

(R-89-1357)

RESOLUTION NUMBER R-272721

ADOPTED ON JAN 23 1989

RESOLUTION OF INTENTION FOR THE IMPROVEMENT OF  
PROJECT FIRST CLASS ALLEY & SEWER REPLACEMENT  
- CONTRACT NO. 4 UNDER THE PROVISIONS OF THE  
SAN DIEGO MUNICIPAL CODE AND THE IMPROVEMENT  
ACT OF 1911.

BE IT RESOLVED, that the Council of The City of San Diego proposes and intends to order the following work to be done and improvements to be made in said City under the provisions of the Improvement Act of 1911.

Section 1

DESCRIPTION OF WORK

The improvements, in general, consist of clearing, grubbing, grading, paving, curb and retaining wall in the following alleys: Block 17, Nordica Heights, No. 2, Map 1455; Block K, Alta Vista Suburb, Map 1029; Block 17, Marilou Park, Map 517; Block 15 Marilou Park, Map 517; Block 3, Walker Addition, Map 955. The sewer main replacement is located in Block 17, Nordica Heights, No. 2, Map 1455.

That said work hereinabove described in PROJECT FIRST CLASS ALLEY & SEWER REPLACEMENT - CONTRACT NO. 4, in said City, shall be done to the grade shown and indicated on the plans and profiles on file in the office of the City Clerk of said City, and hereinafter referred to, and reference is hereby made to said plans and profiles for the description of the grade at which the work is to be done.

It is the opinion of the City Council that the public interest will not be served by allowing the property owners to take over the contract for the above mentioned improvements; therefore, Section 20421 of the Public Contracts Code will not apply.

## Section 2

### PLANS, PROFILES, DRAWINGS AND SPECIFICATIONS

All of the work hereinbefore generally described shall be constructed in the manner, at the locations, within the limits, of the materials, of the dimensions, and to the official grades as shown upon and in accordance with the plans, profiles, drawings, typical cross-sections and specifications therefor contained in Document No. D2279-2 on file in the office of the City Clerk, copies of which are on file in the office of the City Engineer, and by this reference thereto all said plans, profiles, drawings, typical cross-sections and specifications are made a part hereof.

## Section 3

### DESCRIPTION OF ASSESSMENT DISTRICT

The contemplated work and improvement hereinbefore mentioned is, in the opinion of the Council, of more than local ordinary public benefit, and the expenses of such work and improvement are made chargeable upon the district hereinafter described, and the Council does declare said district to be the district benefited by the work and improvement, 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 said District, as shown upon Plat No. 4037, which plat, approved by the 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 assessment district and the plat so on file shall govern for all details as to the extent of the assessment district.

#### Section 4

#### DESCRIPTION OF BONDS

Serial bonds bearing interest at the rate of nine and one half percent (9½%) per annum shall be issued to represent each unpaid assessment of one hundred fifty dollars (\$150) 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 award. (The interest rate must be a multiple of 1/100th of 1%.) 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, and the same shall be disbursed by said 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 Treasurer is hereby authorized to retain the first 2% penalty as a cost of servicing the delinquency.

Section 5

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that on MAR 7 1989 at 10:00 a.m. 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 and all persons having any objections or protests as to the proposed work or improvement, to the grades at which the work is to be done, or to the extent of the district to be assessed, may appear and show cause why the proposed improvement should not be carried out in accordance with the Resolution of Intention; 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, must be in writing and must contain a description of the property in which each signer 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 in Division 7 of the Streets and Highways Code of the State of California.

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.

Section 6

IMPROVEMENT ACT

All of the work herein proposed shall be done in pursuance of an act of Legislature of the State of California designated as the "Improvement Act of 1911," and amendments thereto, being Division 7 of the Streets and Highways Code of the State of California.

Section 7

PUBLICATION OF RESOLUTION OF INTENTION

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

The City Clerk is directed to mail notices of the adoption of this Resolution of Intention, postage prepaid, to all persons owning real property proposed 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 5070, 5194 and 5195.

*R 272721*

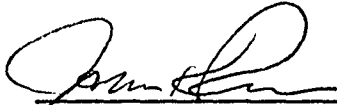
Section 8

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 of 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



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

JKR:wk  
01/10/89  
Or.Dept:E&D  
R-89-1357  
Form=r.rill

**R 272721**

JAN 23 1989

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-272721* JAN 23 1989  
Number ..... Adopted .....





CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
89 FEB-9 PM 2:34  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF  
RESOLUTION OF INTENTION FOR THE IMPROVEMENT OF PROJECT  
FIRST CLASS ALLEY & SEWER REPLACEMENT - CONTRACT NO. 4  
UNDER THE PROVISIONS OF THE SAN DIEGO MUNICIPAL CODE AND  
THE IMPROVEMENT ACT OF 1911.

NO.

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poses and intends to order the following work to be done and im-  
provements to be made in said City under the provisions of the Im-  
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17, Nordica Heights, No. 2, Map 1455; Block K, Alta Vista Suburb,  
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and profiles for the description of the grade at which the work is to be  
done.

It is the opinion of the City Council that the public interest will be  
served by allowing the property owners to take over the contract for  
the above mentioned improvements; therefore, Section 20421 of the  
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The contemplated work and improvement hereinbefore mentioned  
is, in the opinion of the Council, of more than local ordinary public  
benefit, and the expenses of such work and improvement are made  
chargeable upon the district hereinafter described, and the Council  
does declare said district hereinafter described, and the Council  
does declare said district to be the district benefited by the work and  
improvement, and to be assessed to pay the costs and expenses  
thereof. The district is described as follows:

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the exterior boundary lines of said District, as shown upon Plat No.  
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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 assessment district  
and the plat so on file shall govern for all details as to the extent of  
the assessment district.

I, THOMAS D. KELLEHER, am a citizen  
of the United States and a resident of the County aforesaid; I am over the  
age of eighteen years, and not a party to or interested in the above- entitled  
matter. I am the principal clerk of the San Diego Daily Transcript, a  
newspaper of general circulation, printed and published daily, except  
Saturdays and Sundays, in the City of San Diego, County of San Diego, and  
which newspaper has been adjudged a newspaper of general circulation by  
the Superior Court of the County of San Diego, State of California, under  
the date of January 23, 1909, Decree No. 14894; and the

RESOLUTION NUMBER R-272721

is a true and correct copy of which the annexed is a printed copy and was  
published in said newspaper on the following date(s), to wit:

FEB. 6, 7

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 7 day of FEB., 19 89.

*Thomas D. Kelleher*  
(Signature)

152.96 x 13 1/2" x 2 x 2 = Page 1 of 2  
\$603.00

**Section 4  
DESCRIPTION OF BONDS**

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OF IMPROVEMENT**

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Passed and adopted by the Council of The City of San Diego on January 23, 1989 by the following vote:

YEAS: Wolfshelmer, Roberts, McColl, Pratt, Struikema, Henderson, McCarty, Fliner.

NAYS: None.

NOT PRESENT: O'Connor

AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California

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

(SEAL)  
By: ELLEN BOVARD, Deputy

Pub. Feb. 6, 7

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