

RESOLUTION NO. R-255164

(R-82-1660)

APR 6 1982

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, AMENDING ITS RESOLUTION OF INTENTION TO PROVIDE FOR THE ISSUANCE OF BONDS TO REPRESENT AND BE SECURED BY UNPAID ASSESSMENTS PURSUANT TO THE SAN DIEGO IMPROVEMENT DISTRICT PROCEDURAL ORDINANCE OF 1982 RATHER THAN THE IMPROVEMENT ACT OF 1911.

(Sunset Cliffs Shoreline Stabilization Assessment District)

WHEREAS, in proceedings under the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code), the Council adopted its Resolution of Intention, Resolution No. R-255465, declaring its intention to order certain public improvements in the City and to make the costs and expenses of the improvements chargeable upon a district containing lands specially benefitted by the improvements and to be assessed to pay a portion of the costs and expenses thereof; and

WHEREAS, in Section 7 of said Resolution of Intention the Council determined that bonds shall be issued pursuant to the Improvement Act of 1911 ("1911 Act") to represent assessments remaining unpaid for 30 days after the date of the recording of the assessment in the Office of the Street Superintendent; and

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WHEREAS, the Council has determined that it would not be in the best interests of the City or the property owners to issue bonds under the 1911 Act; and

WHEREAS, on February 22, 1982, the Council adopted Ordinance No. O-15668 (New Series) amending Chapter VI, Article 1, of the San Diego Municipal Code by adding thereto a new Division 23, to be cited as the "San Diego Improvement Procedural Ordinance of 1982" (the "Procedural Ordinance"), which ordinance became effective on the 30th day from and after its passage;

WHEREAS, Part 7 of the Procedural Ordinance provides that improvement bonds may be issued under said ordinance as provided in the Improvement Bond Act of 1915 with certain exceptions as provided in said Part 7; and

WHEREAS, the Council believes that it would be in the best interests of the City and the property owners for bonds to be issued pursuant to said Part 7 rather than the 1911 Act; and

WHEREAS, it is necessary and appropriate to amend said Resolution of Intention to provide for the issuance of bonds pursuant to Part 7 of the Procedural Ordinance rather than pursuant to the 1911 Act; and

WHEREAS, on March 2, 1982, the Council adopted Resolution No. R-255938 declaring its intention to amend its Resolution of Intention to so provide and setting a time and place

for hearing on any and all protests and objections to such amendment; and

WHEREAS, notices of the passage of said Resolution No. R-255938 were duly published and mailed as required by law, and said hearing was duly held at the time and place so fixed or as the same was duly continued; and

WHEREAS, at said hearing all persons desiring to be heard were fully heard, and all oral and written protests and objections, if any, to the proposed amendment to the Resolution of Intention were fully heard and the Council gave all persons present an opportunity to hear and be heard with respect to said proposed amendment; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego as follows:

Section 1. Each and all oral and written protests and objections, if any, made or filed in connection with said proposed amendment to the Resolution of Intention, Resolution No. R-255465, are hereby overruled and denied.

Section 2. The public interest, convenience and necessity require the Council to amend and the Council does hereby amend, its Resolution of Intention in these proceedings, Resolution No. R-255465, by deleting Section 7 thereof in its entirety and in its place substituting the following:

"Section 7. The Council hereby determines and declares, and notice is hereby given,

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that serial bonds shall be issued under the provisions of the San Diego Improvement District Procedural Ordinance of 1982 (being Division 23 of the San Diego Municipal Code) and in particular pursuant to the provisions of Part 7 thereof, as provided for in Division 10 of the California Streets and Highways Code (the Improvement Bond Act of 1915) except as otherwise expressly provided in said Part 7, to represent and be secured by assessments remaining unpaid after the cash collection period. The last installment of said bonds shall mature a maximum of 15 years from the 2nd day of July next succeeding the first 10 months after their date (the exact maturities to be determined by subsequent resolution of the Council. The bonds shall bear interest at a rate to be determined upon the sale thereof, which rate shall not exceed the rate allowed by law at the time of issuance of the bonds, payable semi-annually, which rate shall not be exceeded in the issuance of the bonds. The provisions of Part 7 of Division 23 of the


San Diego Municipal Code and the provisions of Division 10 of California Streets and Highways Code (except as provided in said Part 7) shall apply to said bonds. Council hereby further declares its intention to have the alternative procedures for collecting the assessments and advance retirement of the bonds, as set forth in Part 11.1 of Division 10 of the Streets and Highways Code, apply in these proceedings."

Section 3. Except as otherwise expressly provided, said Resolution of Intention shall not otherwise be amended, altered, or changed and shall remain in full force and effect.

APPROVED:

John W. Witt, City Attorney

By:


Deputy

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Passed and adopted by the Council of The City of San Diego on APR 6 1982,
 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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Barbara Berridge Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R- 256164 Adopted APR 6 1982