

(R-93-2149)

RESOLUTION NUMBER R- 2 8 2 3 5 5

ADOPTED ON JUL 13 1993

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO, CALIFORNIA, MAKING DECLARATION  
REGARDING SURPLUS IN IMPROVEMENT FUND.

(Assessment District No. 4013 [Calle Cristobal])

WHEREAS, the City Council of The City of San Diego,  
California, has conducted proceedings and completed installation  
for certain works of improvement 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. 4013  
[Calle Cristobal] (hereinafter referred to as the "Assessment  
District"); and

WHEREAS, after completion of the improvements and payment of  
all the claims from the Improvement Fund for said Assessment  
District, there remains a surplus in the Improvement Fund, and  
this legislative body is desirous at this time to make the  
disposition of said surplus as so provided by Section 10427 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 the works of improvement, as set forth and  
described in the Resolution of Intention for these proceedings,

REC-38  
CITY CLERK  
93 JUN 30 PM 2:11  
SAN DIEGO, CALIF.

1993 JUN 30 PM 2:11  
SAN DIEGO, CALIF.

have been completed to the satisfaction of this legislative body, and all payment has either been made or set aside for all existing or potential claims, costs and expenses.

3. That a transfer shall be made to the General Fund of the lesser of \$1,000 or five percent (5%) of the total amount expended from the Improvement Fund.

4. That, except as provided in Section 5, hereinbelow, all surplus monies remaining in the Improvement Fund shall be used to call outstanding improvement bonds previously issued for the Assessment District (the "Bonds").

5. That the Treasurer is hereby directed to do each of the following:

A. Cause the reserve fund to be reduced as necessary pursuant to Streets and Highways Code section 8887 to assure that the Bonds will not become subject to federal income taxation.

B. Cause any assessment previously paid in cash to receive a credit in cash pursuant to Streets and Highways Code section 10427.1 for the proportionate share of the surplus as determined pursuant to such section.

C. Cause the preparation of new auditor's records to reflect the adjusted principal amount of the remaining assessment resulting from the call of the Bonds and from the assignment, if any, by any property owner or property owners of their proportionate share of the benefit of such call of the Bonds to the owners of other properties within the Assessment District as specified in such assignment. Such adjustments to the auditor's records shall be incorporated with and made a part of any changes

and modifications in assessments within the Assessment District ordered by this legislative body at the meeting at which this resolution is adopted.

APPROVED: JOHN W. WITT, City Attorney

By



---

John K. Riess  
Deputy City Attorney

JKR:pev  
06/28/93  
Or.Dept: E&D  
R-93-2149  
Form=r+t

335 (A)  
(A-b)

Passed and adopted by the Council of The City of San Diego on JUL 13 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 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

(Seal)

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 R-282355 Adopted JUL 13 1993