

RESOLUTION NUMBER R- 285111

ADOPTED ON DEC 12 1994

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING CERTAIN AMENDMENTS TO THE ASSESSMENT DIAGRAM AND MODIFICATIONS AND REAPPORTIONMENTS TO CERTAIN ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT.

(Assessment District No. 4007 First San Diego River Improvement Project [FSDRIP])

WHEREAS, the Council of The City of San Diego, California, did previously undertake proceedings to form and did form an assessment district under the provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California, to finance the construction of certain public works of improvement to benefit properties within the boundaries of a special assessment district, said assessment district known and designated as ASSESSMENT DISTRICT NO. 4007 First San Diego River Improvement Project (FSDRIP) (hereinafter referred to as the "Assessment District"); and

WHEREAS, on January 3, 1994 the Council did adopt an ordinance (O-18020 (N.S)) merging approximately 8.19 acres of land located outside the boundaries of the Assessment District with certain property located in the Assessment District and commonly referred to as Rio Vista West (the "Subject Property"); and

WHEREAS, the owners of the Subject Property have an approved and recorded Rio Vista West Unit No. 1 Final Map, Map No. 13148 (the "Final Map") which merges the land previously incorporated

by Council Ordinance number O-18020 (N.S.) with the Subject Property and subdivides the Subject Property; and

WHEREAS, this legislative body has received a request from the owners of the Subject Properties to consider amending the boundaries of the Assessment District Diagram (the "Diagram") currently established and recorded at the Office of the Court Recorder to reflect the merger to and subdivision of the Subject Property; and

WHEREAS, the owners of the Subject Properties further requested that the City Council consider modifying and reapportioning the assessments within the Subject Properties to reflect the merger and subdivision of the Subject Properties; and

WHEREAS, pursuant to such request, the Superintendent of Streets has prepared and presented to this legislative body a proposed First Amendment to Assessment District Diagram ("First Amendment to Diagram"); and


WHEREAS, the list legislative body has received the consent of all of the owners of the Subject Property to the proposed amendments to the Assessment District boundary and the modification and apportionment of the prior assessments to the new parcel configuration resulting from the merger and subdivision and the waiver by all of the owners of the Subject Property to any further notice pertaining to the proposed change in the boundary affecting any portion of the Subject Property and to any and all right which such owners may have to protest such amendments to the Assessment District boundary; and

WHEREAS, this legislative body is ready to proceed to take action on the proposed amendment; 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 this legislative body hereby approves (a) the First Amendment to Assessment District Diagram and (b) the modification and reapportionment of the assessments within the Subject Properties as shown on Exhibit A attached hereto and incorporated herein by this reference pursuant to the authority as set forth in Section 10352 of the Streets and Highways Code of the State of California (the "Municipal Improvement Act of 1913").
3. That the decisions and determination of this legislative body ordering the above-referenced amendments shall be final and conclusive upon all persons entitled to appeal thereon.
4. That the Assessment District Diagram, the Assessment Roll, the Engineer's Report and all related documentation, as herein modified are for the best interest of the property owners within the Subject Properties and the modified and reapportioned assessments are in accordance with the benefits received.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Senior Deputy City Attorney

JKR:pev
11/29/94
Or.Dept:E&D
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EXHIBIT "A"

CITY OF SAN DIEGO
 ASSESSMENT DISTRICT NO. 4007
 FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT
 (FSDRIP)

MODIFICATION AND REAPPORTIONMENT
 OF ASSESSMENTS

<u>*Original Assessment Number</u>	<u>*Confirmed Assessment</u>	<u>**New Assessment Number</u>	<u>Reapportioned Assessment</u>
13A	\$2,725,399.48	209	\$ 553,825.55
13C	49,381.85	210	129,226.17
14	174,728.58	211	46,135.64
TOTAL	<u>\$2,949,509.91</u>	212	481,112.60
		213	30,323.84
		214	842,881.82
		215	866,004.29
			<u>\$2,949,509.91</u>

*As contained in the Final Engineer's Report. approved by the City Council on June 2, 1987.

**Modified assessment numbers correspond to parcels identified by Final Map No. 13148 as follows: Lot 1 - #209, Lot 2 - #210, Lot 3 - #211, Lot 4 - #212, Lot 5 - #213, Lot "A" - #214, Lot "B" - #215

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