

RESOLUTION NO. 218195

R. 77-1661

APR 20 1977

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO, CALIFORNIA, MAKING FINDINGS AND OVERRULING  
PROTESTS AND OBJECTIONS, CONFIRMING DIAGRAM AND  
ASSESSMENT, AS AMENDED, ORDERING IMPROVEMENT, AND  
ORDERING CITY CONTRIBUTION

(Palm Avenue Assessment District)

WHEREAS, in proceedings under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code), the Council adopted its resolution of intention, Resolution No. 217521, ordering the City Manager to cause the Report required by said Act to be prepared, and pursuant thereto the City Manager caused said Report to be prepared, consisting of the description and depiction of the proposed improvements, an estimate of the costs and expenses of said improvements, a diagram showing the assessment district, and the proposed assessment of the costs and expenses of the proposed improvements, said Report being on file with the City Clerk; and

WHEREAS, the Council, by Resolution No. 217522, approved said Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question whether the public convenience and necessity require such improvement 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 said Resolution Nos. 217521 and 217522 were duly published, posted and mailed, as

provided by said Act, and said hearing was duly held at the time and place so fixed; and

WHEREAS, the Council adopted Resolution No. 218194 ordering certain changes and modifications; and

WHEREAS, at said hearing all persons desiring to be heard were fully heard and all oral and written protests and objections, if any, were fully heard, and this Council gave all persons present an opportunity to hear and be heard with respect to said Report, the diagram and assessment, the proposed improvements, the boundaries of the proposed assessment district, the bonds to be issued to represent unpaid assessments, the question whether the 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, said changes and modifications, and in any way relating to the Report and the proceedings proposed by said resolution of intention; and

WHEREAS, the Council has received evidence relating to the Report, the proposed improvements, the boundaries of the proposed assessment district, the assessment, said changes and modifications, and the special 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 acquisition and assessment has not been made by the

owners of more than one-half of the area of the land included within the assessment district to be assessed for the acquisition. 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 Council finds that each of the lots or parcels of land proposed to be assessed shall be specially benefitted by the improvement substantially in proportion to the amount of the proposed assessment against such lot or parcel, and, accordingly, the assessment contained in said Report, as amended by Resolution No. 218194, is hereby confirmed.

Section 3. The Council hereby declares that the Report, as amended, is approved, and orders the improvement to be made, as described in the resolution of intention and said Report, as amended. Reference is hereby made to said resolution of intention, said Report, and Resolution No. 218194, for a full and complete description of the improvement and for further particulars.

Section 4. The Council finds and determines that the public convenience and necessity require the improvement and that the same is feasible and the improvement shall be and is hereby ordered without the application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof.

Section 5. The City shall contribute cash in the  
amount of \$ 1,203,154 towards the cost of the improvement.

APPROVED: JOHN W. WITT, City Attorney

By: Robert Steag  
~~Deputy~~ Asst City Attorney

3/15/77

Passed and adopted by the Council of The City of San Diego on APR 20 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.

(Seal)

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

By Kathleen Martinez, Deputy.

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CC-1276 (REV. 12-76)

Office of the City Clerk, San Diego, California	
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Adopted	<b>APR 20 1977</b>