

(R-92-267)

RESOLUTION NUMBER R-278896

ADOPTED ON OCT 22 1991

BE IT RESOLVED, by the Council of The City of San Diego, that the ROMERO DRIVE EXTENSION COST REIMBURSEMENT DISTRICT be established.

BE IT FURTHER RESOLVED, that the limiting period for when assessed costs are due and payable is set at twenty (20) years.

BE IT FURTHER RESOLVED, that Plat No. 4059 (CR-17-1) identifying all parcels within the area is included as "Exhibit A".

BE IT FURTHER RESOLVED that the list of properties included as "Exhibit B," attached hereto and described by Assessor Parcel Number (APN) and legal description, ownership of record, and lien amount for each parcel, including the time the lien was assessed, are due and payable in accordance with the provisions of the San Diego Municipal Code and this resolution.

BE IT FURTHER RESOLVED, that in addition to the provisions of the Municipal Code, the lien shall be due and payable upon the issuance of an occupancy permit for Assessor Parcel No. 352-262-03 (hereinafter "Parcel") in view of the following City Council findings:

1. The Initial Study for the Parcel's Coastal Development Permit No. 89-0330 acknowledged that the City had approved improvements to Romero Drive as a condition to earlier approved coastal development permits.

2. The Parcel owner declined to design his project in accordance with the original design of the ROMERO DRIVE EXTENSION requiring a redesign of the ROMERO DRIVE EXTENSION final engineering drawings.
3. The Parcel's Coastal Development Permit No. 89-0330 was issued August 15, 1989 with a condition requiring the Parcel owner to "enter into an agreement with the City waiving the right to oppose a special assessment initiated for future street improvements on Romero Drive." (There is no record in the CDP file that this condition was satisfied.)
4. A building permit application was filed in April of 1990 and issued in June of 1990 for the Parcel and the City's Building Department placed a hold on the issuance of a certificate of occupancy until Encroachment Permits W37679 and W37680 (private drive with fire lane and private drive way) are cleared by the appropriate City departments.
5. In March of 1991, the Parcel owner participated in a property owners meeting conducted by the City for the purpose of reviewing the ROMERO DRIVE EXTENSION COST REIMBURSEMENT DISTRICT.
6. The City's Building Department will not issue a certificate of occupancy until the Encroachment Permits are cleared or the ROMERO DRIVE EXTENSION is accepted by the City.

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SAN DIEGO, CALIF.

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- 7. Upon acceptance by the City of the ROMERO DRIVE EXTENSION, the appropriate City departments will clear the Encroachment Permits (no longer needed) and the City's Building Department will issue a certificate of occupancy.
- 8. Collection of the reimbursement charges upon the issuance of a certificate of occupancy for the Parcel meets the purpose and intent of Municipal code section 62.0208(a).
- 9. The issuance of certificate of occupancy without completing either the required improvements under the building permit or participating in the cost reimbursement district would result in a significant financial windfall to the Parcel owner.

BE IT FURTHER RESOLVED, that a description of the public improvements, estimated cost of the improvements, excess costs and apportionment thereof as filed in the Office of the City Clerk as "Exhibit C".

BE IT FURTHER RESOLVED, that this resolution represents a lawful lien enacted against each parcel.

APPROVED: JOHN W. WITT, City Attorney

By   
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 John K. Riess  
 Deputy City Attorney

JKR:pev  
 10/18/91  
 Or.Dept:E&D  
 R-92-267  
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EXHIBIT "B"  
ASSESSMENT ROLL  
ASSESSMENT DISTRICT NO. 4059  
ROMERO DRIVE EXTENSION COST REIMBURSEMENT DISTRICT

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<u>APN/Legal Description</u>	<u>Lien Amount</u>	<u>Ownership of Record</u>
352-222-08-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 21P, Par. 2.	\$22,058.27	Elder, Jerry L. P. O. Box 308 La Jolla, CA 92038
352-231-07-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 12.	\$30,002.40	Cummins, Scott & Guylyn 7266 Encelia Dr. La Jolla, CA 92037
352-262-01-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 11.	\$33,821.70	Rasmussen, Jorgen & Gorda 1227 Sunset Cliffs Bl. San Diego, CA 92107
352-262-02-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 6.	\$45,583.72	Von Olleschik, Monika Apartado 68894 Caracas 1062A Venezuela UELA
352-262-03-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 5.	\$46,531.17	Neely, Lloyd O. 1044 Broadway Chula Vista, CA 91911
352-262-04-00 La Jolla Country Club Heights, Tract 1975, Blk. E, Lot 2.	\$57,609.84	Marcos, Leonardo 3920 Calgary Ave. San Diego, CA 92122

File: ROMERO-B

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OCT 22 1991

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"/>
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"/>
Tom Behr	<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 *P. R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-278896** Adopted **OCT 22 1991**