

RESOLUTION NUMBER R- 281989

ADOPTED ON MAY 17 1993

RESOLUTION ORDERING ACTION TO BE BROUGHT IN THE SUPERIOR COURT OF SAN DIEGO COUNTY TO FORECLOSE THE ASSESSMENT LIENS AGAINST DELINQUENT PARCELS OF LAND IN DE LA FUENTE BUSINESS PARK - PHASE 1 ASSESSMENT DISTRICT NO. 4011, DE LA FUENTE BUSINESS PARK - PHASE II ASSESSMENT DISTRICT NO. 4021, OTAY INTERNATIONAL CENTER - PHASE I ASSESSMENT DISTRICT NO. 4010, OTAY INTERNATIONAL CENTER PHASE II ASSESSMENT DISTRICT NO. 4019 AND OTAY MESA ROAD (RIGHT OF WAY ACQUISITION) ASSESSMENT DISTRICT NO. 3987.

WHEREAS, The City of San Diego ("City") has conducted special assessment proceedings from time to time, resulting in the issuance and sale of improvement bonds pursuant to the provisions of the Improvement Bond Act of 1915 (California Streets and Highways Code sections 8500 and following; hereafter referred to as the "1915 Act"); and

WHEREAS, pursuant to the 1915 Act, the timely collection of the assessments is necessary for the timely payment of all principal and interest on the improvement bonds and each assessment installment thereof and interest and penalties thereon constitute liens against the lots and parcels of land against which they are made, until the same are paid; and

WHEREAS, certain installments have not been paid when due, and certain installments of those assessments may not be paid in the future; and

WHEREAS, the City, through the assessment proceedings, has covenanted with the owners of the improvement bonds to commence and diligently pursue foreclosure actions against those parcels

of land subject to the delinquent payment of assessment installments; and

WHEREAS, under the provisions of Section 8833 of the 1915 Act, when such foreclosure actions are ordered, the county tax collector is to be collected by an action brought in the superior court to foreclose the liens of the delinquent assessment installments;

WHEREAS, under the provisions of Section 8833 of the 1915 Act, when such foreclosure actions are ordered, the county tax collector is to be credited upon the assessment roll with the amount charged against the tax collector on account of the assessment installments to be sued on and to be relieved of further duty in regard thereto; NOW, THEREFORE,

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

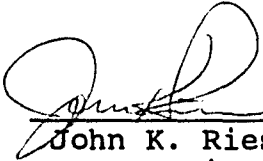
1. That the City hereby orders that the delinquent payments of assessment installments with respect to those parcels identified on Exhibit A attached hereto and incorporated herein, and all subsequent delinquent installments with respect to those parcels which are not paid when due, be collected by action brought in the Superior Court of San Diego County to foreclose the liens thereof.

2. That the City Attorney is hereby authorized and directed to retain Brown, Diven & Hentschke as special legal counsel to institute such actions in the name of the City to foreclose the liens of all such delinquent assessment installments.

3. That the City's Treasurer, in cooperation and in conjunction with special counsel, is authorized and directed to transmit a certified copy of this resolution to the Auditor/ Comptroller's office of the County of San Diego together with such other documents and the payment of such fees as is necessary or appropriate to credit the San Diego Tax Collector upon the assessment roll with the amounts charged against the Tax Collector on account of the assessment installments to be sued upon and to relieve the Tax Collector of further duty in regards thereto.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
05/06/93
Or.Dept:Treas.
R-93-1772
Form=r+t

EXHIBIT A

I. Assessment District No. 4010 (Otay International Center Phase I)

<u>Assessor's Parcel No.</u>	<u>Date of first Delinquency</u>	<u>Initial Delinquent Installment Amount</u>
646-141-2200	12-10-92	\$ 2,135.81
646-230-0500	12-10-92	\$ 2,691.01
646-141-2800	04-10-92	\$ 1,507.88

II. Assessment District No. 4011 (De La Fuente Business Park Phase I)

<u>Assessor's Parcel No.</u>	<u>Date of first Delinquency</u>	<u>Initial Delinquent Installment Amount</u>
646-150-0700	12-10-92	\$ 25,075.52
646-150-0600	12-10-91	\$ 3,838.12
646-150-3400	04-10-91	\$ 3,127.03
646-150-4800	04-10-91	\$ 3,912.21
646-150-1000	12-10-92	\$ 4,683.43
646-150-1100	12-10-92	\$ 4,334.57
646-150-1200	12-10-92	\$ 3,475.01
646-150-1500	12-10-92	\$ 4,607.90
646-150-2400	12-10-92	\$ 4,600.71
646-150-3300	12-10-92	\$ 4,600.71
646-150-4200	12-10-92	\$ 2,989.49
646-150-4500	12-10-92	\$ 4,118.78
646-150-4600	12-10-92	\$ 4,136.77
646-150-5000	12-10-92	\$ 5,323.61
646-150-5100	12-10-92	\$ 5,323.61
646-210-0500	12-10-92	\$ 811.95
646-210-0600	12-10-92	\$ 722.00
646-210-0700	12-10-92	\$ 654.54
646-210-0800	12-10-92	\$ 654.54
646-210-0900	12-10-92	\$ 654.54
646-210-3000	12-10-92	\$ 856.93
646-210-3100	12-10-92	\$ 913.15

III. Assessment District No. 4019 (Otay International Center Phase II)

<u>Assessor's Parcel No.</u>	<u>Date of first Delinquency</u>	<u>Initial Delinquent Installment Amount</u>
646-141-2200	12-10-92	\$ 8,099.45
646-230-0500	12-10-92	\$ 8,422.45
646-141-2800	04-10-92	\$ 5,729.69

R-281989

IV. Assessment District No. 4021 (De La Fuente Business Park Phase II)

<u>Assessor's Parcel No.</u>	<u>Date of first Delinquency</u>	<u>Initial Delinquent Installment Amount</u>
646-120-3000	12-10-92	\$ 13,192.68
646-120-3900	12-10-92	\$ 30,417.88
646-210-0100	12-10-92	\$ 5,265.72
646-210-0500	12-10-92	\$ 4,758.06
646-210-0600	12-10-92	\$ 4,225.69
646-210-0700	12-10-92	\$ 3,826.41
646-210-0800	12-10-92	\$ 3,826.41
646-210-0900	12-10-92	\$ 3,826.41
646-210-1000	12-10-92	\$ 5,349.30
646-210-1100	12-10-92	\$ 3,844.81
646-210-1200	12-10-92	\$ 3,844.81
646-210-1300	12-10-92	\$ 3,844.81
646-210-1400	12-10-92	\$ 4,597.06
646-210-1500	12-10-92	\$ 5,391.10
646-210-1600	12-10-92	\$ 5,809.01
646-210-1900	12-10-92	\$ 3,844.81
646-210-2000	12-10-92	\$ 4,806.02
646-210-2100	12-10-92	\$ 4,931.39
646-210-2200	12-10-92	\$ 3,844.81
646-210-2300	12-10-92	\$ 5,391.10
646-210-2400	12-10-92	\$ 6,937.38
646-210-2500	12-10-92	\$ 6,686.63
646-210-2600	12-10-92	\$ 5,349.30
646-210-3000	12-10-92	\$ 5,024.24
646-210-3100	12-10-92	\$ 5,356.97
646-210-3200	12-10-92	\$ 16,173.29
646-210-3300	12-10-92	\$ 23,068.88
646-210-3400	12-10-92	\$ 17,009.12
646-210-3500	12-10-92	\$ 4,220.93
646-261-0100	12-10-92	\$ 1,473.81
646-261-0200	12-10-92	\$ 1,596.63
646-261-0300	12-10-92	\$ 1,698.98
646-261-0400	12-10-92	\$ 1,678.51
646-261-0500	12-10-92	\$ 1,647.80
646-261-0700	12-10-92	\$ 1,637.57

V. Assessment District No. 3987 Otay Mesa Road (Right of Way Acquisition)

<u>Assessor's Parcel No.</u>	<u>Date of first Delinquency</u>	<u>Initial Delinquent Installment Amount</u>
646-141-2800	04-10-92	\$ 438.50
646-230-0500	12-10-92	\$ 431.59
646-141-2200	12-10-92	\$ 336.84

R- 281989

#146

Passed and adopted by the Council of The City of San Diego on MAY 17 1993
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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By Linda Luzan Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-281989 Adopted MAY 17 1993

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CITY CLERKS OFFICE
SAN DIEGO, CA

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