

RESOLUTION NO. 220290

R. 78-1433
Feb. 15, 1978

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING A REPORT PREPARED PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS AND OBJECTIONS TO THE IMPROVEMENTS, DIAGRAM AND ASSESSMENT DESCRIBED AND CONTAINED IN THE REPORT AND WHETHER PUBLIC CONVENIENCE AND NECESSITY REQUIRES SUCH IMPROVEMENTS AND GIVING NOTICE THEREOF.

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

WHEREAS, this Council adopted Resolution of Intention No. 220289, declaring its intention to order certain improvements under the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code), referring the improvements described therein to the Superintendent of Streets, directing the Superintendent of Streets to make and file with the City Clerk a Report in writing containing all of the matters required by the Municipal Improvement Act of 1913; and

WHEREAS, the Superintendent of Streets has made and filed a Report in writing with the City Clerk, Document No. 762729, and the City Clerk has presented the Report to this Council for consideration; and

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WHEREAS, under Section 17 of Article XIII of the Constitution of the State of California, Section 2804, Streets and Highways Code, and Sections 61.0101 to 61.0111, inclusive, of the San Diego Municipal Code, this Council proposes after notice and hearing, to find and determine by no less than a four-fifths vote of all the members thereof, that the public convenience and necessity require such improvements and to order such improvements without application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing at Section 2800, Streets and Highways Code) and the debt limitation and majority protest provisions of said Act; NOW, THEREFORE,

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

Section 1. The Council has considered and passed on the Report. The Report, as filed, is hereby approved. The Report, including the plans, specifications, estimate of costs and expenses, diagram and assessment incorporated therein by reference, are on file in the office of the City Clerk and may be examined by any interested person. Reference is made to the plans and specifications for a full and detailed description of the proposed work and grades.

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Section 2. NOTICE IS HEREBY GIVEN that April 4, 1978, at the hour of 2:00 P.M. in the Council Chambers of the Council at the City Administration Building, 202 "C" Street, City of San Diego, are the day, hour and place fixed for the hearing of protests and objections by the Council. Any and all persons having any protest or objection to the proposed improvements, the extent of the assessment district, the proposed assessment, or the proposed grades, may appear before the Council at the hearing, and show cause why the proposed improvement should not be carried out and the proposed assessment and diagram confirmed, all in accordance with the resolution of intention and Report. Protests or objections must be in writing and must be delivered to the City Clerk of said city, at or before the time set for the hearing. Any such protest or objection must contain a description of the property in which each signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. Inquiries concerning the protest proceedings may be made in person or by mail to the Special Districts Section, Engineering and Development Department in the City Operations Building, 1222 1st Avenue, San Diego, California 92101, or by calling that office at telephone number (714) 236-6010.

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Section 3. NOTICE IS FURTHER GIVEN that at the previously mentioned day, hour and place, and concurrently with the aforementioned hearing, the Council will also hold a public hearing on the question of whether public convenience and necessity require 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. Notice of the public hearing provided for by this section shall be published, posted and mailed by the same means, at the same time, and in the same manner as for the hearing provided by Section 2 hereof.

Section 4. The City Clerk is hereby directed to cause notices of the passage of this resolution to be posted, and is also directed to mail notices of the adoption of the resolution of intention and the filing of said Report, both such notices to be given at the time and in the form and manner provided by law.

Section 5. The City Clerk is further directed to cause a Notice of Improvement to be published twice in THE SAN DIEGO DAILY TRANSCRIPT, a newspaper of general circulation published and circulated in The City of San Diego, the first such publication to be made at least twenty (20) days before the date set herein for the hearing of protests.

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. Newitt, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number 220290 Adopted FEB 15 1978

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