

RESOLUTION NUMBER R- 283892

ADOPTED ON MAY 16 1994

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 ASSESSMENT DISTRICT NO. 3987 - OTAY MESA ROAD (RIGHT OF WAY ACQUISITION).

WHEREAS, The City of San Diego ("City") conducted special assessment proceedings for Assessment District No. 3987 - Otay Mesa Road (Right of Way Acquisition) (the "Assessment District") resulting in the issuance and sale of limited obligation improvement bonds for the Assessment District pursuant to the provisions of the Improvement Bond Act of 1915 (California Streets and Highways Code section 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 action against those parcels of

land subject to the delinquent payment of assessment installments; and

WHEREAS, under the provisions of the Streets and Highways Code of the State of California, this City Council is authorized, not later than four (4) years after the due date of the last assessment installment, to order the same to be collected by an action brought in the superior court to foreclose the liens of the delinquent assessment installments; and

WHEREAS under 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 used 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:

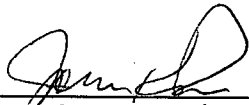
1. The City hereby orders that the delinquent payments of assessment installments with respect to those parcels identified on Exhibit A attached hereto and incorporated herein, and all subsequent delinquent installments with respect to those parcels which are not paid when due, be collected by action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

2. 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. 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/Controller'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
04/29/94
Or.Dept:Treas
R-94-1678
Form=r.foreclose

EXHIBIT A

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

County
Assessor's
Parcel No.

646-141-28
646-180-10
646-180-17
646-230-05

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