

RESOLUTION NUMBER R-284039

ADOPTED ON JUN 06 1994

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO THE DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS ON THE DOWNTOWN MAINTENANCE ASSESSMENT DISTRICT.

BE IT RESOLVED, by the Council of The City of San Diego, that this Council proposes and intends to levy and collect assessments to pay the cost of future maintenance of all trees, plants, etc., planted or placed within the open space areas as designated, located within the boundaries of the district as amended, in said City under the provisions of the San Diego Maintenance District Procedural Ordinance of 1975, sections 65.0201 through 65.0220 of the San Diego Municipal Code, the Landscaping and Lighting Act of 1972, California Streets and Highways Code section 22500 et seq. Such maintenance being more particularly described as follows:

Section 1

DESCRIPTION OF MAINTENANCE

The proposed landscape maintenance to be provided to zones consists in general of the following:

1. Street Trees (Zone 1):
 - a. Irrigation
 - b. Fertilization
 - c. Shaping of trees and shrubs
 - d. Removal of weeds, trash and litter from planters
 - e. Replacement of dead or diseased trees and shrubs

- f. Pest control
- g. Repair of equipment and facilities
- 2. "C" Street Mall (Zone 2):
 - a. Landscape maintenance
 - b. Sidewalk sweeping
 - c. Litter removal
 - d. Gum and graffiti removal
 - e. Sidewalk cleaning, using high pressure water cleaning equipment
- 3. Litter/Graffiti Control (Zone 3):
 - a. Litter removal from public right-of-way areas
 - b. Graffiti removal from public right-of-way property, using specialized mobil vehicles and pressure cleaning equipment
 - c. Painting and coating of public fixtures which allow easy removal of graffiti.
- 4. Horton Plaza (Zone 4) and East Broadway (Zone 5):
 - a. Street tree maintenance
 - b. Sidewalk sweeping
 - c. Litter removal
 - d. Gum and graffiti removal
 - e. Sidewalk cleaning, using high pressure water cleaning equipment
 - f. Cleaning and repair of street furniture, drinking fountains, kiosks and trash receptacles and planters
 - g. Energy costs for landscape lighting
 - h. Water costs for cleaning and landscape irrigation
- 5. Open Space/Parks (Zone 6):
 - a. Sidewalk sweeping
 - b. Sidewalk cleaning

- c. Litter removal
- d. Cleaning and repair of street furniture, drinking fountains, kiosks and trash receptacles and planters
- e. Energy costs for maintenance of landscape lighting and street lights
- f. Landscape maintenance and replacement
- g. Open space maintenance
- h. Water costs for cleaning and landscape irrigation.

The maintenance shall be for a period of one year, terminating on June 30, 1995.

Section 2

DESCRIPTION OF MAINTENANCE DISTRICT

The expenses of the contemplated maintenance hereinbefore mentioned are made chargeable upon the district hereinafter described and the Council does declare said district to be the district benefitted by the maintenance and to be assessed to pay the costs and expenses thereof. The district is described as follows:

All that real property in said City of San Diego included within the exterior boundary lines of the map designated as the "Downtown Maintenance Assessment District" consisting of twenty-six (26) pages and including the territories annexed by these proceedings and filed in the office of the City Clerk under Document No. M- 312-1, excepting therefrom all public streets, public lands, roads, alleys, avenues and highways. Reference is hereby made to the map for a further full and more particular description of the maintenance district on the map, so

on file, shall govern for all details as to the extent of the maintenance district.

Section 3

ASSESSMENT OF COST AND EXPENSE

It is proposed to assess the total amount of maintenance costs of the district, plus the incidental expenses thereto, less a City contribution of \$9,500 from the Gas Tax Fund for graffiti control and \$3,190 from Gas Tax Funds for center median landscaping on Broadway, Pacific Highway and Market Street, to all the real property within the district in conformance with the provisions of the San Diego Maintenance District Procedural Ordinance of 1975 and in proportion to the estimated benefits from the maintenance to be received by the individual parcel of real property.

The Council may order a portion of the costs of maintenance to be paid by the City from appropriate funds.

Contractual Maintenance	\$ 240,129
Personnel	394,205
Utilities	11,250
Incidentals	<u>176,845</u>
Total Expenses	\$ 822,429
Reserve	<u>32,532</u>
Total	\$ 854,961
Less Carry-over & Interest	(153,130)
Less City Contribution	<u>(12,690)</u>
Assessed to the District	\$ 689,141

A statement of the proposed assessments levied against the several lots or parcels of land as shown on the map referred to in Section 2 above, is on file in the office of the Street Superintendent for Public Inspection. Assessments will be levied pursuant to Chapter VI, Article 5, Division 2 of the San Diego Municipal Code.

Section 4

TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that on June 21, 1994 at 10:00 a.m.
and on July 26, 1994 at 10:00 a.m. in the Council
Chambers of the City Administration Building, Community
Concourse, 202 C Street, in the City of San Diego, California, is
the day, hour and place for the hearing when any person
interested may object to the proposed maintenance or the amount
of the assessment. Failure to make objections at the time will
be deemed to be a waiver of all objections and shall operate as a
bar for any claim for damages. Such protest, if any, must be in
writing and must contain a description of the property in which
each signer thereof is interested, sufficient to identify the
same and shall be delivered to and filed with the City Clerk at a
time no later than the hour set for the hearing.

Persons desiring to make inquiries regarding these
proceedings are hereby advised that they may contact the Street
Superintendent at the City Operations Building, 1222 First
Avenue, San Diego, California 92101 or telephone (619) 236-6010.

Section 5

PUBLICATION OF NOTICE

The City Clerk is directed to cause a notice, as required in
section 22550 et seq. of the California Streets and Highways
Code, to be published at least forty-five (45) days before the
date of the hearing in the City's official newspaper. The City
Clerk is directed to mail a copy of such notice, postage prepaid,
to all property owners specified in section 65.0216 of the San

Diego Municipal Code, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the San Diego Maintenance District Procedural Ordinance of 1975.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
04/14/94
Or.Dept:E&D
R-94-1538
Form=r.ilca