

RESOLUTION NO. 218199

R. 77-1931

RESOLUTION DIRECTING CITY MANAGER TO  
APPLY COUNCIL POLICY NO. 800-9 REGARDING  
ASSESSMENT DEFERRAL PROGRAM TO CERTAIN  
SPECIAL ASSESSMENT PROCEEDINGS

APR 20 1977

WHEREAS, on April 20, 1977, the Council adopted the following resolutions in connection with those certain assessment proceedings under the Municipal Improvement Act of 1913 taken pursuant to Resolution of Intention No. 217521 (Palm Avenue Assessment District):

- A. Resolution ordering changes in the assessment and approving change in specifications;
- B. Resolution making findings, overruling protests, confirming amended assessment, ordering the improvement, and ordering City contribution (adopted by 8 affirmative votes);
- C. Resolution awarding sale of bonds;
- D. Resolution awarding construction contract; and
- E. Resolution authorizing expenditure of certain City funds for the City's contribution to the total cost of the improvements; and

WHEREAS, on February 2, 1977, the Council adopted Resolution No. 217635 approving Council Policy No. 800-9 entitled "Assessment Deferral Program" pertaining to certain special assessment proceedings including those taken pursuant to the Municipal Improvement Act of 1913, which policy is on file in the office of the City Clerk as Document No. 758210; and

WHEREAS, the Council deems it desirable and in the public interest, convenience and necessity to apply said policy to said Palm Avenue Assessment District proceedings, if possible; and

WHEREAS, regardless of whether for any reason the application of said policy becomes, in whole or in part, impossible, impracticable or unfeasible, or is ultimately declared invalid, said Palm Avenue Assessment District proceeding should nevertheless proceed as set forth in the resolutions referred to above as well as all other actions and proceedings heretofore or hereafter taken in connection therewith;

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

1. The City Manager is hereby authorized and directed to apply the procedures set forth in Council Policy No. 800-9 entitled "Assessment Deferral Program" with respect to the assessment confirmed by Resolution No. 218195 in the Palm Avenue Assessment District proceeding.

2. The Council hereby orders and directs that the application of Policy No. 800-9 shall not be a condition to the full and complete effectiveness of said Resolution No. 218195, or of any other resolution or other action or proceeding heretofore or hereafter taken in connection with said Palm Avenue Assessment District proceeding.

3. The Council hereby further orders and directs that regardless of whether for any reason the application of Policy No. 800-9 becomes impossible, impracticable or unfeasible, in whole or in part, or is ultimately declared invalid, the assessment confirmed by said Resolution No. 218195, and the lien thereof, and any bonds issued to represent unpaid assessments, and any other resolution, action or proceeding heretofore or hereafter taken in connection with the Palm Avenue Assessment District proceedings, shall nevertheless be fully effective and enforceable as though this resolution had not been adopted.

APPROVED: JOHN W. WITT, CITY ATTORNEY

By Robert Steago  
Deputy *Ass't*

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.

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

By Kathleen Martinez, Deputy.

(Seal)

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 1977 APR 18 PM 2:08  
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Office of the City Clerk, San Diego, California

Resolution Number **218199** Adopted **APR 20 1977**