

RESOLUTION NUMBER R- 276007

ADOPTED ON JUN 26 1990

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

(Assessment District No. 4036 [International Business Center])

WHEREAS, the City Council of the City of San Diego, California, did, on the 21st day of May, 1990, adopt its Resolution of Intention for the acquisition of certain public works of improvement, together with appurtenances and appurtenant work, in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 4036 [INTERNATIONAL BUSINESS CENTER] (hereinafter referred to as the "Assessment District"); and

WHEREAS, this legislative body is further desirous to accept the works of improvement as installed and subject to acquisition under these proceedings; 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 a 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, including the following:

1. Estimate of cost;
2. Diagram of Assessment District;

3. An assessment according to benefits;
4. A description of the works of improvement to be acquired; 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 acquisition and this after providing a full hearing, all protests and objects were overruled and denied; and

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

BE IT RESOLVED, by the Council, 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 acquisition of 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 acquisition of 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 acquisition to be made, and therefore it is hereby ordered that the work to be acquired, together with appurtenances and appurtenant work in connection therewith, including acquisition of easements 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 now updated and submitted, consisting of the assessment and diagram for the acquisition, together with appurtenances and appurtenant work in connection therewith, including acquisition of easements were appropriate, is hereby confirmed.

The assessments contained in the final Report of the City Engineer, a copy of which is on file in the office of the

City Clerk as Document No. D2275-10, are hereby levied and approved as follows:

A. The final assessments to represent the costs and expenses to finance the acquisition of the public works of improvements, as authorized for these proceedings.

B. The annual assessment to pay for administrative costs in an amount not to exceed the maximum annual assessment as set forth in said 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, 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 filed in 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 ~~the~~^{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 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 securities will be issued upon unpaid assessments.

ASSESSMENT COLLECTION

10. The County Auditor 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.

As an alternate, and when determined to be in the best interests for bondholders of the Assessment District, this legislative body may, by resolution, designate an official other than the County Tax Collector and/or other agent, to collect and maintain records of the collection of the assessments, including a procedure other than the normal property tax collection procedure.

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.

ASSESSMENT VERIFICATION STATEMENT

12. The County Auditor shall, within 90 days after any special assessment installment become delinquent, render and submit a detailed report showing the amounts of the installments, interest, penalties and percentages so collected, for the preceding term and installment date, and from what property collected, and further identify any properties which are delinquent and the amount and length of time for said delinquency, and further set forth a statement of percentages retained for the expenses of making such collections. This request is specifically made to the authorization of Section 8683 of the Streets and Highways Code of the State of California.

ASSESSMENT DISTRICT FUNDS

13. The Treasurer is hereby authorized at this time, if not previously done, to establish the following funds as necessary for the payment of costs and expenses and administration of the proceedings for this Assessment District:

A. IMPROVEMENT FUND: All monies received from cash collection, proceeds from the sale of bonds and applicable contributions shall be placed into the Improvement Fund.

B. RESERVE FUND: All monies as designated to assist in the payment of delinquencies, shall be placed into the Reserve Fund.

C. REDEMPTION FUND: All monies received from the payment of assessments shall be placed in the Redemption Fund.

For particulars as to the administration and handling of the Funds, the specific terms and conditions shall be set forth in the Bond Indenture and approved through the Resolution Authorizing the Issuance of Bonds.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

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SAN DIEGO, CALIF.

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JUN 26 1990

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 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"/>
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 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 *Rhonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-276007 Adopted JUN 26 1990

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