

(R-92-925)

RESOLUTION NUMBER R- 279351

ADOPTED ON JAN 27 1992

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, MAKING FINDINGS ON PETITION.

(Assessment District No. 4072 [Via Aprilia, Via Borgia, Via Cortina, Via Donada, Via Esperia, Via Felino, Via Nestore, Via Merano and Via Pisa in Del Mar Terrace])

WHEREAS, the City Council of The City of San Diego, California, has been presented by certain property owners an executed Petition requesting the construction of certain public improvements, together with appurtenances and appurtenant work in connection therewith, 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, in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 4072 (Via Aprilia, Via Borgia, Via Cortina, Via Donada, Via Esperia, Via Felino, Via Nestore, Via Merano and via Pisa in Del Mar Terrace) (hereinafter referred to as the "Assessment District"); and

WHEREAS, it has been reported that said Petition contains the signatures of more than thirty-five percent (35%) of the property owners of the assessable area of the property to be subject to assessment for the proposed works of improvement. In addition to the petition, there are sixty-two owners who have applied for building permits and signed waivers representing over thirty percent (30%) of the property area, for a total of over

sixty-five percent (65%). Said Petition meets the requirements of Section 2804 of Division 4 of the Streets and Highways Code of the State of California; 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 it is hereby found that said Petition has been signed by owners owning land constituting more than sixty percent (60%) of all assessable land within the boundaries of the proposed Assessment District.
3. That said Petition shall be filed with the transcript of these proceedings, and shall remain open to public inspection.
4. That said Petition meets the requirements of Section 2804 of Division 4 of the Streets and Highways Code of the State of California, and further proceedings and limitations under the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not be applicable to these proceedings.
5. This City Council hereby further finds and determines, based on written evidence submitted, that the total estimated amount of the proposed assessments will not exceed seventy-five percent (75%) of the estimated fair market value of the land proposed to be assessed after the proposed public improvements shall have been constructed.
6. That it is hereby further determined and found that said Petition has been signed by not only the property owners, as specified in Section 2804 of the Streets and Highways Code, but

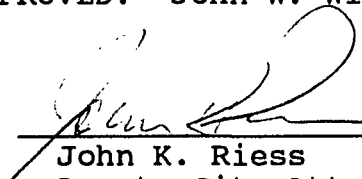
also any mortgagee or beneficiary under any such existing mortgage or deed of trust, as required by Section 2804.2 of the Streets and Highways Code of the State of California.

7. That the City Manager be, and he is hereby directed to prepare plans, drawings, typical cross-sections, profiles and specifications for the Via Aprilia, Via Borgia, Via Cortina, Via Donada, Via Esperia, Via Felino, Via Nestore, Via Merano and Via Pisa in Del Mar Terrace in the City of San Diego, together with estimates of the costs and expenses of such work and to furnish this Council with a description of the district to be included in the assessment for the work and improvements hereinabove mentioned.

8. That the Council hereby authorizes the selection of a professional consultant to provide cost estimates and plans and specifications of the street improvements for this project.

APPROVED: John W. Witt, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
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Or. Dept: E&D
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Passed and adopted by the Council of The City of San Diego on
by the following vote: JAN 27 1992

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"/>
George Stevens	<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"/>
Valerie Stallings	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

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

(Seal)

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *279351* Adopted **JAN 27 1992**

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SAN DIEGO, CA