

(R-92-1195)

RESOLUTION NUMBER R- 279521

ADOPTED ON MAR 16 1992

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING INTENTION TO ORDER THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN A PROPOSED ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY BENEFIT; DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; AND PROVIDING FOR THE ISSUANCE OF BONDS.

(Assessment District No. 4021 [De La Fuente Business Park, Phase II])

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

1. The public interest and convenience require, and it is the intention of this body, pursuant to the provisions of Division 12 of the Streets and Highways Code of the State of California (the "Municipal Improvement Act 1913"), and the San Diego Improvement District Procedural Ordinance of 1982, as applicable, to order the installation of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district known and designated as ASSESSMENT DISTRICT NO. 4021 (DE LA FUENTE BUSINESS PARK, PHASE II) (hereinafter referred to as the "Assessment District").

DESCRIPTION OF IMPROVEMENTS

The improvements to be installed and financed under these proceedings are generally described as certain street improvements, including grading, paving, curb, gutter, sidewalk, drainage facilities, sewer mains, water mains, fire hydrants, street lights, together with appurtenances and appurtenant work, to serve and benefit properties located within the boundaries of the Assessment District.

DESCRIPTION OF ASSESSMENT DISTRICT

2. That said improvements and work are of direct benefit to the properties and land within the Assessment District, and this legislative body hereby makes the expenses of said work and installation chargeable upon a district, which said Assessment District is hereby declared to be the Assessment District benefited by said work and improvements and to be assessed to pay the costs and expenses thereof, including incidental expenses and costs and which is described as follows:

All that certain territory in the District included within the exterior boundary lines shown on the plat exhibiting the property affected or benefitted by or to be assessed to pay the costs and expenses of said installation of improvements in the Assessment District, said map titled and identified as "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 4021 (DE LA FUENTE BUSINESS PARK, PHASE II)," and which map was heretofore approved and which said or diagram is on file with the transcript of these proceedings, excepting therefrom the area shown within and

delineated upon said map or plat hereinabove referred to, the area of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, and all easements and rights-of-way therein contained belonging to the public. For all particulars as to the boundaries of the Assessment District, reference is hereby made to said boundary map heretofore previously approved, and for a complete description of said Assessment District, the said plat and proposed boundary map on file shall govern.

REPORT OF ENGINEER

3. That this proposed acquisition is hereby referred to the ASSESSMENT ENGINEER, who is hereby directed to make and file the report in writing containing the following:

A. Plans of the "as-built" improvements to be acquired.

B. A final estimate of the cost of the acquisition of the "as-built" works of improvements.

C. A diagram showing the Assessment District above referred to, which shall also show the boundaries and dimensions of the respective subdivisions of land within said Assessment District, as the same existed at the time of the passage of the resolution of intention, each of which subdivisions shall be given a separate number upon said diagram.

D. A proposed assessment of the total amount of the assessable costs and expenses of the proposed improvement upon the several divisions of land in proportion to the estimated

benefits to be received by such subdivisions, respectively, from said installation of improvements. Said assessment shall refer to such subdivisions upon said diagram by the respective numbers thereof.

E. The description of the works of improvement to be constructed under these proceedings, and acquisition, where necessary.

When any portion or percentage of the cost and expenses of the acquisition is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated costs and expenses of said improvements, and said assessment shall include only the remainder of the estimated costs and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to subsection D. of this section.

#### BONDS

4. Notice is hereby given that bonds to represent the unpaid assessments, and bear interest at the rate of not to exceed the current legal maximum rate of twelve percent (12%) per annum, will be issued hereunder in the manner provided in the "Improvement Bond Act of 1915," being Division 10 of the Streets and Highways Code of the State of California, the last installment of which bonds shall mature a maximum of not to exceed twenty-four (24) years from the second day of September next succeeding twelve (12) months from their date. The provisions of Part 11.1 of said Act, providing an alternative

procedure for the advance payment of assessments and the calling of bonds shall apply.

The principal amount of the bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of the bonds, and the amount of principal maturing in each year, plus the amount of interest payable in that year, will be generally an aggregate amount that is equal each year, except for the first year's adjustment.

Pursuant to the provisions of the Streets and Highways Code of the State of California, specifically Section 10603, the Treasurer is hereby designated as the officer to collect and receive the assessments during the cash collection period. Said bonds further shall be serviced by the Treasurer or designated Paying Agent.

"MUNICIPAL IMPROVEMENT ACT OF 1913"

5. That except as herein otherwise provided for the issuance of bonds, all of said improvements shall be made and ordered 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.

SURPLUS FUNDS

6. That if any excess shall be realized from the assessment, it shall be used, in such amounts as the legislative body may determine, in accordance with the provisions of law for one or more of the following purposes:

A. Transfer to the general fund; provided that the amount of any such transfer shall not exceed the lesser of One Thousand Dollars (\$1,000.00) or five percent (5%) of the total from the Improvement Fund.

B. As a credit upon the assessment and any supplemental assessment.

C. For the maintenance of the improvement; or

D. To call bonds.

SPECIAL FUND

7. The legislative body hereby establishes a special improvement fund identified and designated by the name of this Assessment District, and into said Fund monies may be transferred at any time to expedite the making of the acquisition herein authorized, and any such advancement of funds is a loan and shall be repaid out of the proceeds of the sale of bonds as authorized by law.

PROCEEDINGS INQUIRIES

8. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

STEVEN W. WALLACE, STREET SUPERINTENDENT  
CITY OF SAN DIEGO  
CITY OPERATIONS BUILDING  
1222 FIRST AVENUE, MS 407  
SAN DIEGO, CA 92101  
TELEPHONE: (619) 236-7056

PUBLIC PROPERTY

9. All public property in the use and performance of a public function shall be omitted from assessment in these proceedings unless expressly provided and listed herein.

ACQUISITION

10. That the public interest and convenience and the statute authorizes the acquisition of those improvements as described in this resolution, and said improvements are in existence and have been installed in place prior to the date of adoption of this resolution. For a general description of the works of improvement, reference is made to the previously approved Acquisition/Financing Agreement, as approved by this legislative body, a copy of which is on file with the transcript of these proceedings.

NO CITY LIABILITY

11. The legislative body further declares not to obligate itself to advance any available funds from the Treasury to cure any deficiency or delinquency which may occur in the bond redemption fund. This determination is made pursuant to the authorization of Section 8769(b) of the Streets and Highways Code of the State of California, and said determination shall further be set forth in the text of the bonds issued pursuant to the "Improvement Bond Act of 1915."

PETITION

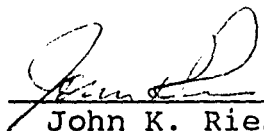
12. That a petition signed by property owners representing more than 60% in area of the property subject to assessment for

said improvement has been signed and filed with the legislative body, and said written petition expressly contains a waiver of any of the proceedings and limitations as set forth under Division 4 of the Streets and Highways Code of the State of California, the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931."

ANNUAL ADMINISTRATIVE ASSESSMENT

13. It is hereby declared that this legislative body proposes to levy an assessment pursuant to Section 10204 of the Streets and Highways Code of the State of California, said annual assessment to pay costs incurred by the City and not otherwise reimbursed which result from the administration of any associated bonds and reserve of other related funds.

APPROVED: John W. Witt, City Attorney

By   
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John K. Riess  
Deputy City Attorney

JKR:skh  
02/07/92  
Or.Dept:E&D  
R-92-1195  
Form=r.intent



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Passed and adopted by the Council of The City of San Diego on MAR 16 1992,  
by the following vote:

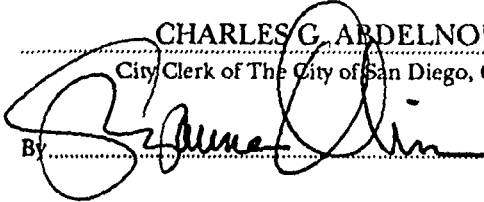
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 , Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-279521</u>	Adopted <u>MAR 16 1992</u>

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CITY OF SAN DIEGO  
SAN DIEGO, CA