

R. 78-1432

RESOLUTION NO. 220289

Feb. 15, 1978

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN IMPROVEMENTS WITHIN THE CITY PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; DESCRIBING THE DISTRICT TO BE BENEFITED BY THE IMPROVEMENTS AND TO BE ASSESSED TO PAY THE COST AND EXPENSE THEREOF; OMITTING PUBLIC PROPERTY FROM ASSESSMENT; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED UNDER THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS; PROVIDING FOR CONTRIBUTIONS BY THE CITY; PROVIDING FOR THE USE OF ANY SURPLUS AMOUNT REMAINING IN THE IMPROVEMENT FUND AFTER COMPLETION OF THE IMPROVEMENT; AND REFERRING THE PROPOSED IMPROVEMENT TO THE SUPERINTENDENT OF STREETS TO MAKE AND FILE A WRITTEN REPORT.

(Beyer Boulevard, Dairy Mart Road  
to I-805, Assessment District)

WHEREAS, this Council proposes to take proceedings under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) for certain street improvements within The City of San Diego; and

WHEREAS, a map of the assessment district, designated "Plat No. 3909," showing the exterior boundaries of the proposed assessment district has been presented to the Council; and

WHEREAS, the Council proposes to provide for payment of a portion of the costs and expenses of the proposed improvements by a city contribution; and

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WHEREAS, the Council deems it desirable to initiate the proceedings on its own motion under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code; NOW, THEREFORE,

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

Section 1. The Council hereby initiates proceedings for the formation of proposed Beyer Boulevard, Dairy Mart Road to I-805, Assessment District pursuant to the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code).

Section 2. The public interest and convenience require and the Council hereby declares its intention to order improvements to be made within said city, such proposed improvements being described as follows, to wit:

A. Certain grading and the construction of certain curbs, gutters, paving, sidewalks, driveway entrances, fencing, street lighting, drainage facilities, retaining walls, and concrete structures and appurtenances and appurtenant work on portions of

BEYER BOULEVARD

between Dairy Mart Road and Interstate Highway No. I-805

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B. Certain grading and the construction of certain drainage facilities on those certain

DRAINAGE EASEMENTS

adjoining the northeasterly and southwesterly lines of Beyer Boulevard

between lines approximately 1,500 feet and 1,575 feet southeasterly of and parallel with the centerline of Dairy Mart Road;

DRAINAGE EASEMENT

adjoining the southwesterly line of Beyer Boulevard

between lines approximately 710 feet and 730 feet northwesterly of and parallel with the northwesterly line of Smythe Avenue;

DRAINAGE EASEMENT

adjoining the southerly line of Beyer Boulevard

between lines approximately 715 feet and 735 feet westerly of and parallel with the centerline of Otay Mesa Road.

C. Certain grading, including excavation and fill on

EASEMENTS FOR SLOPE

AND CONSTRUCTION PURPOSES,

adjoining Beyer Boulevard

between Dairy Mart Road and Interstate Highway No. I-805.

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D. Certain grading and the planting and installation of trees and appurtenances and appurtenant work along the northeasterly and northerly line of

BEYER BOULEVARD

between a line approximately 1,000 feet southeasterly of and parallel with the centerline of Dairy Mart Road and a line approximately 500 feet northwesterly of and parallel with the centerline of Smythe Avenue; and between Interstate Highway No. I-805 and a line approximately 350 feet southeasterly of and parallel with the centerline of Smythe Avenue.

E. Certain grading and the construction of certain paving, curbs, gutters, sidewalks, and driveway entrances and appurtenances and appurtenant work on portions of

COTTONWOOD ROAD

between the northerly line of Beyer Boulevard and a line approximately 240 feet northerly of and parallel with said line;

OTAY MESA ROAD AND

WEST PARK AVENUE

between the centerline of Beyer Boulevard and lines approximately 120 feet northerly and 80 feet southerly of and parallel with said centerline.

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F. Certain grading and the construction of certain paving, curbs, gutters, and sidewalks and appurtenances and appurtenant work on portions of

NORTH LANE

between the northerly line of Beyer Boulevard and a line approximately 25 feet northerly of and parallel with said line.

G. The construction and installation of a traffic signal and safety lighting system and appurtenances and appurtenant work at the intersection of

BEYER BOULEVARD,

OTAY MESA ROAD, AND

WEST PARK AVENUE

and on Beyer Boulevard between lines approximately 385 feet easterly and westerly of and parallel with the centerline of Otay Mesa Road; and on Otay Mesa Road and West Park Avenue between lines approximately 110 feet northerly and southerly of and parallel with the centerline of Beyer Boulevard.

H. Certain grading and the construction of a water line, water service, and fire hydrant and appurtenances and appurtenant work on portions of

BEYER BOULEVARD

between the centerline of Cottonwood Road and a line approximately 130 feet westerly of and parallel with said centerline.

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I. Certain grading and the construction of sanitary sewers and sewer laterals and appurtenances and appurtenant work on portions of

BEYER BOULEVARD

between a line approximately 720 feet southeasterly of and parallel with the northeasterly line of Del Sur Boulevard and a line approximately 470 feet northwesterly of and parallel with the centerline of Smythe Avenue; and between Interstate Highway No. I-805 and a line approximately 130 feet westerly of and parallel with the centerline of Cottonwood Avenue.

J. Certain grading and paving of driveways located on private property, when consented to by the property owner and where necessary to eliminate any disparity in the level or size between the street improvements and the private property.

Section 3. The Council hereby makes the cost and expense of the improvement chargeable upon a district, which district this Council hereby declares to be the district benefited by said improvement and to be assessed to pay the cost and expense thereof. The Council hereby declares that all lots and parcels of land belonging to the United States, the State of California, the county, the city, any school district,

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or any other special district and in use in the performance of any public function shall be and are hereby omitted from the assessment hereafter to be made to cover the costs and expenses of the improvement. The district is described by a map of the assessment district, designated "Plat No. 3909," consisting of three sheets, numbered 1, 2, and 3, which indicates by a boundary line the extent of the territory included in the proposed district and which shall govern for all details as to the extent of the assessment district. The map is hereby approved and reference is hereby made to the map for a description of the district. The City Clerk is hereby directed to endorse his certificate, on the original and a copy of the map of the assessment district, evidencing the adoption of this resolution, to file the original of the map in the Office of the City Clerk and to file the copy with the County Recorder of the County of San Diego.

Section 4. Pursuant to the Municipal Improvement Act of 1913 the Council hereby determines and declares that bonds shall be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds shall be issued to represent each assessment of \$50 or over remaining unpaid for 30 days after the date of recording the assessment. The bonds shall be serial bonds and shall extend over

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a period ending nine years from the second day of January next succeeding the next September 1st following their date. The bonds shall bear interest at a rate to be determined upon the sale thereof. The maximum rate of interest to be paid on the bonds and indebtedness shall be eight percent, payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464, Streets and Highways Code, the Council hereby elects to have the redemption provisions of the bonds provide for a premium of five percent of the unpaid principal of said bonds. Assessments under \$50 shall be subject to the penalties and costs, and collected as provided in Section 10600.1, Streets and Highways Code.

Section 5. It is hereby ordered that a portion of the cost and expense of the improvement shall be contributed by The City of San Diego. The contribution by the city shall be in the amount of \$820,534.00 and shall be paid out of the city treasury from such fund or funds as the Council may hereafter designate. The contribution shall be first deducted from the total estimated costs and expenses of the improvement and the assessment of property in the district shall include only the remainder of the estimated costs and expenses.

Section 6. In the opinion of this Council the public interest will not be served by allowing property owners to

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take the contract or contracts and hereby provides that such property owners shall not take the contract or contracts.

Section 7. Pursuant to Section 10100.1, Streets and Highways Code, upon written request by the property owner, the work will include the construction of certain driveways on private property to eliminate any disparity in level or size between the improvement on public property and the private property. The Council determines that it is in the public interest and is more economical to do such work on private property than to adjust the work on public property to eliminate such disparity. The actual cost of such work shall be added to the assessment of the lot on which the work is done.

Section 8. After completion of the improvement and payment of all claims from the improvement fund, the surplus, if any, remaining in the improvement fund shall be used as follows:

(a) If the entire surplus does not exceed the lesser of \$1,000 or five percent of the total amount expended from the improvement fund, the entire surplus shall be transferred to the General Fund of the city.

(b) If the entire surplus is more than the amount specified in subparagraph (a), it shall be applied as

a credit upon the assessment and any supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2, Streets and Highways Code.

If any surplus results for the reasons stated in Section 10427.5, Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 9. The proposed improvement hereinbefore described is hereby referred to the Superintendent of Streets and the Superintendent of Streets is hereby directed to make and file with the City Clerk a report in writing containing all of the matters required by said Municipal Improvement Act of 1913.

Section 10. The proposed improvement and proceedings therefor are to be under and pursuant to the Municipal Improvement Act of 1913.

APPROVED: JOHN W. WITT, City Attorney

By: Paul E. Robinson  
Paul E. Robinson, Deputy

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Passed and adopted by the Council of The City of San Diego on FEB 15 1978,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By *Allyn D. Hewitt*, Deputy.

(Seal)

CITY OF SAN DIEGO  
 1978 FEB -7 31 8 05  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 220289 Adopted FEB 15 1978

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