

RESOLUTION NO. 220653 April 17, 1978

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO PARTICIPATE IN THE FINANCING OF CERTAIN ACQUISITIONS AND IMPROVEMENTS FOR FLOOD CONTROL AND STREET PURPOSES WITHIN THE CITY PURSUANT TO THE SAN DIEGO IMPROVEMENT DISTRICT PROCEDURAL ORDINANCE; DESCRIBING THE DISTRICT TO BE BENEFITED BY THE ACQUISITIONS AND IMPROVEMENTS AND TO BE ASSESSED TO PAY A PORTION OF THE COST AND EXPENSE THEREOF; OMITTING CERTAIN 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 CITY ENGINEER TO MAKE AND FILE A WRITTEN REPORT.

(Tia Juana River Flood Improvement District)

WHEREAS, this Council proposes to take proceedings under the San Diego Improvement District Procedural Ordinance (commencing with Section 61.0301 of the San Diego Municipal Code) to participate in the financing of certain acquisitions and improvements for flood control and street purposes within the city; and

WHEREAS, the work has been accepted as a project by the United States Section of the International Boundary and Water Commission, United States and Mexico, and by the Corps of Engineers, Department of the Army of the United

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States, and applicable law, rules, regulations, and orders require the Corps of Engineers, as the participating agency, to be in control of the work and project; and

WHEREAS, a map of the assessment district, designated "Plat No. 3939," 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; 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 Tia Juana River Flood Improvement District pursuant to the San Diego Improvement District Procedural Ordinance.

Section 2. The public interest and convenience require and the Council hereby declares its intention to participate in the financing of certain acquisitions and improvements within the city for flood control and street purposes, such proposed acquisitions and improvements being described as follows, to wit:

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I. The acquisition in fee simple of certain real property, or of easements or other interests therein, for flood control and public street purposes in portions of the

TIA JUANA RIVER VALLEY  
SOUTHERLY OF INTERSTATE  
HIGHWAY NO. I-5

between the international boundary line of the United States of America and the Republic of Mexico and a line approximately 1,000 feet easterly of and parallel with the centerline of the southerly prolongation of 27th Street.

The real property, or easements or other interests therein, to be acquired are more particularly shown on City of San Diego Right of Way Drawings, Numbers 17170-1-D to 17170-19-D, inclusive, and reference is made thereto for a full and detailed description of the proposed acquisitions.

II. On the real property, or easements or other interests therein, to be acquired for flood control purposes, certain grading and the construction of certain flood control channels, an energy dissipator to reduce water velocity, levees, a sediment deposition basin, other flood control facilities, drainage facilities, relocation of water and sanitary sewage facilities, landscaping and irrigation

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facilities and appurtenances and appurtenant work in portions of the:

TIA JUANA RIVER VALLEY,  
SOUTHERLY OF INTERSTATE  
HIGHWAY NO. I-5

between the international boundary line of the United States of America and the Republic of Mexico and a line approximately 1,000 feet easterly of and parallel with the centerline of the southerly prolongation of 27th Street.

III. The widening of existing Dairy Mart Road and certain grading and the construction of certain paving and appurtenances and appurtenant work on the widened street, being that portion of:

EXISTING DAIRY MART ROAD

between the southerly line of Interstate Highway No. I-5 and a line approximately 1,640 feet southerly of and parallel with said southerly line.

IV. The relocation of a portion of existing Dairy Mart Road and certain grading and the construction of certain paving and a bridge and appurtenances and appurtenant work on the relocated street, being:

PROPOSED DAIRY MART ROAD

from a point in the centerline of existing Dairy Mart Road approximately 1,640 feet southerly of the southerly line of Interstate Highway No. I-5, thence southwesterly therefrom a distance of approximately 4,270 feet to the northerly line of Monument Road.

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Section 3. The work and the project are to be performed under the auspices and control of the Corps of Engineers, Department of the Army, the participating agency. The City of San Diego, the State of California, and the United States of America are sharing and contributing a combined estimated amount of \$10,684,489 towards the costs and expenses of the work and project. The proposed share of the costs and expenses to be borne by benefited property within the assessment district is the estimated amount of \$700,940.

Section 4. The Council hereby makes the proposed share of the cost and expense of the acquisitions and improvements to be borne by the benefited property chargeable upon a district, which district this Council hereby declares to be the district benefited by the acquisitions and improvements to be assessed to pay said share of the cost and expense thereof. The Council hereby declares that all lots and parcels of land belonging to the United States 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. 3939," consisting of one sheet, 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.

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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 5. Pursuant to the San Diego Improvement District Procedural Ordinance and 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 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

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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 6. 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 \$404,600 and shall be paid out of the city treasury from such fund or funds as the Council may hereafter designate. The city contribution, together with state and federal contributions, 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 7. Any payments made upon the assessments and the proceeds of any bonds issued shall be paid, at least in part, to the Corps of Engineers, the participating agency or, in the event that the city advances funds to the participating agency pursuant to Section 61.0340 of the San Diego Municipal Code, shall be paid directly to the city in reimbursement of the funds advanced by the city to the participating agency.

Section 8. After completion of the acquisitions and improvements and the payment of all claims from the

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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 City Engineer and the City Engineer is hereby directed to make and file with the City Clerk a report in writing containing all of the matters required by the San Diego Improvement District Procedural Ordinance.

Section 10. The proposed improvement and proceedings therefor are to be under and pursuant to the San Diego Improvement District Procedural Ordinance.

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 \_\_\_\_\_  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

By Betty Gooding, Deputy.

Office of the City Clerk, San Diego, California

Resolution  
Number

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Adopted

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