

RESOLUTION NO. R-254885

(R-82-256)

AUG 25 1981

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN DIEGO, CALIFORNIA, MAKING FINDINGS,
CONFIRMING DIAGRAM AND ASSESSMENT, AS
AMENDED, AND ORDERING WORK

WHEREAS, in proceedings under the Municipal Improve-
ments Act of 1913, the Council adopted its resolution of inten-
tion, Resolution No. R-254572, ordering the Engineer
of Work to cause the Report required by said Act to be
prepared, and pursuant thereto the Engineer of Work caused said
Report to be prepared, consisting of the description and
depiction of the work and improvements, an estimate of the
costs and expenses of said work and improvements, a diagram
showing the assessment district, and a proposed assessment of
the costs and expenses of the proposed work and improvements,
said Report being on file with the City Clerk as Document
No. D-2227-7; and

WHEREAS, the Council, By Resolution No. R-254673,
approved said Report, as filed, and appointed a time and place
of hearing thereon and also on the question whether the Special
Assessment 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 Resolution
Nos. R-254672 and R-254673 were duly published,

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posted and mailed, as provided by said Act, and said hearing was duly held at the time and place so fixed; and

WHEREAS, the Council adopted Resolution No. R-254984 ordering certain changes and modifications; and

WHEREAS, at said hearing all persons desiring to be heard were fully heard, and all oral and written protests and objections, if any, were fully heard, and the Council gave all persons present an opportunity to hear and be heard with respect to said Report, the diagram and assessment, the work and improvements, the boundaries of the proposed assessment district, the bonds to be issued to represent unpaid assessments, the question whether the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof shall apply, said changes and modifications, and in any way relating to the Report and the proceedings proposed by said resolution of intention; and

WHEREAS, the Council has received and considered Environmental Impact Report No. 78-12-43 relating to the proposed work and improvements; and

WHEREAS, the Council has received evidence relating to the Report, the work and improvements, the boundaries of the proposed assessment district, the assessment, said changes and

modifications, and the special benefits to the property to be included in the proposed assessment district;

NOW, THEREFORE, the Council of the City of San Diego, State of California, DOES HEREBY FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Each and all oral and written protests and objections, if any, made or filed in the matter are hereby overruled and denied.

Section 2. The Council finds that each of the lots and parcels of land proposed to be assessed will be specially benefitted by the work and improvements substantially in proportion to the amount of the proposed assessment against such lot and parcel, and, accordingly, the assessment contained in said Report, and the diagram, as amended by Resolution No. R-254884, is hereby confirmed.

Section 3. The Council hereby declares that the Report, as amended, is approved, and orders the work and improvements to be made as described in the Resolution of Intention and said Report, as amended. Reference is hereby made to said Resolution of Intention, said Report, and Resolution No. R-254884, for a full and complete description of the work and improvements and for further particulars.

Section 4. The Council finds and determines that the owners of more than 60% of the lands to be assessed have waived

the application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 and the debt limitation and majority protest provisions thereof, and, further, that the total estimated amount of the assessment, as referenced in the Report, as amended, will not exceed 75% of the fair market value of the land proposed to be assessed after the proposed public improvements shall have been constructed; and, accordingly, said Act shall not apply to these proceedings.

Section 5. The Street Superintendent is hereby instructed to record the assessment and diagram, as so amended, in his office in accordance with the provisions of Section 10600 of the Streets and Highways Code.

Section 6. The City Clerk is hereby directed to file a copy of the assessment diagram and a notice of assessment, with attached list of owners of property assessed pursuant to Section 27288.1 of the Government Code, with the County Recorder as required by law.

Section 7. The City Clerk shall cause a Notice of Recordation of Assessment and Statement of Assessments Due and Payable to be published in The Daily Transcript, as required by law; and the Street Superintendent shall mail individual Notices of Recordation of Assessments and Statements of Assessments Due and Payable to the property owners, as required by law. Said notices shall provide that payments of assessments shall be made to the City Treasurer, which officer

is hereby designated by the Council as the official to make
collection of said assessments.

APPROVED: JOHN W. WITT, City Attorney

By: James Sammartino Gardin
Deputy

AUG 25 1981

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Barbara Benziger, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-254885 Adopted AUG 25 1981