

RESOLUTION NUMBER R- 279805

ADOPTED ON APR 21 1992

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

(Assessment District No. 4030 [Otay Mesa Industrial Park])

WHEREAS, the Council of The City of San Diego, (the Council"), has previously initiated proceedings and adopted its Resolution of Intention for the installation of certain public works of improvement, together with appurtenances and appurtenant work, including acquisition where appropriate, in a special assessment district 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, said special assessment district known and designated as Assessment District No. 4030 (Otay Mesa Industrial Park) ("Assessment District"); and

WHEREAS, pursuant to said Resolution of Intention, an Engineer's Report, ("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 as pursuant to the provisions of said "Municipal Improvement Act of 1913," including the following:

1. Plans and specifications of the proposed improvements;
2. Estimate of cost;

3. Diagram of Assessment District;
4. An estimate according to benefits; and
5. A description of the works of improvement; 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 improvements and acquisition, where appropriate, and this Council did, after providing a full hearing, overrule and deny all protests and objections; and

WHEREAS, this Council 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 of The City of San Diego, as follows:

RECITALS

1. That the above recital 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 (1/2) of the area of property

to be assessed for said 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 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 improvements to be made, and therefore said Council hereby orders the work to be done and improvements to be made, together with appurtenances and appurtenant work in connection therewith, including acquisition 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 updated and submitted, consisting of the assessment and diagram for the improvements, together with appurtenances and appurtenant work in connection therewith, including acquisition where appropriate, is hereby confirmed.

The assessments contained in the final Engineer's Report are hereby levied and approved as follows:

A. The final assessments to represent the costs and expenses to finance the public works of improvement, 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 by this Council, 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. That 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 said City Clerk, 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 as 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 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, and a statement of the fact that bonds will be issued pursuant to the "Improvement Bond Act of 1915".

ASSESSMENT COLLECTION

9. That 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 in 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.

10. That 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 DISTRICT FUNDS

11. That the City 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:

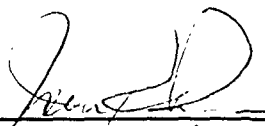
A. Improvement fund: All monies received from cash collection, proceeds from the sale of bonds and applicable contributions shall be placed into the Improvement Fund.

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.

12. That 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

JKR:vlj
04/10/92
Or. Dept: E&D
R-92-1522

1201

APR 21 1992

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *279805* Adopted APR 21 1992