

RESOLUTION NUMBER R- **255576**

Adopted on **JAN 04 1982**

RESOLUTION OF INTENTION FOR THE IMPROVEMENT OF FAIRMOUNT AVENUE BETWEEN MISSION GORGE ROAD AND TWAIN AVENUE UNDER THE PROVISIONS OF SAN DIEGO MUNICIPAL CODE AND THE IMPROVEMENT ACT OF 1911.

BE IT RESOLVED, that the Council of The City of San Diego proposes and intends to order the following work to be done and improvements to be made in said City under the provisions of the Improvement Act of 1911 and amendments thereto, and that the alternate procedures authorized by Article XVI, Section 19 of the California Constitution and provided for in Sections 61.0101 through 61.0111 of the San Diego Municipal Code shall be followed in lieu of the procedures of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, such work being more particularly described as follows:

Section 1

DESCRIPTION OF WORK

That FAIRMOUNT AVENUE between Mission Gorge Road and Twain Avenue, in said City, be graded; that certain paving, curb, sidewalk, commercial driveways, storm drain and appurtenant work be constructed therein and establish the grade thereon.

That the said work hereinabove described in FAIRMOUNT AVENUE, in said City, shall be done to the grade shown and indicated on the plans and profiles on file in the office of the City Clerk of said City, and hereinafter referred to, and reference is hereby made

to said plans and profiles for the description of the grade at which the work is to be done.

It is the opinion of the City Council that the public interest will not be served by allowing the property owners to take over the contract for the abovementioned improvements; therefore, Section 5249, Division 7, Part 3, of the Streets and Highways Code will not apply.

#### Section 2

##### PLANS, PROFILES, DRAWINGS AND SPECIFICATIONS

All of the work hereinbefore generally described shall be constructed in the manner, at the locations, within the limits, of the materials, of the dimensions, and to the official grades as shown upon and in accordance with the plans, profiles, drawings, typical cross-sections and specifications therefor contained in Document No. 02215-1 on file in the office of the City Clerk, copies of which are on file in the office of the City Engineer, and by this reference thereto all said plans, profiles, drawings, typical cross-sections and specifications are made a part hereof.

#### Section 3

##### DESCRIPTION OF ASSESSMENT DISTRICT

The contemplated work and improvement hereinbefore mentioned is, in the opinion of the Council, of more than local ordinary public benefit, and the expenses of such work and improvement are made chargeable upon the district hereinafter described, and the Council does declare said district to be the

district benefited by the work and improvement, and to be assessed to pay the costs and expenses thereof. The district is described as follows:

All that real property in the said City of San Diego included within the exterior boundary lines of said District, as shown upon Plat No. 3976, which plat, approved by the Council is on file in the office of the City Clerk, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the plat for a further full and more particular description of the assessment district and the plat so on file shall govern for all details as to the extent of the assessment district.

#### Section 4

##### DESCRIPTION OF BONDS

Serial bonds bearing interest at the rate of twelve percent (12%) per annum shall be issued to represent each unpaid assessment of one hundred fifty dollars (\$150) or more, to represent the expenses of the acquisition, work and improvement, all as provided by the "Improvement Act of 1911," being Part 5, Division 7, of the Streets and Highways Code. The interest rate on the Bonds may not exceed the maximum rate allowed by law at the time of award. Bidders should be aware that the maximum rate allowed by law will change between the date of this notice and the date of award from 10% to 12% per annum. Bidders are therefore invited to submit bids based upon the interest rate which will be in effect at the time of award. The bonds shall extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following

11 the City Treasurer adds and collects penalties due to delinquent payment of payment of principal and interest on any bond pursuant to Section 6442 of the Streets and Highways Code, as amended, the Treasurer is hereby authorized to retain the first 2% penalty as a cost of servicing the delinquency.

## TIME AND PLACE OF HEARING

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when and where any and all persons having any objections or protests as to the proposed work or improvement, to the grades at which the work is to be done, or to the extent of the district to be assessed, may appear and show cause why the proposed improvement should not be carried out in accordance with the Resolution of Intention; failure to make objections at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages.

Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing, all as more particularly provided in Division 7 of the Streets and Highways Code of the State of California.

Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Street Superintendent at the City Operations Building, 1222 First Avenue, San Diego, California 92101 or telephone (714) 236-6010.

#### Section 6

#### IMPROVEMENT ACT

All of the work herein proposed shall be done in pursuance of an act of Legislature of the State of California designated as the "Improvement Act of 1911," and amendments thereto, being Division 7 of the Streets and Highways Code of the State of California.

Section 7

PUBLICATION OF RESOLUTION  
OF INTENTION

The City Clerk is directed to cause this Resolution of Intention to be published twice at least ten days before the date of the hearing in the City Official Newspaper.

The City Clerk is directed to mail notices of the adoption of this Resolution of Intention, postage prepaid, to all persons owning real property proposed to be assessed, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for under California Streets and Highways Code, Sections 5070, 5194 and 5195.

Section 8

POSTING OF NOTICE  
OF IMPROVEMENT

The Street Superintendent shall cause to be conspicuously posted along the line of the contemplated work of improvement and along all open streets within the district liable to be assessed for the work notices of the passage of this Resolution of Intention in time, form and manner provided by the Streets and Highways Code.

APPROVED: John W. Witt, City Attorney

By   
John K. Riess, Deputy

JKR:mmm:831.2  
11/30/81  
Or.Dept:E&D  
R-82-937  
Form=r.rill

JAN 04 1982

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. Pulecio Deputy.

Office of the City Clerk, San Diego, California

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