

RESOLUTION NO R-254083

(R. 81-1901)

APR 28 1981

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO PARTICIPATE IN THE FINANCING OF CERTAIN WORK AND IMPROVEMENTS FOR EARTH STABILIZATION PURPOSES, WITHIN THE CITY PURSUANT TO THE SAN DIEGO IMPROVEMENT DISTRICT PROCEDURAL ORDINANCE; DESCRIBING THE DISTRICT TO BE BENEFITED BY THE WORK AND IMPROVEMENTS AND TO BE ASSESSED TO PAY A PORTION OF THE COST AND EXPENSE THEREOF; 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.

(Rowena Street Stabilization Assessment 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 work and improvements for land stabilization purposes within the City; and

WHEREAS, the work and improvements have been or shall be performed by and under the auspices and control of the City as the participating agency;

WHEREAS, a map of the assessment district, designated "Plat No. 3967," showing the exterior boundaries of the

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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 Rowena Street Stabilization Assessment 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 work and improvements within the City for earth stabilization purposes, such work and improvements being described as follows, to wit:

The physical repair of a landslide area between Rowena Street and Monte Verde Drive, located approximately 290 yards northwest of their intersection, together with the recompaction of a supporting buttress fill, and drainage system, for the primary purposes of stabilizing and protecting certain public streets, facilities and lands; and the removal and compaction of excess material as an embankment in the existing canyon site southwesterly of Monte Verde Drive.

Section 3. The work and the improvements have been performed under the auspices and control of the City as the participating agency. The City and the San Diego Gas and Electric Company are sharing and contributing a combined estimated amount of \$646,061.50 towards the costs and expenses of the work and improvements. The proposed share of the costs and expenses to be borne by specially benefited property within the assessment district is the estimated amount of \$263,643.16. Further, the City owns certain lands within the assessment district which will bear their appropriate share of the proposed assessment.

Section 4. The Council hereby makes the proposed share of the cost and expense of the work and improvements to be borne by the specially benefited property chargeable upon a district, which district this Council hereby declares to be the district specially benefited by the work 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 work and improvements. The district is described by a map of the assessment district designated "Plat No. 3967," 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. 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 \$150 or over remaining unpaid for 30 days after the date of recording assessment. The bonds shall be serial bonds and shall extend over a period ending 9 years from the 2d 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 10%, payable semiannually, which rate shall not be exceeded in the issuance of the bonds. The Council hereby elects to have the redemption provisions of the bonds provide for a premium of 5% of the unpaid principal of said bonds. If

any installment of the principal of the unpaid assessment or of interest thereon is not paid to the City Treasurer on or before the due date of June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, the Treasurer shall, after the close of business on the due date, add to the principal or interest so delinquent a penalty of 2% of the total amount of such delinquency, and at the beginning of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 2% of the amount of such delinquency. The Treasurer shall collect such penalties with and as a part of the delinquent payment. The Council hereby elects to have the last sentence of the default clause of the bonds provide that the 2% penalty first imposed shall be retained by the Treasurer as a cost of servicing the delinquency and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment. 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. It is hereby ordered that a portion of the cost and expense of the improvement shall be contributed by the City of San Diego, in addition to the assessments against City-owned lands. The contribution by the City shall be in the

amount of \$636,061.50 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 other contributions, shall be first deducted from the total estimated costs and expenses of the work and improvements 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 the bonds issued shall be paid at the direction of the City, the participating agency, or, in the event that the City advances or has advanced funds 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.

Section 8. After completion of the work and improvements and the 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 5% 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.

(c) 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 foregoing matters are 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. These proceedings are to be under and pursuant to the San Diego Improvement District Procedural Ordinance.

APPROVED: JOHN W. WITT  
City Attorney

By:



Robert S. Teaze  
Assistant City Attorney

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Dick Murphy	<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.

By Raymond L. Pontreow, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-254083 Adopted APR 28 1981