

(R-88-487)

RESOLUTION NUMBER R- 269426

ADOPTED ON OCT 12 1987

RESOLUTION OF THE CITY COUNCIL REGARDING ITS INTENTION TO HOLD A PUBLIC HEARING IN ACCORDANCE WITH THE SPECIAL ASSESSMENT INVESTIGATION, LIMITATION AND MAJORITY PROTEST ACT OF 1931.

WHEREAS, the northerly side of Archer Street from Fanuel Street to a point three hundred fifty (350) feet west of Fanuel Street in the City of San Diego, State of California, is in need of paving and construction of other improvements; and

WHEREAS, due to the grading and construction involved in effectuating the improvements, single property owners could not provide the improvements without adjacent owners also improving their portion of the street; and

WHEREAS, the Transportation and Land Use Committee has directed that a 1931 Act Debt Limit Hearing be held to determine if the missing public improvements should be constructed through special assessment district proceedings; and

WHEREAS, in accordance with that direction, Report No. 86-402, was prepared by the City Manager pursuant to the terms and provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931," being Division 4 of the California Code of Streets and Highways; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it proposes to order the above-mentioned work be done and improvements made in said City under the provisions of the

"Special Assessment Investigation, Limitation and Majority Protest Act of 1931," such work being more particularly described below.

BE IT FURTHER RESOLVED, that the City Council hereby declares its intention to hold a noticed public hearing in accordance with the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931."

Section 1

DESCRIPTION OF THE WORK

The proposed improvements shall consist of curb, gutter, sidewalk, and a half-width street paving for a distance of one hundred fifty (150) feet, and curb, gutter and/or sidewalk for another two hundred (200) feet on Archer Street, from Fanuel Street to three hundred fifty degrees (350°) west of Fanuel Street in said City.

Section 2

DESCRIPTION OF THE PROPOSED ASSESSMENT DISTRICT

The contemplated work and improvements hereinabove mentioned are, in the opinion of the Council, of more than local ordinary public benefit, and the expenses of such work and improvements are made chargeable upon the proposed district hereinafter described, and it is said district to be benefited by the work and improvements, and to be assessed to pay the costs and expenses thereof. The district is described as follows:

All that real property in the said City of San Diego included within the exterior boundary lines of the proposed district, as shown upon Plat No. 4014, which plat, approved by the City

Council, is on file in the office of the City Clerk, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the plat for a further full and more particular description of the proposed district and the plat so on file shall govern for all details as to the extent of the assessment district.

### Section 3

#### DESCRIPTION OF BONDS

Serial bonds bearing interest at the rate of nine percent (9%) per annum shall be issued to represent each unpaid assessment of one hundred fifty dollars (\$150.00) or more, to represent the expenses of the acquisition, work and improvement, all as provided by the "Improvement Act of 1911," being Part 5, Division 7, of the Streets and Highways Code. The interest rate on the bonds may not exceed the maximum rate allowed by law at the time of the award. The bonds shall extend over a period ending nine (9) years from the second day of January next succeeding the next September 1st following their date.

Payments on the principal of unpaid assessments and interest thereof shall be made by property owners to the City Treasurer, all as provided in the "Improvement Act of 1911" hereinabove referred to. If said bonds are redeemed before maturity and before commencement of proceedings for sale, in addition to all other sums unpaid and accrued, a premium of five percent (5%) of the unmatured principal shall be paid.

If the City Treasurer adds and collects penalties due to delinquent payment of principal and interest on any bond pursuant

to Section 6442 of the Streets and Highways Code, as amended, the City Treasurer is hereby authorized to retain the first two percent (2%) penalty as a cost of servicing the delinquency.

Section 4

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that on November 24, 1987, at 2:00 p.m. o'clock in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California, is the day, hour and place for the hearing when and where any person interested may object to the proposed determination that the public convenience and necessity require the improvements described hereinabove and the ordering of those things proposed in accordance with the proceedings authorized in the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931"; failure to make objections at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages.

Section 5

SPECIAL ASSESSMENT INVESTIGATION,  
LIMITATION AND MAJORITY PROTEST ACT

All the work herein proposed shall be done in pursuance to an act of Legislature of the State of California, designated as the "Special Assessment, Investigation, Limitation and Majority Protest Act of 1931," and amendments thereto, being Division 7 of the Streets and Highways Code of the State of California.

Section 6

PUBLICATION OF RESOLUTION OF INTENTION

The City Clerk is directed to cause this Resolution of Intention to be published at least ten (10) days before the date of the hearing in the City Official Newspaper.

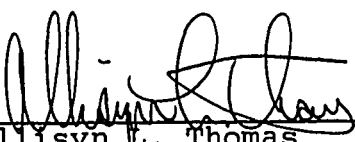
The City Clerk is further directed to mail the notice, attached hereto as "Exhibit A," to all persons owning real property to be assessed, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for under California Streets and Highways Code, Sections 2851, 2852, 2853, 2854 and 2855.

Section 7

POSTING OF NOTICE OF IMPROVEMENT

The Street Superintendent shall cause to be conspicuously posted along the line of the contemplated work of improvement and along all open streets within the district liable to be assessed for the work notices upon the passage of this Resolution of Intention in time, form and manner provided by the Streets and Highways Code.

APPROVED: John W. Witt, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

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09/09/87  
Or.Dept:E&D  
R-88-487  
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NOTICE OF ADOPTION OF RESOLUTION OF INTENTION.

NOTICE IS HEREBY GIVEN that land owned by you or in which you are interested is proposed to be assessed for the following improvements:

1. The paving of approximately one hundred fifty (150) feet on the northerly side of Archer Street, west of Fanuel Street; and

2. The construction of sidewalks on the remaining two hundred (200) feet of the northerly side of Archer Street to Fanuel Street, and in some portions, construction of curbs and gutters.

The estimated amount of the proposed assessment to property owners for full street improvements is two hundred ten dollars (\$210.00) per frontage foot, plus the cost of driveway reconstruction; the estimated assessment to property owners for curb, gutter and sidewalk improvements is eighty dollars (\$80.00) per frontage foot, plus the cost of driveway reconstruction.

A hearing will be held in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, 12th Floor, San Diego, California, by the City Council on the 24<sup>th</sup> day of Nov., 1987, at the hour of 2:00 P.M. o'clock, at which time and place all protests and objections will be heard.

The hearing will be conducted in accordance with the terms and provisions of the Improvement Act of 1911.

Failure to make objections at that time shall be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages.

Such protest, if any, may be in writing. The writing must contain a description of the property in which each signor thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than the hour set for the hearing, all as more particularly provided for in Division 4 of the Streets and Highways Code of the State of California.

A report on the proposed project is on file in the office of the City Clerk and is open to public inspection. In addition, persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Street Superintendent at the City Operations Building, 1222 First Avenue, San Diego, California, 92101, or telephone (619) 236-6010.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 1987 at San Diego, California.

\_\_\_\_\_  
Thomas O. Meade  
Street Superintendent

\_\_\_\_\_  
Charles Abdelnour  
City Clerk

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OCT 12 1987

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-* **269426** OCT 12 1987  
Number ..... Adopted .....