

RESOLUTION NO. R-251692

(R. 80-1905)

APR 28 1980

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 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.

(Camino del Rio South, Texas Street
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 acquisitions and improvements within the City of San Diego; and

WHEREAS, portions of the proposed improvements consisting of the installation of certain underground electrical and communications utilities and proposed agreement for the construction of said facilities have been presented to this council; and

WHEREAS, a map of the assessment district, designated "Plat No. 3952," showing the exterior boundaries of the proposed assessment district has been presented to the Council;

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

NOW, THEREFORE,

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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 Camino del Rio South, Texas Street 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 the City of San Diego, such proposed improvements (sometimes hereinafter referred to as the "improvements") being described generally as follows: grading; the construction of certain curbs, gutters, paving, sidewalks, driveway entrances, water and sewer facilities, modifications to drainage facilities, retaining walls, and concrete structures; and the installation of electrical and communication utilities underground. The improvements shall be constructed generally at the locations, within the limits and of the dimensions, on and in Camino del Rio South between Texas Street and Interstate Highway No. I-805, within the established rights of way therefor as they now exist and as the same shall be widened and realigned, all as shown and described on City Drawings Numbers 16991-1-D through 16991-18-D, on file in the Office of the City Clerk, Document No. D-02191. The improvements shall be constructed to the grades as shown on the plans, drawings, and specifications therefor as shall hereafter be approved and adopted by the Council, and the grades so established, changed and modified shall be the official grade of the streets and places to be improved.

Section 3. Under the provisions of Sections 10109 to 10111, inclusive, Streets & Highways Code, the Council declares its intention to enter into an agreement with San Diego Gas & Electric Co. for the construction and installation of underground electric facilities, form of such proposed agreement being on file in the Office of the City Clerk under Document No. 251692.

Section 4. This 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, 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 acquisition and improvement. The district is described by a map of the assessment district designated "Plat No. 3952," consisting of 2 sheets, numbers 1 to 2, inclusive, which indicate 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 5. 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 \$150 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 fourteen 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 unmatured principal of said bonds. Assessments under \$150 shall be subject to the penalties and costs, and collected as provided in Section 10600.1, Streets and Highways Code.

Section 6. In the opinion of the Council, the public interest will not be served by allowing property owners to take the contract or contracts and hereby provides that such property owners shall not take the contract or contracts.

Section 7. 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 8. 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 cost of such work shall be added to the assessment of the lot on which the work is done.

Section 9. The proposed improvements hereinbefore described are 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 improvements and proceedings therefor are to be under and pursuant to the Municipal Improvement Act of 1913.

Section 11. The Special Districts Section of the Engineering and Development Department is designated as department or agency to answer inquiries regarding the protest proceedings.

APPROVED: JOHN W. WITT, City Attorney

By: *Janis Sammartino Gardner*
Janis Sammartino Gardner,
Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on APR 28 1980,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<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"/>
Mike Gotch	<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"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-251692 Adopted APR 28 1980