

RESOLUTION NO. R- 271231

ADOPTED ON ~~MAY 20~~ 1988

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING INTENTION TO ORDER THE ACQUISITION OF CERTAIN IMPROVEMENTS IN A PROPOSED ASSESSMENT DISTRICT; 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. 4010 [Otay International Center])

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 1913"), to order the acquisition of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 4010 (OTAY INTERNATIONAL CENTER) (hereinafter referred to as the "Assessment District").

DESCRIPTION OF IMPROVEMENTS

The improvements to be acquired and financed under these proceedings are generally described as full and one-half width street improvements, including domestic water line, sewer line, drainage facilities, together with underground electrical and telephone facilities in OTAY CENTER DRIVE, MARCONI DRIVE, and other streets within Subdivision Map 11741, together with appurtenances and appurtenant work, said improvements and facilities being for the benefit of properties within the boundaries of said Assessment District.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 2. That said improvements and work to be acquired are of direct benefit to the properties and land within the Assessment District, and this legislative body hereby makes the expenses of said work, improvements and acquisition 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 acquisition in the Assessment District, said map titled and identified as "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 4010 (OTAY INTERNATIONAL CENTER)", and which map was heretofore approved and which said or diagram is on file with the transcript of these proceedings, EXCEPTING therefrom 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 map on file shall govern.

REPORT OF ENGINEER

SECTION 3. That this proposed acquisition is hereby referred to the SUPERINTENDENT OF STREETS, who is hereby directed to make and file the report in writing containing the following:

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A. Plans of the "as-built" improvements to be acquired;

B. A final estimate of the cost of the acquisition of the "as-built" works of improvements;

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 acquisition of improvements. 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 acquired 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 12% per annum, will be issued hereunder in the manner provided in the "Improvement Bond Act of 1915", being Division 10 of the Streets and Highways

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Code of the State of California, the last installment of which bonds shall mature a maximum of and not to exceed TWENTY-FOUR (24) YEARS from the second day of September next succeeding twelve (12) 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 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 legislative body 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;

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B. As a credit upon the assessment and any supplemental assessment; or

C. For the maintenance of the improvement.

SPECIAL FUND

SECTION 7. The legislative body hereby establishes a special IMPROVEMENT FUND identified and designated by the name of this Assessment District, and into said Fund monies may be transferred at any time to expedite the making of the acquisition herein authorized, and any such advancement of funds is a loan and shall be repaid out of the proceeds of the sale of bonds as authorized by law.

PROCEEDINGS INQUIRIES

SECTION 8. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

THOMAS O. MEADE, STREET SUPERINTENDENT
CITY OF SAN DIEGO
CITY OPERATIONS BUILDING
1222 FIRST AVENUE, MS 407
SAN DIEGO, CA 92110
TELEPHONE: (619) 236-7056

PUBLIC PROPERTY

SECTION 9. 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 10. That the public interest and convenience and the statute authorizes the acquisition of those improvements as described in this Resolution, and said improvements are in existence and have been installed in place prior to the date of adoption of this Resolution. For a general description of the works of improvement, reference is made to the previously approved Acquisition/Financing Agreement, Document No. D-2264-6, as approved by this legislative body, a copy of which is on file with the transcript of these proceedings.

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NO CITY LIABILITY

SECTION 11. It is hereby further determined and declared that the City will not obligate itself to advance any available funds from the City Treasury to cure any deficiency or delinquency which may occur in the bond redemption fund by failure of property owners to pay annual special assessments. This determination shall be clearly set forth and stated in the title of the bonds to be issued pursuant to these proceedings as authorized and required by Section 8769 of the Streets and Highways Code of the State of California.

PETITION

SECTION 12. That a petition signed by property owners representing more than 60% in area of the property subject to assessment for said improvement has been signed and filed with the legislative body, and said written petition expressly contains a waiver of any of the proceedings and limitations as set forth under Division 4 of the Streets and Highways Code of the State of California, the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931".

APPROVED:

JOHN W. NITT, City Attorney

By: 

John Riess, Deputy

06/10/88
r-88-2514

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JUN 20 1988

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *Blonde R. Barrow*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R271231 Adopted JUN 20 1988

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CITY CLERK'S OFFICE
1988 JUN 15 PM 3:03
SAN DIEGO, CALIF.