

RESOLUTION NO. R- 256482

(R-82-1972)

REV.

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING INTENTION TO ORDER THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TOGETHER WITH APPURTENANCES IN A PROPOSED ASSESSMENT DISTRICT PURSUANT TO THE PROVISIONS OF THE "MUNICIPAL IMPROVEMENT ACT OF 1913"; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY BENEFIT; DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; AND PROVIDING FOR THE ISSUANCE OF BONDS.

**MAY 25 1982**

(Assessment District No. 3879 - Mira Mesa Boulevard)

THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA (hereinafter referred to as "Agency") DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest and convenience require, and it is the intention of this body, pursuant to the provisions of Division 12 of the Streets and Highways Code of the State of California (the "Municipal Improvement Act of 1913"), to order the construction of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district known and designated as

ASSESSMENT DISTRICT NO. 3879  
(MIRA MESA BOULEVARD BETWEEN PARKDALE  
AVENUE AND LUSK INDUSTRIAL PARK)

(hereinafter referred to as the "Assessment District").

DESCRIPTION OF IMPROVEMENTS

A. The construction of certain improvements, together with appurtenances and appurtenant work and acquisition, if necessary, in certain public streets and rights-of-way in the Assessment District, as set forth in Exhibit "A" attached hereto, incorporated and so referenced.

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B. Said streets, rights-of-way and easements shall be shown upon the plans herein referred to and to be filed with these proceedings.

C. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

D. The description of the improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work as contained in the Engineer's "Report" shall be controlling as to the correct and detailed description thereof.

E. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

F. Notice is hereby given of the fact that in many cases said work and improvement will bring the finished work to a grade different from that formerly existing, and that to said extent, said grades are hereby changed and said work will be done to said changed grades.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 2. That said improvements and work are of direct benefit to the properties and land within the Assessment District, and Agency hereby makes the expenses of said work and improvement chargeable upon a district, which said Assessment District is hereby declared to be the Assessment District

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benefited by said work and improvements and to be assessed to pay the costs and expenses thereof, including incidental expenses and costs and which is described as follows:

All that certain territory in the District included within the exterior boundary lines shown on the plat exhibiting the property affected or benefited by or to be assessed to pay the costs and expenses of said work and improvements in the Assessment District, said map titled and identified as

"PROPOSED BOUNDARIES OF  
ASSESSMENT DISTRICT NO. 3879  
(MIRA MESA BOULEVARD BETWEEN PARKDALE  
AVENUE AND LUSK INDUSTRIAL PARK)"

and which said map was heretofore approved and which said map or diagram is on file with the transcript of these proceedings, EXCEPTING from the area shown within and delineated upon said map or plat hereinabove referred to, the area of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, and all easements and rights-of-way therein contained belonging to the public. For all particulars as to the boundaries of the Assessment District, reference is hereby made to said boundary map heretofore previously approved, and for a complete description of said Assessment District, the said plat and proposed boundary map on file shall govern.

REPORT OF ENGINEER

SECTION 3. That this proposed improvement is hereby referred to the City Engineer, who is hereby directed to make and file the report in writing containing the following:

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A. Plans and specifications of the proposed improvements;

B. An estimate of the cost of the proposed works of improvement, including the cost of the incidental expenses in connection therewith.

C. A diagram showing the Assessment District above referred to, which shall also show the boundaries and dimensions of the respective subdivisions of land within said Assessment District, as the same existed at the time of the passage of the Resolution of Intention, each of which subdivisions shall be given a separate number upon said Diagram;

D. A proposed assessment of the total amount of the assessable costs and expenses of the proposed improvement upon the several divisions of land in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement. Said assessment shall refer to such subdivisions upon said diagram by the respective numbers thereof;

E. The description of the works of improvement to be constructed under these proceedings, and acquisition, where necessary.

When any portion or percentage of the cost and expenses of the improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated costs and expenses of said work and improvements, and said assessment shall include only the remainder of the estimated costs and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to Subsection D. of this Section.

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BONDS

SECTION 4. Notice is hereby given that serial bonds to represent the unpaid assessments, and bear interest at the rate of not to exceed the current legal maximum rate of twelve percent (12%) per annum, will be issued hereunder pursuant to the San Diego Improvement District Procedural Ordinance of 1982 (Division 23, San Diego Municipal Code), and in particular, pursuant to Part 7 thereof, and applicable Sections of the "Improvement Bond Act of 1915", being Division 10 of the Streets and Highways Code of the State of California. The last installment of said bonds shall mature a maximum of and not to exceed FOURTEEN (14) YEARS from the second day of July next succeeding ten (10) months from their date. The provisions of Part 11.1 of the "Improvement Bond Act of 1915", being Division 10 of the Streets and Highways Code of the State of California, providing an alternative procedure for the advance payment of assessments and the callig of bonds shall apply.

The principal amount of the bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of the bonds, and the amount of principal maturing in each year, plus the amount of interest payable in that year, will be generally an aggregate amount that is equal each year, except for the first year's adjustment.

"MUNICIPAL IMPROVEMENT ACT OF 1913"

SECTION 5. That except as herein otherwise provided for the issuance of bonds, all of said improvements shall be made and ordered pursuant to the provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California.

SURPLUS FUNDS

SECTION 6. That if any excess shall be realized from the assessment, it shall be used, in such amounts as the Agency may determine, in

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accordance with the provisions of law for one or more of the following purposes:

A. Transfer to the general fund of the Agency; provided that the amount of any such transfer shall not exceed the lesser of One Thousand Dollars (\$1,000.00) or five percent (5%) of the total from the Improvement Fund;

B. As a credit upon the assessment and any supplemental assessment; or

C. For the maintenance of the improvement.

SPECIAL FUND

SECTION 7. That the legislative body of Agency hereby establishes a special fund designated

"IMPROVEMENT FUND FOR  
ASSESSMENT DISTRICT NO. 3879  
(MIRA MESA BOULEVARD BETWEEN PARKDALE  
AVENUE AND LUSK INDUSTRIAL PARK)"

into which funds may be transferred at any time to expedite the making of the improvement herein authorized, and said funds are a loan and shall be repaid out of the proceeds of the sale of assessments as authorized by law.

PRIVATE CONTRACT

SECTION 8. Notice is hereby given that the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of the Streets and Highways Code of the State of California, no notice of award of contract shall be published.

GRADES

SECTION 9. That notice is hereby given that the grade to which the work shall be done is to be shown on the plans and profiles therefor, which

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grade may vary from the existing grades. The work herein contemplated shall be done to the grades as indicated on the plans and specifications, to which reference is made for a description of the grade at which the work is to be done. Any objections or protests to the proposed grade shall be made at the public hearing to be conducted under these proceedings.

#### PROCEEDINGS INQUIRIES

SECTION 10. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the below designated person at the department indicated:

THOMAS MEADE  
CITY OF SAN DIEGO  
CITY OPERATIONS BUILDING  
1222 FIRST AVENUE  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (714) 236-7056

#### ACQUISITION

SECTION 11. That the public interest, convenience and necessity requires that certain land, rights-of-way or easements be obtained in order to allow the works of improvement as proposed for this Assessment District to be accomplished. For a general description of the location and extent of the easements or land necessary to be acquired, reference is hereby made to a right-of-way map on file with the transcript of these proceedings.

#### PUBLIC CONVENIENCE AND NECESSITY

SECTION 12. That, pursuant to the provisions of Section 17 of Article XIII of the Constitution of the State of California, and Section 2804 of the Streets and Highways Code, a hearing will be held to find and determine whether public convenience and necessity require said work or improvements and acquisition.

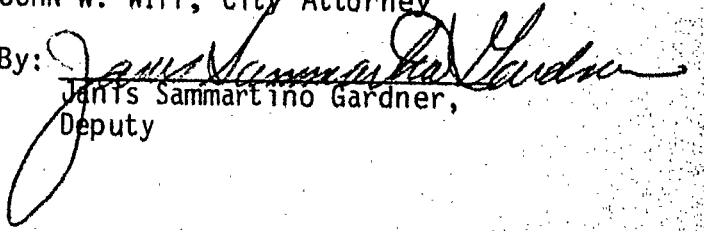
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APPROVED:

JOHN W. WITT, City Attorney

By:

  
Janis Sammartino Gardner,  
Deputy

5/13/82

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CITY OF SAN DIEGO

ASSESSMENT DISTRICT NO. 3879  
(MIRA MESA BOULEVARD BETWEEN PARKDALE  
AVENUE AND LUSK INDUSTRIAL PARK)

EXHIBIT "A"

The works of improvement are generally described as follows:

The construction of certain street improvements, including grading, paving and drainage improvements, together with appurtenances and appurtenant work, including acquisition, if necessary, in ASSESSMENT DISTRICT NO. 3879 (MIRA MESA BOULEVARD BETWEEN PARKDALE AVENUE AND LUSK INDUSTRIAL PARK).

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MAY 25 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 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.

(Seal)

By Raynell L. Pontecorvo Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-256482 Adopted MAY 25 1982