issued to represent unpaid assessments, the question of whether public convenience and necessity require such improvements, whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply, or in any way relating to the Report and the proceedings proposed by the resolution of intention; and

WHEREAS, the Council has received evidence relating to the Report, the proposed acquisitions and improvements, the proposed changes, the boundaries of the proposed assessment district, the assessment, and the benefits to the property to be included in the proposed assessment district; NOW, THEREFORE,

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

Section 1. Written protest or objection against the proposed acquisitions and improvements has not been made by

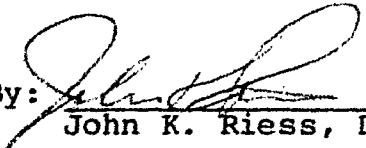
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the owners of more than one-half of the area of the land to be assessed for the improvements. Except to the extent of any changes ordered by the Council, each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied.

Section 2. The assessment and diagram, including the changes ordered therein by Resolution No. 217933 are hereby confirmed.

Section 3. The Council hereby declares that the Report, including the changes ordered therein by Resolution No. 217933, is approved and orders the acquisitions and improvements to be made as described in the resolution of intention, the Report and Resolution No. 217933. Reference is hereby made to the resolution of intention, the Report and Resolution No. 217933 for a full and complete description and for further particulars.

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 MAR 16 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Martonez, Deputy.

(Seal)

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