

RESOLUTION NO. R-255465

DEC 7 1981

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN WORK AND IMPROVEMENTS, INCLUDING ROCK REVETMENTS, REINFORCED EARTH WALLS, GROUTING, AND LANDSCAPING, WITHIN THE CITY, PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913; DESCRIBING THE PROPOSED WORK AND IMPROVEMENTS; SPECIFYING THE EXTERIOR BOUNDARIES OF THE DISTRICT TO BE BENEFITED BY SAID WORK AND IMPROVEMENTS AND TO BE ASSESSED TO PAY A PORTION OF THE COSTS AND EXPENSES THEREOF; DETERMINING AND DECLARING THAT BONDS SHALL BE ISSUED PURSUANT TO THE IMPROVEMENT ACT OF 1911 TO REPRESENT UNPAID ASSESSMENTS TO BE LEVIED; PROVIDING FOR THE DISPOSAL OF ANY SURPLUS REMAINING IN THE IMPROVEMENT FUND AFTER THE COMPLETION OF THE WORK AND IMPROVEMENTS; AND DIRECTING THE CITY ENGINEER TO MAKE AND FILE A WRITTEN REPORT AS PROVIDED BY SAID 1913 ACT.

(Sunset Cliffs Shoreline Stabilization
Assessment District)

WHEREAS, a map of a proposed assessment district, designated Plat No. 3975, denominated "Proposed Boundaries of Sunset Cliffs Shoreline Stabilization Assessment District," has been presented to the Council, showing the exterior boundaries of the proposed assessment district; and

WHEREAS, the Council, having before it for consideration and having considered that certain environmental impact report under File No. 77-01-10-S1, and the same having been approved by Resolution No. R-253786 of the Council; and

WHEREAS, the Council having found that the public interest, convenience, and necessity require the work and improvements hereinafter described;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of San Diego hereby declares its intention to order the

work and improvements hereinafter described to be done and made in the City of San Diego under the provisions of Municipal Improvement Act of 1913; and therefore,

IT IS HEREBY RESOLVED, DETERMINED, AND ORDERED as follows:

Section 1. The Council hereby initiates proceedings for the formation of an assessment district to be called "Sunset Cliffs Shoreline Stabilization Assessment District," pursuant to the provisions of the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code) to pay a portion of the cost and expense of the work and improvements required therefor as hereinafter described (which work and improvements are herein sometimes referred to individually and collectively as the "improvements").

Section 2. Pursuant to the provisions of Sections 5105, 5101(g), 5101(n), and 5101(p) of the Streets and Highways Code, incorporated by reference in the Municipal Improvement Act of 1913, as well as any other provision prescribed by law, the public interest, convenience, and necessity require, and it is the intention of the Council of the City of San Diego to order, the following improvements to be made, done, and installed in the City of San Diego, described generally as follows: work and improvements necessary and proper to preserve and protect public streets, facilities, and lands in and near the upper and lower cliffs of the shoreline between

Narragansett and Osprey Streets within public rights of way and public places in the Sunset Cliffs area of the City, and on private property with the owners' consent pursuant to Streets and Highways Code Section 5105(c), consisting, in general, among other things, of rock revetments, reinforced earth walls, landscaping, irrigation systems, backfill, stairways, grouting, splash walls, vehicular and pedestrian access, and elevated sand beaches, and works and appurtenant work in connection therewith. The recitation of any provision of law authorizing the improvements referred to herein shall not be exclusive of any other provisions of law authorizing the improvements, and any other such provisions are hereby deemed referred to and relied upon for such authorization.

Section 3. The improvements shall be constructed generally at the locations, within the limits, and of the dimensions, on and in the public and private places as more particularly shown and described on City Drawings Numbers 19990-1-D through 19990-52-D on file in the Office of the City Clerk, Document No. 02233-1, which drawings are hereby referred to for particulars.

Section 4. The improvements shall be constructed as shown on the plans, profiles, drawings, cross-sections, and specifications therefor as shall hereafter be approved and adopted by the Council, which plans, profiles, drawings, cross-sections, and specifications are hereby referred to for further particulars.

01053

Section 5. The Council hereby makes a portion of the cost and expense of the improvements chargeable upon a district, which district the Council hereby declares to be the district specially benefited by the improvements and to be assessed to pay a portion of the cost and expense thereof. The district is described by said map of the assessment district, designated "Plat No. 3975," consisting of 3 sheet(s), which indicates by a boundary line the extent of the territory to be included in the proposed district, and which shall govern for all details as to the extent of the assessment district. Said map is hereby approved, and reference is hereby made to said map for a description of the district. The City Clerk is hereby directed to endorse his certificate on the original and one 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 6. The Council hereby declares that any lot or parcel of land belonging to the United States, or to the State of California, or to any county, city, public agent, mandatory of the government, school board, educational or reform institution, or institution for the feebleminded or the insane, and in use in the performance of any public function, and which may be within the exterior boundaries of the district to be assessed to pay the costs and expenses of the improvements,

01054

R- 255465

shall be omitted from any assessment hereafter to be made to cover the costs and expenses of said acquisition.

Section 7. The Council hereby determines and declares that bonds shall be issued pursuant to the Improvement Act of 1911 (commencing with Section 5000 of the 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 the recording of the assessment in the office of the Street Superintendent. The bonds shall be dated the thirty-first day after recordation of the assessment. The bonds shall be serial bonds and shall extend over a period not exceeding 14 years from the second day of January next succeeding the next September 1st following their date. The exact maturity or maturities of the bonds shall be finally determined at the time of the award thereof. The bonds shall bear interest at a rate to be determined upon the award thereof. The maximum rate of interest to be paid on the bonds and indebtedness shall not exceed the maximum rate allowed by law on the date of award, payable semiannually, which rate shall not be exceeded in the issuance of the bonds. Pursuant to Section 6464 of the Streets and Highways Code, the Council hereby elects to have the redemption provisions of the bonds provide for a premium of 5% of the unmatured principal of the bonds.

If any installment of the principal of any unpaid assessment or of interest thereon is not paid to the City Treasurer on or before the due date next preceding the date upon which the coupons representing it are payable to the bondholder, then 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 day of 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 serving 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 of the Streets and Highways Code.

Section 8. The Council hereby determines and declares that the public interest will not be served by allowing the property owners to contract for the improvements, or any portion thereof, and, therefore, the property owners shall be barred from electing to take any portion of the contract.

01056

R- 255465

Section 9. After completion of the improvements and payment of all claims from the improvement fund, the amount of the surplus, if any, remaining in the improvement fund shall be used:

(a) For transfer to the General Fund of the City, provided that the amount of any such transfer shall not exceed \$10,000, or

(b) If the total surplus shall be greater than that referenced in subparagraph (a) above, then the total surplus shall be applied as a credit upon the assessment and any supplemental assessment, in the manner provided in Sections 10427.1 and 10427.2 of the Streets and Highways Code. If any surplus results for the reasons stated in Section 10427.5 of the Streets and Highways Code, such surplus shall be disposed of as provided in said Section 10427.5.

Section 10. The proposed improvements are hereby referred to the City Engineer of the City, and the City Engineer is hereby directed to cause a Report in writing to be made and filed with the City Clerk containing all of the matters required by the Municipal Improvement Act of 1913.

Section 11. The improvements, and all proceedings therefor, shall be done under and pursuant to the provisions of the Municipal Improvement Act of 1913, and the bonds shall, as authorized by said Municipal Improvement Act of 1913, be issued pursuant to and as provided for in the Improvement Act of 1911.

Section 12. The Council hereby declares its intention that the City shall contribute towards the cost of the improvements a sum not exceeding \$836,000, including amounts previously authorized for the project by the Council, which shall be paid out of the treasury of the City of San Diego from such fund or funds as the Council shall designate.

APPROVED: John W. Witt, City
Attorney

By: 

Deputy

11/6/81
Or. Dept: E&D
Aud. Cert: 82334
R-82-801

DEC 7 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 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"/>
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"/>
Ed Struiksma	<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 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 Marjorie L. Pontecorvo Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255465 Adopted DEC 7 1981