

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 31 1983

(Assessment District No. 3990 - Lopez Canyon Sewer and Retention Basin)

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 construction of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district known and designated as

ASSESSMENT DISTRICT NO. 3990  
(LOPEZ CANYON SEWER AND RETENTION BASIN)"

(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. For further particulars, reference is hereby made to a map of said Assessment District previously adopted.

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 this City Council makes the expenses of said work and improvement chargeable upon a district, which said Assessment District is hereby declared to be the Assessment District 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. 3990  
(LOPEZ CANYON SEWER AND RETENTION BASIN)"

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 improvement is hereby referred to the appointed SUPERINTENDENT OF STREETS, who is hereby directed to make and file the report in writing containing the following:

- A. Plans and specifications of proposed improvements;
- B. An estimated 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.

#### 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 Procedural Ordinance of 1982 (Division 23, San Diego Municipal Code), 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:

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. 3990  
(LOPEZ CANYON SEWER AND RETENTION BASIN)"

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 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 person designated below:

R-258560 00592

THOMAS O. MEADE, STREET SUPERINTENDENT  
CITY OF SAN DIEGO  
CITY OPERATIONS BUILDING  
1222 FIRST AVENUE  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (619) 236-7056

PUBLIC PROPERTY

SECTION 11. 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.

PUBLIC CONVENIENCE AND NECESSITY

SECTION 12. That, pursuant to the provisions of Section 19 of Article XVI 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. A hearing will be held to find and determine whether the public convenience and necessity requires said work and improvements, without compliance with the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931".

WORK ON PRIVATE PROPERTY

SECTION 13. It is hereby further determined to be in the best public interest and convenience and more economical to do certain work on private property to eliminate any disparity in level or size between the improvements and the private property. The actual cost of such work is to be added to the assessment on the lot on which the work is done, and no work of this nature is to be performed until the written consent of the property is first obtained.

APPROVED:

JOHN W. WITT, City Attorney

By:   
John R. Riess, Deputy

5/16/83  
832.31

R-258560

00593

CITY OF SAN DIEGO  
ASSESSMENT DISTRICT NO. 3990  
(LOPEZ CANYON SEWER AND RETENTION BASIN)

EXHIBIT "A"

The proposed works of improvement are generally described as follows:

The construction of approximately 15,950 lin.ft. of collector sewer system, consisting of 12-inch and 18-inch sewer pipe, concrete manholes, concrete encasements, concrete cradles, cut-off walls, and hydroseeding, together with appurtenances and appurtenant work; approximately 7,550 lin.ft. of sewer mains consisting of 8-inch, 10-inch, 12-inch and 18-inch sewer pipe, cement treated backfills, concrete manholes, cut-off walls, jute material and hydroseeding, together with appurtenances and appurtenant work; and a storm water retention basin consisting of rock filled gabion embankment, reinforced concrete, 6-ft. high chainlink fencing, earth cover, seeding and landscaping, together with appurtenances and appurtenant work, to serve and benefit properties located within the boundaries of ASSESSMENT DISTRICT NO. 3990 (LOPEZ CANYON SEWER AND RETENTION BASIN).

R-258560

00594



Passed and adopted by the Council of The City of San Diego on MAY 31 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

(Seal)

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

By James A. Blackhall, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258560 Adopted MAY 31 1983