

(R-90-1464)

RESOLUTION NUMBER R- 275473

ADOPTED ON APR 16 1990

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA, MAKING APPOINTMENTS AND
APPROVING AGREEMENTS IN SPECIAL ASSESSMENT
DISTRICT PROCEEDINGS.

(Assessment District No. 4036 [INTERNATIONAL BUSINESS CENTER])

WHEREAS, the City Council of The City of San Diego,
California is considering the formation of a special assessment
district, said proceedings to be conducted substantially 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, except where expressly modified or amended by the
provisions of the San Diego Improvement District Procedural
Ordinance of 1982, for the construction and/or acquisition of
certain public works of improvement, together with appurtenances
and appurtenant work, said special assessment district to be
known and designated as ASSESSMENT DISTRICT NO. 4036
[INTERNATIONAL BUSINESS CENTER] (hereinafter referred to as the
"Assessment District"); and

WHEREAS, at this time there has been submitted to this
Council for review and approval, 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; and

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WHEREAS, at this time this Council is desirous of making the required appointments and designating persons to perform certain duties in order to allow the proceedings to go forward to completion in accordance with the provisions of law; NOW, THEREFORE,

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

1. That the above recitals are all true and correct.
2. That JOSEPH A. FRANCISCO is hereby appointed to perform all of the duties and functions of the Superintendent of Streets as said duties are specified and designated in the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, for the above-referenced Assessment District.
3. That the place for recordation of the assessment roll and diagram shall be in the Office of the Superintendent of Streets, and said assessment roll and diagram, upon recordation, shall be kept as a permanent record.
4. That the DAILY TRANSCRIPT is hereby designated as the newspaper for all publications as required by law and as necessary for completion of this Assessment District.
5. That the Council does hereby rescind the agreement previously entered into with M.F. Whipple & Co., Inc., Document No. 2275-3, for assessment engineering services in connection with this Assessment District. Upon adoption, a copy of this resolution shall be delivered to M.F. Whipple & Co., Inc.

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6. That the Council does hereby appoint WILLDAN ASSOCIATES as the Assessment Engineer for said proceedings, and that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with WILLDAN ASSOCIATES, for Assessment Engineering services and shall perform all of the duties and responsibilities as set forth by law as they relate to said Assessment District, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- D2275-6.

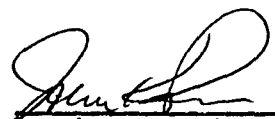
7. That BANCROFT, GARCIA & LAVELL, INC. is hereby appointed as the Financial Consultant, and that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement, directing BANCROFT, GARCIA & LAVELL, INC. to obtain a proposal or bid for the sale of bonds to be issued in order to finance said proceedings. Said bonds are to be issued pursuant to the terms and provisions of the "Improvement Bond Act of 1915," being Division 10 of the Streets and Highways Code of the State of California, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- D2275-7.

8. That the Acquisition/Financing Agreement, as submitted herewith, Document No. D2275-5, by and between the City and GADCO/OTAY MESA, LTD., is hereby approved, and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

9. That this Council hereby establishes a special Improvement Fund designated by the name and number of the

Assessment District, and into said fund shall be placed all proceeds from the sale of bonds and cash collections. In order to expedite the improvements or acquisition under these proceedings and as authorized by law, funds from any available source may be transferred into said special fund. Any funds transferred are a loan to the fund and shall be repaid out of the proceeds of the sale of bonds, all as required and authorized by law, and specifically Section 10210 of the Streets and Highways Code of the State of California.

APPROVED: John W. Witt, City Attorney

By 
John K. Riess
Deputy City Attorney

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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"/> |
| John Hartley | <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"/> |
| Linda Bernhardt | <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.

(Seal)

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

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

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