

RESOLUTION NO. 221067

(R. 78-2357)

RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN DIEGO, CALIFORNIA, OVERRULING  
PROTESTS AND OBJECTIONS, MAKING FINDINGS,  
CONFIRMING DIAGRAM AND ASSESSMENT AND  
APPROVING THE MAKING OF ACQUISITIONS  
AND IMPROVEMENTS

(Tia Juana River Flood Improvement District)

WHEREAS, in proceedings under the San Diego Improvement District Procedural Ordinance (commencing with Section 61.0301 of the San Diego Municipal Code), the Council adopted resolution of intention, Resolution No. 220653, ordering the City Engineer to prepare the Report required by that ordinance and pursuant thereto the City Engineer prepared the Report, consisting of plans and specifications describing the proposed acquisitions and improvements, an estimate of the costs and expenses thereof, a diagram showing the assessment district, and a proposed assessment of such costs and expenses, the Report being on file with the City Clerk; and

WHEREAS, the Council by Resolution No. 220654 approved the Report, as filed, and appointed a time and place of hearing thereon and also for a public hearing on the question of whether public convenience and necessity require such improvements and whether the Special Assessment

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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 Resolutions Nos. 220653 and 220654 were duly published, posted and mailed, as provided by the ordinance, and the hearings were duly held at the time and place so fixed and all continuances thereof, if any, were duly made and ordered; and

WHEREAS, pursuant to Public Law 91-190 of the United States of America (National Environmental Policy Act of 1969) a "Final Environmental Statement, Tia Juana River Flood Control Project, San Diego, California," dated May 20, 1976, has been prepared by the U.S. Army Engineer District, Los Angeles, California, and the Council has considered the report's contents; and

WHEREAS, the Council adopted Resolution No. 221066 ordering certain changes described therein; and

WHEREAS, at the hearings 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 in respect to the Report, the diagram and assessment,

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the proposed acquisitions and improvements, the boundaries of the proposed assessment district, the serial bonds to be issued to represent unpaid assessments, the changes, the question of whether 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, or in any way relating to the Report and the proceedings proposed by the resolution of intention; and

WHEREAS, the Council has received evidence relating to the Report, the proposed acquisitions and improvements, the boundaries of the proposed assessment district, the assessment, the changes, and the 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 acquisitions and improvements has been made by the owners of more than one-half of the area of the land included within the assessment district. Except to the extent

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of any changes ordered by the Council, each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied. This order overruling and denying protests, adopted by the affirmative vote of four-fifths of the members of the Council, is made pursuant to Section 61.0333 of the San Diego Municipal Code.

Section 2. The assessment, as changed by Resolution No. 221066 and diagram are hereby confirmed.

Section 3. The Council hereby declares its approval of the Report and the assessment, as changed by Resolution No. 221066, and the making by the Corps of Engineers, Department of the Army of the United States, the participating agency, of the proposed acquisition and improvement and, to the extent required by law or contract, declares that the funds collected from the assessments or sale of bonds shall be tendered to the participating agency. Reference is hereby made to the resolution of intention and the Report for a full and detailed description and for further particulars.

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 JUN 6 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 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 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.

(Seal)

By Betty Gooding, Deputy.

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 CITY CLERK'S OFFICE  
 1978 MAY 30 PM 1:53  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 221067 Adopted JUN 6 1978

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