

(R-86-830)

RESOLUTION NUMBER R- 264480

ADOPTED ON NOV 18 1985

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, MAKING APPOINTMENTS IN SPECIAL ASSESSMENT PROCEEDINGS AND APPROVING AGREEMENTS.

(First San Diego River Improvement Project Assessment District)

WHEREAS, the City Council of the City of San Diego, California, is considering the formation of a special assessment district, pursuant to the terms and provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, for the construction of certain public works of improvement, together with appurtenances and appurtenant work, said special assessment district known and designated as

FIRST SAN DIEGO RIVER IMPROVEMENT  
PROJECT ASSESSMENT DISTRICT

(hereinafter referred to as the "Assessment District"); and,

WHEREAS, at this time, this City Council is desirous of making the required appointments and designating persons to perform certain duties, in order to allow the proceedings to go forward to completion in accordance with the provisions of law.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

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

SECTION 2. That Thomas O. Meade is hereby appointed to perform all of the duties and functions of the Superintendent of Streets as said duties are specified and designated in the

"Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, for the above referenced Assessment District, and the Superintendent of Streets shall be the person who shall submit to the City Council the "Report" as required pursuant to the "Municipal Improvement Act of 1913."

SECTION 3. That the place for recordation of the assessment roll and diagram shall be in the office of the Superintendent of Streets, and said assessment roll and diagram, upon recordation, shall be kept as a permanent record.

SECTION 4. That the Daily Transcript is hereby designated as the newspaper for all publications as required by law and as necessary for completion of this Assessment District.

SECTION 5. That Nasland Engineering is hereby appointed the Design Engineer for said proceedings pursuant to the terms and conditions of a Design Engineering Agreement submitted herewith, which Agreement is hereby accepted and approved for execution, and the Design Engineer is hereby authorized to proceed to immediately prepare and finalize the plans and specifications for the work of improvements.

SECTION 6. That Willdan Associates is hereby appointed as Assessment Engineer for said proceedings pursuant to the terms and conditions of an Assessment Engineering Agreement submitted herewith, which Agreement is hereby accepted and approved for execution. The Assessment Engineer of Work shall perform all of the duties and responsibilities as set forth by law as they relate to said Assessment District.

SECTION 7. That Kadie-Jensen & Johnson is hereby appointed the Financial Consultant for said proceedings pursuant to the terms and conditions of a Financial Consultant Agreement submitted herewith, which Agreement is hereby accepted and approved for execution, and the Financial Consultant is hereby appointed to obtain a proposal or bid for the sale of bonds to be issued in order to finance said proceedings, and said bonds are to be issued pursuant to the terms and 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 the Streets and Highways Code of the State of California.

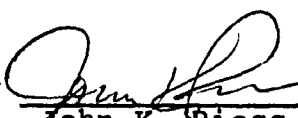
SECTION 8. That F. MacKenzie Brown, Inc., Attorneys at Law, is hereby appointed to act as Bond Counsel for the purposes of preparing proceedings and issuing an approving opinion attesting to the validity of the proceedings and the enforceability of the bonds, pursuant to the terms and conditions of a Special Counsel Agreement submitted herewith, which Agreement is hereby accepted and approved for execution.

SECTION 9. That the Reimbursement Agreement, as submitted herewith, relating to the reimbursement for preliminary expenses, is hereby approved and authorized for execution.

SECTION 10. That this City Council hereby establishes a special Improvement Fund designated by the name and number of the Assessment District, and into said fund shall be placed all proceeds from the sale of bonds and cash collections. In order to expedite the improvements or acquisition under these

proceedings and as authorized by law, funds from any available source may be transferred into said special fund. Any funds transferred are a loan to the fund and shall be repaid out of the proceeds of the sale of bonds, all as required and authorized by law, and specially Section 10210 of the Streets and Highways Code of the State of California.

APPROVED: John W. Witt, City Attorney

By   
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:mem  
11/8/85  
Or.Dept:E&D  
R-86-830  
Form=r.none  
A.C:86456

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATION OF UNALLOTTED BALANCE      AC 86456

ORIGINATING DEPT. NO.: 540

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 626,000.00      Fund 79360

Purpose Authorizing expenditure of funds for the First San Diego River Improvement Project Assessment District.

NOTE: Pending collection of Letter of Credits.

*[Signature]*  
 Auditor and Comptroller

Date November 12, 19 85

By *[Signature]*

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ \_\_\_\_\_ Auditor and Comptroller

Dated \_\_\_\_\_, 19\_\_\_\_ BY \_\_\_\_\_

PURPOSE \_\_\_\_\_

VENDOR \_\_\_\_\_

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

S405 (a)

Passed and adopted by the Council of The City of San Diego on NOV 18 1985,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
District 7 - vacant	<input 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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By *June G. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-264480 Adopted NOV 18 1985

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CITY CLERK'S OFFICE  
1985 NOV 15 PM 2:16  
SAN DIEGO, CALIF.