

RESOLUTION NUMBER R- 280837

ADOPTED ON OCT 06 1992

RESOLUTION ACCEPTING A WAIVER OF THE CASH
COLLECTION PERIOD BY PARDEE CONSTRUCTION
COMPANY.

(Assessment District No. 4070 [Black Mountain Road])

WHEREAS, the City Council of The City of San Diego, (the "Council") has initiated proceedings for the formation of Assessment District No. 4070 (Black Mountain Road) as provided for by the Municipal Improvement Act of 1913 (the "Act") being Division 12 (commencing with Section 1000) of the California Streets and Highways Code (the "Streets and Highways Code") whereby the assessment shall be placed upon the land involved to cover the costs of certain improvements to be acquired that will benefit said land (the "Assessment"); and

WHEREAS, Pardee Construction Company is the sole owner of all the property within Assessment District No. 4070 (Black Mountain Road); and

WHEREAS, upon the City Council's confirmation of the Assessment, the Assessment becomes a lien upon the property subject to the proposed Assessment whereby the owner of said property shall have thirty (30) days to pay all or part of said assessment in accordance with Section 10403 of the Streets and Highways Code; and

WHEREAS, the Pardee Construction Company has elected under Section 10403 of the Streets and Highways Code to waive the

thirty (30) day cash collection period to expedite the proceedings; NOW, THEREFORE,

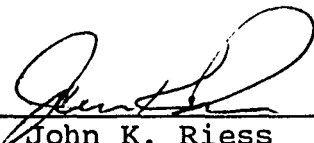
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the above recitals are all true and correct.
2. That the property owned by Pardee Construction Company is as set forth in the attached Exhibit "A" which coincides with the property ownership as set forth in the last County Assessor's tax roll.
3. That Pardee Construction Company has concurred with the issuance of bonds and acknowledges that it shall be responsible for the payment thereof in accordance with their terms.
4. That the undersigned representatives are authorized to sign this document on behalf of Pardee Construction company waiving the cash collection period and further waiving any notice requirements as set forth in Section 10404 of the Streets and Highways Code.
5. That the City Council shall, in accordance with Section 10312 of the Streets and Highways Code, hold a public hearing confirming the proposed improvement to be acquired and declare its actions were based upon the final Engineer's Report and that the assessments are final as to all persons and the assessments thereby levied upon the respective subdivisions of land within Assessment District No. 4070.
6. That The City of San Diego hereby authorizes the issuance of bonds to cover the costs associated with all unpaid assessments.

7. That Pardee Construction Company agrees to indemnify and hold harmless the City for any action or damages that might be incurred by reason of the waiver of the thirty (30) day cash collection period, as said period is set forth in Section 10403 of the Streets and Highways Code.

8. That this resolution shall take affect immediately upon its adoption.

APPROVED: John W. Witt, City Attorney

By 
John K. Riess
Deputy City Attorney

JKR:pev
09/08/92
10/01/92 COR.COPY
Or.Dept:E&D
R-93-428
Form=r.bids

WAIVER OF CASH COLLECTION PERIOD

WHEREAS, the City Council of the City of San Diego (the "Council") has initiated proceedings for the formation of Assessment District No. 4070 (Black Mountain Road) as provided for by the Municipal Improvement Act of 1913 (the Act) being Division 12 (commencing with Section 1000) of the Streets and Highways Code of the State of California, except where expressly modified or amended by the San Diego Improvement District Procedural Ordinance of 1982, whereby the assessment shall be placed upon the land involved to cover the costs of certain improvements to be acquired that will benefit said land (the "Assessment"); and

WHEREAS, Pardee Construction Company is the sole owner of all the property within the boundaries of Assessment District No. 4070 (Black Mountain Road); and

WHEREAS, upon the City Council's confirmation of the assessment, the assessment becomes a lien upon the property subject to the proposed assessment whereby the owner of said property shall have thirty (30) days to pay all or part of said assessment in accordance with Section 10403 of the Streets and Highways Code; and

WHEREAS, Pardee Construction Company has elected under Section 10403 of the Streets and Highways Code to waive the thirty (30) day cash collection period in order to expedite the proceedings.

NOW, THEREFORE, the undersigned do hereby certify under penalty of perjury as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the property owned by Pardee Construction Company is as set forth in the attached Exhibit "A" which coincides with the property ownership as set forth in the last County Assessor's tax roll.

SECTION 3. That Pardee Construction Company concurred with the issuance of bonds and acknowledges that it shall be responsible for the payment thereof in accordance with their terms.

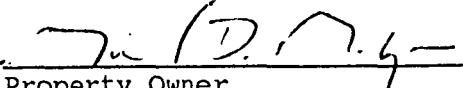
SECTION 4. That the undersigned representatives are authorized to sign this document on behalf of Pardee Construction Company waiving the cash collection period and further waiving any notice requirements as set forth in Section 10404 of the Streets and Highways Code.

SECTION 5. That the City Council shall in accordance with Section 10312 of the Streets and Highways Code hold a public hearing confirming the proposed improvement be acquired and declare its actions were based upon the Final Engineer's Report and that the assessments are final as to all persons and the assessments thereby levied upon the respective subdivisions of land within Assessment District No. 4070.

SECTION 6. That the City of San Diego hereby authorizes the issuance of bonds to cover the costs associated with all unpaid assessments.

SECTION 7. That Pardee Construction Company agrees to indemnify and hold harmless the City for any action or damages that might be incurred by reason of the waiver of the thirty (30) day cash collection period, as said period is set forth in Section 10403 of the Streets and Highways Code.

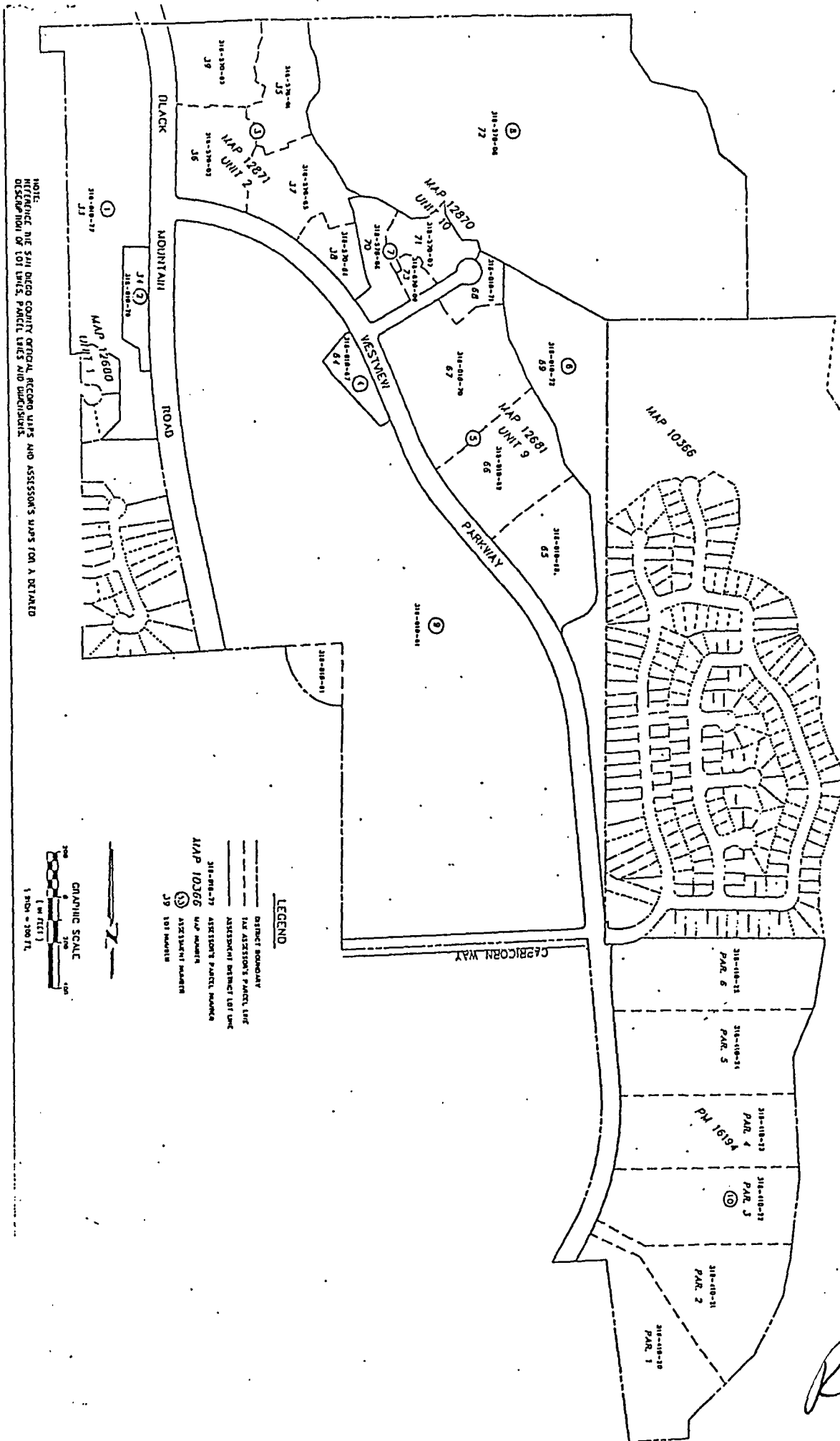
EXECUTED this 6th day of October, 1992, at San Diego, California.



Property Owner
Michael D. Madigan
Senior Vice President

Property Owner

EXHIBIT "A"



NOTE:
 REFERENCE THE SAN DIEGO COUNTY OFFICIAL RECORD MAPS AND ASSESSOR'S MAPS FOR A DETAILED
 DESCRIPTION OF LOT LINES, PARCEL LINES AND BOUNDARIES.

LEGEND

- DISTRICT BOUNDARY
- THE ASSessor'S PARCEL LINE
- ASSessor'S DISTRICT LOT LINE
- MAP 10366 MAP NUMBER
- 39 LOT NUMBER

R- 280837

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Passed and adopted by the Council of the City of San Diego
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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 R 280837 Adopted OCT 06 1992

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OCT 06 1992

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by the following vote:

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Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *R* **280837** Adopted **OCT 06 1992**
Number

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600 110: 06
600 110: 06