

(R-89-1938)

RESOLUTION NUMBER R- 273364

ADOPTED ON MAY 2 1989

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA, OVERRULING PROTESTS,
CONFIRMING ASSESSMENTS AND ANNUAL ASSESSMENT
FOR ADMINISTRATIVE COSTS AND ORDERING PROPOSED
IMPROVEMENT.

(Assessment District No. 4029
Sorrento Valley Road - Sorrento Valley Boulevard to
I-805)

WHEREAS, the Superintendent of Streets has heretofore filed in the office of the City Clerk, his report including the assessments and diagram for that certain improvement work to be done under and pursuant to the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California, and Resolution of Intention, Resolution No. R-273086; and

WHEREAS, this City Council adopted its Resolution No. R-273087 preliminarily approving said report and fixing a time and place at which a hearing would be held on said Resolution of Intention and said report; and

WHEREAS, after the filing of said report the City Clerk has, as required by law, given notice of the filing of said report and of the time fixed for hearing protests to the proposed improvement by this City Council, and certificates of publication, posting and mailing of such notices have been filed with this City Council by the City Clerk pursuant to Section 10308 of said Streets and Highways Code; and

WHEREAS, at the time and place fixed in such notice a hearing was duly held by this City Council at which all written appeals and protests of objection, if any, were duly presented and read, and all persons desiring to be heard thereof were heard and this City Council gave all persons present an opportunity to be heard with respect to any matter relating to said improvement work, any act or determination of the Superintendent of Streets in relation thereto, any matter in connection with said report, the correctness of said assessment or said diagram, or any other act, determination or proceedings of the Superintendent of Streets or any matter relating to said work, the assessment district or the proceedings therefor; and

WHEREAS, all such persons desiring to be heard have been heard by this City Council and this City Council is fully informed in the premises; and

WHEREAS, at the conclusion of said hearing this City Council adopted its Resolution No. R-273368 ordering changes in said report; NOW, THEREFORE,

The City Council of The City of San Diego, California, DOES HEREBY FIND, RESOLVE, DETERMINE and ORDER as follows:

Section 1. Protests Overruled and Assessments Confirmed.

That the hearing on the Superintendent of Streets report has been duly held; that each and every step in the proceedings prior to and including the hearing has been duly and regularly taken; that the estimated costs and expenses of the proceedings have been spread upon the lands benefited in accordance with the benefits to be received; that this City Council is satisfied with the

correctness of the report, including the assessment diagram and the proposed assessment included in said report, the proceedings and all matters relating thereto; and that all protests, objections or appeals not heretofore allowed be and the same are hereby overruled and denied, and this City Council does hereby confirm the proceedings and said assessment.

Section 2. Annual Assessment for Administrative Costs Confirmed. That the following costs incurred by the City, and not otherwise reimbursed are chargeable on Assessment District No. 4029 in an annual amount not to exceed two percent (2%) of the annual assessment on that Assessment District:

a. Costs resulting from the administration and collection of assessments;

b. Costs resulting from the administration and registration of the bonds to be issued pursuant to the Improvement Bond Act of 1915 for the unpaid assessments; and

c. Costs resulting from the administration of the reserve fund and redemption fund established for the bonds.

Section 3. Proposed Improvement Work Ordered. That this City Council orders the proposed improvement work to be made in accordance with said report, as modified in accordance with this City Council's Resolution No. R-273368, and these proceedings.

Section 4. Recording of Original Assessment Diagram and Assessment With Superintendent of Streets; Effect. That the Superintendent of Streets is hereby instructed to record said assessment diagram and assessment in the office of the Superintendent of Streets pursuant to Section 10600 of said

Streets and Highways Code, and that the assessment shall become due and payable on the date of said recordation.

Section 5. Recording of Copy of Assessment Diagram, Notice of Assessment and List of Property Owners With County Recorder.

That the City Clerk is directed to record a certified copy of the assessment diagram, the notice of assessment and the list of property owners with the County Recorder pursuant to Streets and Highways Code Sections 3114(b) and 3114(f) and Government Code Section 27288.1.

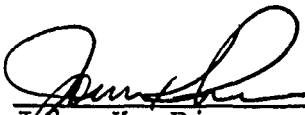
Section 6. Publication of Notice of Assessment. The City Clerk is hereby directed to cause a notice of the recordation of the assessment with the Superintendent of Streets to be published once a week for two successive weeks in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Section 7. Mailing of Notice of Assessment. The City Clerk is hereby directed to cause a notice of the recordation of the assessment with the Superintendent of Streets to be mailed, postage prepaid, to all property owners of the assessed properties whose names and addresses appear on the last equalized assessment roll. Said notices shall contain the information set forth in Section 10404(b) of the Streets and Highways Code.

Section 8. Repeal of Inconsistent Resolutions. Any resolution of the City and any part of such resolution

inconsistent with this resolution is hereby repealed to the extent of such inconsistency.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:pev
04/10/89
Or.Dept:=====
Aud.Cert:=====
R-89-1938
Form=r.none

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SAN DIEGO, CALIF.

MAY 2 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 Struikma	<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. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *273364* Adopted **MAY 2 1989**