

(R-90-151)

RESOLUTION NUMBER R- 274130

ADOPTED ON AUG 01 1989

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, CONFIRMING THE ASSESSMENT, ORDERING THE IMPROVEMENTS MADE, TOGETHER WITH APPURTENANCES, AND APPROVING THE ENGINEER'S REPORT.

(Assessment District No. 4019
[OTAY INTERNATIONAL CENTER, PHASE II])

WHEREAS, the City Council of The City of San Diego, California, has previously initiated proceedings and adopted its Resolution of Intention for the acquisition and/or construction of certain public works of improvement, together with appurtenances and appurtenant work, including acquisition where appropriate, in a special assessment district pursuant to 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, said special assessment district known and designated as **ASSESSMENT DISTRICT NO. 4019 [OTAY INTERNATIONAL CENTER, PHASE II]** (hereinafter referred to as the "Assessment District"); and

WHEREAS, pursuant to said Resolution of Intention, a Report, as therein provided, was presented, considered and approved; and

WHEREAS, said Report, as preliminarily approved, contained all the matters and items called for by law and as pursuant to the provisions of said Municipal Improvement Act of 1913, including the following:

1. Plans and specifications of the proposed improvements;
2. Estimate of cost;
3. Diagram of Assessment District;
4. An estimate according to benefits;
5. A description of the works of improvement; and

WHEREAS, all protests have been heard and considered, and a full hearing has been given, all in the manner provided by law; and

WHEREAS, notices of said hearing were duly and regularly posted, mailed and published in the time, form and manner required by law and as evidenced by affidavits on file with the transcript of these proceedings; and

WHEREAS, the owners of one-half (1/2) of the area assessed for the cost of the project did not file written protests against the said proposed improvements and acquisition, where appropriate, and this City Council did, after providing a full hearing, overrule and deny all protests and objections; and

WHEREAS, this City Council is now satisfied with the assessment and all matters contained in the Report as now updated and submitted; NOW, THEREFORE,

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

RECITALS

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

PROTESTS

2. That all protests and objections of every kind and nature be, and the same hereby are, overruled and denied, and it is

further determined that said protests and objections are made by the owners of less than one-half of the area of property to be assessed for said improvements within said Assessment District.

BENEFITS RECEIVED

3. That it is hereby determined that all properties within the boundaries of the Assessment District receive a local and direct benefit from the works of improvement as proposed for said Assessment District, and it is hereby further determined and declared that all assessable costs and expenses have been apportioned and spread over the properties within the boundaries of the Assessment District in direct proportion to the benefits received thereby.

PUBLIC INTEREST AND CONVENIENCE

4. That the public interest and convenience require the proposed improvements to be made, and therefore said City Council hereby orders the work to be done and improvements to be made, together with appurtenances and appurtenant work in connection therewith, including acquisition where appropriate, in said Assessment District, as set forth in the Resolution of Intention previously adopted and as set forth in the Report presented and considered, and as now submitted.

CONFIRMATION OF ASSESSMENT

5. That the Report, as updated and submitted, consisting of the assessment and diagram for the improvements, together with appurtenances and appurtenant work in connection therewith, including acquisition where appropriate, is hereby confirmed.

The assessments contained in the final Engineer's Report are hereby levied and approved as follows:

A. The final assessments to represent the costs and expenses are hereby levied and approved as follows:

B. The annual assessment to pay for administrative costs in an amount not to exceed the maximum annual assessment as set forth in the Report.

RECORDATION OF ASSESSMENT

6. That the City Clerk shall forthwith deliver to the Superintendent of Streets the said assessment, together with the diagram attached thereto and made a part thereof, as confirmed by this City Council, with his certificate of such confirmation attached and the date thereof; and that said Superintendent of Streets shall then immediately record said diagram and assessment in his office in a suitable book to be kept for that purpose and attach thereto his certificate of the date of such recording.

COUNTY RECORDER NOTICE

7. Upon confirmation of the assessments and recordation of the assessment roll and diagram, a certified copy of the assessment diagram shall be immediately file din the office of the County Recorder. Immediately thereafter, a copy of the notice of assessment shall be recorded in the office of the County Recorder in the manner and form as set forth by law and specifically Section 3114 of the Streets and Highways Code of the State of California.

MAILED NOTICE

8. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the Assessment District at his last known address, as the same appears on the tax rolls of the County or as on file in the Office of the City Clerk, or to both addresses if said address is not the same, or to General Delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on unpaid assessments pursuant to the Improvement Bond Act of 1915.

PUBLICATION

9. That said Superintendent of Streets shall also give notice by publishing a copy of a notice of recording of assessment in the newspaper previously selected to publish all notices as provided by law, giving notice that said assessment has been recorded in his office and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within thirty (30) days after the date of recording the assessment, which date shall be so stated in said notice, and of the fact that bonds will be issued upon unpaid assessments.

ASSESSMENT COLLECTION

10. The County Auditor, which is the political subdivision of the State of California which collects taxes for this City, is hereby authorized and directed, in accordance with the provisions of Section 8682 of the Streets and Highways Code of the State of California, to enter into his assessment roll on which property taxes will next become due, opposite each lot or parcel of land affected, in a space marked "public improvement assessment" or by other suitable designation, the next and several installments of such assessment coming due during the ensuing fiscal year covered by the assessment roll and that said entry then shall be made each year during the life of the bonds for the proceedings for the above-referenced Assessment District. This authorization is continual until all assessment obligations have been discharged and the bonds terminated.

11. In accordance with the provisions of Section 8685 of the Streets and Highways Code, if any lot or parcel of land affected by any assessment is not separately assessed on the tax roll so that the installment of the assessment to be collected can be conveniently entered thereon, then the Auditor shall enter on the roll a description of the lot or parcel affected, with the name of the owners, if known, but otherwise the owners may be described as "unknown owners", and extend the proper installment opposite the same.

IMPROVEMENT FUND

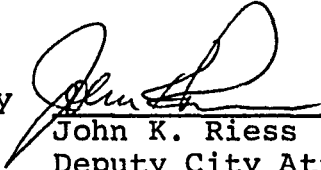
12. That the Treasurer is hereby authorized and directed to establish a special fund account to be known as the IMPROVEMENT

FUND, and designated by the name of this Assessment District, into which fund shall be paid all payments to be received upon said assessment, and the proceeds of the sale of bonds to be issued representing unpaid assessments.

RESERVE FUND

13. That the Treasurer is hereby further authorized to establish a SPECIAL RESERVE FUND, into which the designated amount shall be transferred and held in trust for the bondholders and used to assist final discharge by any payment by property owners within the boundaries of the Assessment District.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:pev
07/20/89
Or.Dept:E&D
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AUG 01 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Jana Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-274130* Adopted AUG 01 1989