

OCT 27 1980

A RESOLUTION OF PRELIMINARY DETERMINATION AND OF INTENTION

CAMINO DEL RIO SOUTH, TEXAS STREET TO I-805
ASSESSMENT DISTRICT

RESOLVED, by the City Council of the City of San Diego,
California, as follows:

1. Said Council does hereby preliminarily determine that the public interest, convenience and necessity require, and that it intends to order the work to be done and improvements to be made all as more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

2. To the extent that work, rights, or improvements indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this entity, or of any public utility, it is the intention of the City Council to enter into an agreement or agreements with the public agency or public utility or both pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Streets and Highways Code of the State of California, which agreement or agreements shall provide for the ownership by said agency or utility of such works, rights, improvements or acquisitions by said agency or utility in accordance with its rates, rules and regulations, and that said agreement or agreements shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement or agreements.

3. It is intended by the City Council of said City to enter into an agreement with the San Diego Gas & Electric Co., which

agreement will provide for the ownership by said Company of underground electrical power distribution and service facilities to be installed in said project, and for the providing of services to the properties in said area by said Company in accordance with its rates, rules and regulations, and that said agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out its terms. Said proposed agreement is on file in the office of the City Clerk under Document No. RR-252948.

4. Said streets and highways herein mentioned are shown on maps of record in the office of the County Recorder of San Diego County, State of California, and shall be shown upon the plans herein referred to and to be filed with the City Clerk of said City.

5. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done herein.

6. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

7. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

8. Said Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the City of San Diego.

9. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

10. In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on said private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, said work on private property shall, with the written consent of the owner of said property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which said work is to be done.

11. The descriptions of the improvements and the termini of the work contained in this resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work, as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

12. Said contemplated improvements, in the opinion of said Council, are of more than local or ordinary public benefit, and the cost and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof designated Plat No. 3952 and entitled "Proposed Boundaries of Assessment District No. 3952, City of San Diego, County of San Diego, California", on file in the office of the City Clerk, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

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13. Said Council further declares that all public streets, highways, lanes and alleys within said assessment district in use in the performance of a public function as such, shall be omitted from the assessment hereafter to be made to cover the cost and expenses of said acquisitions and improvements.

14. Notice is hereby given that, except as herein otherwise provided, serial bonds to represent unpaid assessments, and bear interest at the rate of not to exceed ten percent (10%) per annum, will be issued hereunder in the manner provided by Division 7 of the Streets and Highways Code, the Improvement Act of 1911, and the last installment of such bonds shall mature not to exceed fourteen (14) years from the second day of January next succeeding the next September 1st following their date. Said bonds shall be made payable to bearer and provide a premium of 5% of the unmatured principal thereof on call. The City Council hereby elects that the first 1% penalty on said bonds shall be retained by the Treasurer and shall be charged as a cost of servicing the delinquency.

15. Notice is further given that all assessments under one hundred fifty dollars (\$150) which are not paid within 30 days after recordation of the assessment will be delinquent and shall bear interest at the rate of 1% per month, the interest to be computed from the date of the bonds. The Council may order the collection of any such delinquent assessments pursuant to either Chapter 18 or Chapter 18.1 of Part 3 of said Division 7 of the Streets and Highways Code.

16. Except as herein otherwise provided for the issuance of bonds, all of said acquisitions and improvements shall be made and done as provided in the Municipal Improvement Act of 1913, Division 12 of said Streets and Highways Code, and Section 19 of Article XVI of the Constitution of the State of California.

17. Said proposed improvements are hereby referred to the Superintendent of Streets of said City as the officer having charge and control of the construction of public improvements in and for said City of the kind described herein, being a competent person employed by said City for that purpose, and said Superintendent of Streets is hereby directed to make and file with the City Clerk of said City a report, in writing, presenting the following:

- a) Maps and descriptions of the lands and easements to be acquired;
- b) Plans and specifications of the proposed improvements to be made pursuant to this resolution;
- c) Engineer's estimate of the total cost and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith;
- d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of this resolution, each of which subdivisions shall be given a separate number upon said diagram;
- e) A proposed assessment of the total amount of the cost and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements.

When any portion or percentage of the cost and expenses of the improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of said improvements, and said assessment shall include only the remainder of the estimated cost and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

18. Notice is hereby given that, in the opinion of the Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of said Streets and Highways Code, no notice of award of contract shall be published.

19. If any excess shall be realized from the assessment it shall be used, in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

- a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the Improvement Fund;
- b) As a credit upon the assessment and any supplemental assessment; provided that such surplus may, if the City Council so determines, also be applied as a credit to the City on account of contributions made by it towards the cost and expenses of the improvements;
- c) For the maintenance of the improvements.

20. The total estimated cost of said project is \$1,094,271.34, less San Diego Gas & Electric Co. costs of \$248,017.00, leaving an estimated balance of \$846,254.34 to be assessed.

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APPROVED: JOHN W. WITT, City Attorney

By: Janis Sammartino Gardner
Janis Sammartino Gardner, Deputy

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EXHIBIT "A"

- a) The improvement of Camino Del Rio South between Texas Street and I-805 by widening to a 4-lane roadway with surface improvements, including certain grading and the construction of certain curbs, gutters, sidewalks, paving, drainage facilities, and other appurtenant work, including the installation of underground utilities.

- b) The construction of all work auxiliary to any of the above and necessary to complete the same

EXHIBIT "A"

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Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Rita Andromeda Deputy.

Office of the City Clerk, San Diego, California

Resolution
Number

7C-252941

Adopted

OCT 27 1980