

RESOLUTION NO. R-257180

(R-83-399)

SEP 20 1982

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA, APPROVING
A PROPOSED RESOLUTION OF INTENTION AND
REQUESTING CONSENT AND JURISDICTION

(Assessment District No. 3987 - Otay Mesa Road)

WHEREAS, the CITY COUNCIL of the CITY OF SAN DIEGO, CALIFORNIA, proposes the acquisition of certain public rights-of-way, together with appurtenances, in connection with a street improvement project, in a special assessment district known and designated as

ASSESSMENT DISTRICT NO. 3987
(OTAY MESA ROAD)

(hereinafter referred to as the "Assessment District"), and as set forth and described in the proposed Resolution of Intention annexed hereto; and it is the opinion of the City Council that the purpose sought to be accomplished by said project can best be achieved by a single comprehensive scheme of improvement, with proceedings conducted 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, and financed pursuant to the provisions of the City of San Diego Improvement District Procedural Ordinance of 1982 (Division 23, San Diego Municipal Code), and applicable Sections of the "Improvement Bond Act of 1915", being Division 10 of said Code; and,

WHEREAS, it is required and hereby further requested that the consent of the COUNTY OF SAN DIEGO (hereinafter referred to as "Consenting Agency") be procured to the authorizing of said project, improvements, assessing benefited parcels, and acquisition of necessary properties, all as described in the proposed Resolution of Intention, a copy of which is attached hereto.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

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SECTION 2. That the proposed Resolution of Intention attached hereto be, and the same is hereby adopted and approved as the proposed Resolution of Intention for the acquisition and improvements above referred to in the Assessment District, and that the consent of the Consenting Agency is hereby requested for the following:

1. Formation of the Assessment District;
2. Authority to order improvements;
3. Authority and power to acquire necessary rights-of-way, where necessary;
4. Power to assess benefited properties;
5. The assumption of jurisdiction by this City for all purposes in connection with the Assessment District;
6. The consent and approval of the enclosed proposed Resolution of Intention and the contents thereof; and
7. Consent to and approval of the map forwarded indicating the extent of territory included in the proposed Assessment District.

SECTION 3. The City Clerk is hereby directed to forward a certified copy of this Resolution, together with the proposed Resolution of Intention attached hereto, and a copy of the map indicating the extent of the territory included in the proposed Assessment District to Consenting Agency.

SECTION 4. The works of improvement and properties to be assessed lie within the boundaries of the incorporated limits of the City of San Diego, and also the unincorporated territory of the County of San Diego.

SECTION 5. This request is authorized pursuant to the provisions of Section 10103 of the Streets and Highways Code of the State of California.

APPROVED:

JOHN W. WITT, City Attorney

By: 

John Riess, Deputy

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RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING INTENTION TO ORDER THE ACQUISITION OF CERTAIN RIGHT-OF-WAYS, 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.

(Assessment District No. 3987 - Otay Mesa Road)

THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, 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 acquisition of certain street right-of-ways, together with appurtenances and appurtenant work, in a special assessment district known and designated as

ASSESSMENT DISTRICT NO. 3987
(OTAY MESA ROAD)

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

DESCRIPTION OF THE PROJECT

A. The acquisition of necessary street rights-of-way, together with appurtenances, in the Assessment District, as set forth in Exhibit "A" attached hereto.

B. Said street 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 acquisition and related street improvements are to be constructed at the places and in the particular

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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 acquisition of rights-of-way contained 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 acquisition of rights-of way is of direct benefit to the properties and land within the Assessment District, and the City Council hereby makes the expenses of said acquisition and appurtenances chargeable upon a district, which said district is hereby declared to be the Assessment District benefited and to be assessed to pay the costs and expenses thereof, including incidental expenses and costs and which is described as follows:

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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. 3987
(OTAY MESA ROAD)"

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 on file shall govern.

REPORT OF ENGINEER

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

- A. Plans and specifications;
- B. An estimate of the cost of the proposed acquisition, including the cost of the incidental expenses in connection therewith;

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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 acquisition upon the several divisions of land in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisition. Said assessment shall refer to such subdivisions upon said diagram by the respective numbers thereof;

E. The description of the acquisition and appurtenant work to be constructed under these proceedings.

When any portion or percentage of the cost and expenses of the acquisition 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 acquisition, 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.

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 provisions of the City of San Diego Improvement District Procedural Ordinance of 1982 (Division 23, San Diego Municipal Code),

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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 which 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 said Act, providing an alternative procedure for the advance payment of assessments and the calling 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.

Pursuant to the provisions of the Streets and Highways Code of the State of California, specifically Section 10603, the Treasurer is hereby designated as the officer to collect and receive the assessments during the cash collection period. Said bonds further shall be serviced and collected by the Treasurer, or designated paying agent.

"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 City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

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A. Transfer to the general fund; 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 this City Council hereby establishes a special fund designated

"IMPROVEMENT FUND FOR
ASSESSMENT DISTRICT NO. 3987
(OTAY MESA ROAD)"

into which funds may be transferred at any time to expedite the making of the acquisitions 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.

GRADES

SECTION 8. 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 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 9. 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, STREET SUPERINTENDENT
CITY OPERATIONS BUILDING
1222 FIRST STREET
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (714) 236-7056

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PUBLIC PROPERTY

SECTION 10. All public property in the use and performance of a public function shall be omitted from assessment in these proceedings unless expressly provided and listed herein.

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 maps 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 the public convenience and necessity require said acquisition.

APPROVED:

JOHN W. WITT, City Attorney

By: _____

John Riess, Deputy

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CITY OF SAN DIEGO
ASSESSMENT DISTRICT NO. 3987
(OTAY MESA ROAD)

EXHIBIT "A"

The project consists of the financing of acquisition costs necessary to widen OTAY MESA ROAD to an 80-foot width, from a point Easterly of INTERSTATE HIGHWAY 805, thence extending Easterly to a point Westerly of HARVEST ROAD; together with the acquisition of certain street right-of-way to open a public right-of-way 80 feet in width in the vicinity of HARVEST ROAD, running Southeasterly from OTAY MESA ROAD to the proposed Second Border Crossing, at a point approximately 1800 feet Easterly of HARVEST ROAD. For particulars and a general location, see the attached map. The construction of all necessary street improvements and related incidental expenses for said project will be funded by contributions from City, County, State and Federal funds.

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Passed and adopted by the Council of The City of San Diego on SEP 20 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 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Roward, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-257180 Adopted SEP 20 1982