

RESOLUTION NO. R-258355

APR 26 1983

RESOLUTION OF THE COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA,
CONFIRMING THE ASSESSMENT, ORDER-
ING THE ACQUISITION MADE, TOGETHER
WITH APPURTENANCES, AND APPROVING
THE ENGINEER'S "REPORT"

(Assessment District No. 3987 - Otay Mesa Road)

WHEREAS, the CITY COUNCIL of the CITY OF SAN DIEGO, CALIFORNIA, did,
on the 28th day of March, 1983, adopt its Resolution of Intention No. R-258146,
for the acquisition of certain street rights-of-way, 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"); and,

WHEREAS, pursuant to said Resolution of Intention, a "Report", as
therein provided, was presented, considered and approved; and,

WHEREAS, said "Report", as preliminarily approved, contained all the
matters and items called for by law and as pursuant to the provisions of the
"Municipal Improvement Act of 1913", being Division 12 of the Streets and High-
ways Code of the State of California, including the following:

1. A map showing the proposed acquisition of easements;
2. Estimate of cost;
3. Diagram of Assessment District;
4. An assessment according to benefits; and,

WHEREAS, this City Council has heard and considered all protests and
a full hearing has been given, all in the manner provided by law; and,

WHEREAS, notices of said hearing were duly and regularly posted,
mailed and published in the time, form and manner required by law and as evi-
denced by affidavits on file with the transcript of these proceedings; and,

WHEREAS, the owners of one-half (1/2) of the area assessed for the cost of the project did not file written protests against the said proposed acquisition, where appropriate, and this City Council did, after providing a full hearing, overrule and deny all protests and objections; and,

WHEREAS, this City Council is now satisfied with the assessment and all matters contained in the "Report" as now submitted.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

SECTION 2. That the "Report", consisting of the assessment and diagram for the acquisition, together with appurtenances and appurtenant work in connection therewith, is hereby confirmed.

SECTION 3. That the public interest and convenience require the proposed acquisition, and therefore said City Council hereby orders the acquisition to be done, together with appurtenances and appurtenant work in connection therewith, in said Assessment District, as set forth in the Resolution of Intention previously adopted and as set forth in the "Report" presented and considered, and as now submitted.

SECTION 4. That the assessment contained in said "Report" is hereby levied upon the respective subdivisions of land in the Assessment District as set forth in said "Report".

SECTION 5. That the City Clerk shall forthwith deliver to the Superintendent of Streets the said assessment, together with the diagram attached thereto and made a part thereof, as confirmed by this City Council, with his certificate of such confirmation attached and the date thereof; and that said Superintendent of Streets shall then immediately record said diagram and assessment in his Office in a suitable book to be kept for that purpose and attach thereto his certificate of the date of such recording.

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SECTION 6. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the Assessment District at his last known address, as the same appears on the tax rolls of the County or as on file in the Office of the City Clerk, or to both addresses if said address is not the same, or to General Delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on unpaid assessments pursuant to the City of San Diego Improvement Procedural Ordinance of 1982 (Division 23, San Diego Municipal Code), and applicable Sections of the "Improvement Bond Act of 1915".

SECTION 7. That said Superintendent of Streets shall also give notice by publishing a copy of a notice of recording of assessment in the newspaper previously selected to publish all notices as provided by law, giving notice that said assessment has been recorded in his Office and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within thirty (30) days after the date of recording the assessment, which date shall be so stated in said notice, and of the fact that securities will be issued upon unpaid assessments.

SECTION 8. Upon confirmation of the assessments and recordation of the assessment roll and diagram, a certified copy of the assessment diagram shall be immediately filed in the Office of the County Recorder. Immediately thereafter, a copy of the notice of assessment shall be recorded in the Office of the County Recorder in the manner and form as set forth by law and specifically Section 3114 of the Streets and Highways Code of the State of California.

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SECTION 9. That the Treasurer is hereby authorized and directed to establish a special fund account to be known as the IMPROVEMENT FUND, and designated by the name of this Assessment District, into which fund shall be paid all payments to be received upon said assessment, and the proceeds of the sale of securities to be issued representing unpaid assessments.

SECTION 10. That the Treasurer is hereby further authorized to establish a SPECIAL RESERVE FUND, into which the designated amount shall be transferred and held in trust for the bondholders and used to assist final discharge by any payment by property owners within the boundaries of the Assessment District.

APPROVED:

JOHN W. WITT, City Attorney

By: 
John K. Riess, Deputy

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Passed and adopted by the Council of The City of San Diego on APR 26 1983
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

(Seal)

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

By *Maxwell L. Pontecorvo*, Deputy.

Office of the City Clerk, San Diego, California

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 Number _____ Adopted _____