

(R-89-1748)

RESOLUTION NUMBER R- 273185

ADOPTED ON APR 10 1989

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA, APPROVING AND
AUTHORIZING EXECUTION OF CERTAIN AGREEMENTS IN
A SPECIAL ASSESSMENT DISTRICT.

(Assessment District No. 4030 [Otay Mesa Industrial Park])

WHEREAS, the City Council of The City of San Diego,
California is considering the formation of a special assessment
district under 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
and/or acquisition of certain public works of improvement in a
special assessment district, said assessment district known and
designated as ASSESSMENT DISTRICT NO. 4030 (OTAY MESA INDUSTRIAL
PARK) (hereinafter referred to as the "Assessment District"); and

WHEREAS, the Streets and Highways Code of the State of
California, specifically the Municipal Improvement Act of 1913,
expressly authorizes the acquisition of any improvements that are
authorized to be constructed under said law, and the property
owner, in order to proceed in a timely way with his development,
desires to construct and/or cause the construction of certain
works of improvement prior to the adoption of the Resolution of
Intention; and

WHEREAS, at this time there has been submitted to this City
Council for review and approval, certain consulting agreements,

an Assessment District Reimbursement Agreement, and an Acquisition/Financing Agreement setting forth certain terms and conditions, as well as estimated prices and quantities of work to be installed and financed pursuant to the said Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of The City of San Diego, as follows:

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

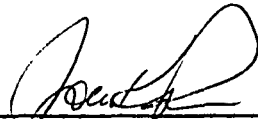
2. That the Acquisition/Financing Agreement, as submitted herewith, Document No. D2280-2, by and between the City and Otay Mesa Investments, a California general partnership, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

3. That the Assessment District Reimbursement Agreement, as submitted herewith, Document No. D2280-3, by and between the City and Otay Mesa Investments, a California general partnership, is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

4. That the Special Counsel Agreement for Bond Counsel Services in the minimum amount of \$5,000.00 submitted herewith, Document No. D2280-4, by and between the City and Brown & Diven, Attorneys at Law, is hereby approved, and the City Attorney is hereby authorized to execute said Agreement on behalf of the City.

5. That the Auditor/Comptroller is hereby authorized to establish a special Assessment Fund No. 79-480, and to make appropriate payments therefrom.

APPROVED: John W. Witt, City Attorney

By 

John/K. Riess
Deputy City Attorney

JKR:pev
03/09/89
Or.Dept:E&D
Aud.Cert:8900738
R-89-1748
Form=r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 8900738

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 \$ _____ Fund _____

Purpose _____

Date _____, 19____

By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	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 \$ 5,000.00

Vendor Brown & Diven

Purpose Authorizing the expenditure of funds for acceptance of petition - Otay Mesa Industrial Park Assessment District.

Date February 27, 1989

By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		79480			9544					\$5,000.00
TOTAL AMOUNT										\$5,000.00

FUND OVERRIDE

APR 10 1989

R-273185

AC 8900738

110 (b)

Passed and adopted by the Council of The City of San Diego on APR 10 1989,
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 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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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 Ina Martin, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 273185 Adopted APR 10 1989

