

RESOLUTION NUMBER R- 288815

ADOPTED ON JUN 09 1997

RESOLUTION OF INTENTION TO LEVY AND COLLECT  
1997-98 ANNUAL ASSESSMENTS ON PENASQUITOS EAST  
LANDSCAPE MAINTENANCE 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 a prescribed portion of 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 Penasquitos East Landscape Maintenance District (the "District"), 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. and Article XIII D section 4 of the California Constitution. Such maintenance being more particularly described as follows:

Section 1

DESCRIPTION OF AUTHORIZED ACTIVITIES

The proposed maintenance consists in general of those items described in Exhibit "A," attached hereto.

The maintenance shall be for a period of one year, terminating on June 30, 1998.

Section 2

DESCRIPTION OF MAINTENANCE DISTRICT

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 "Penasquitos East Landscape Maintenance District" filed in the office of the City Clerk under Document No. 389.98-1, excepting therefrom all public streets, 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

The maintenance and operation 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.

It is proposed to assess the total amount of maintenance costs of the district, plus the incidental expenses thereto, less a City contribution of \$32,728, representing general benefits and the special benefit to public parcels (\$21,203 from the Gas Tax Fund for maintenance of landscaped medians and \$2,175 from the Environmental Growth Fund for open space), 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.

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
<b>BEGINNING BALANCE</b>	\$ 0.00	\$ 183,446.00	\$ 183,446.00
<b>REVENUE:</b>			
Assessments	\$ 155,284.00	\$ 0.00	\$ 155,284.00
Interest	0.00	5,400.00	5,400.00
City Contribution	<u>32,728.00</u>	<u>0.00</u>	<u>32,728.00</u>
<b>TOTAL REVENUE</b>	\$ 188,012.00	\$ 5,400.00	\$ 193,412.00
<b>TRANSFER</b>	\$ 5,818.00	(\$ 5,818.00)	\$ 0.00
<b>EXPENSE:</b>			
Personnel	\$ 16,815.00	\$ 0.00	\$ 16,815.00
Contractual	111,000.00	0.00	111,000.00
Incidental	46,265.00	0.00	46,265.00
Utilities	<u>19,750.00</u>	<u>0.00</u>	<u>19,750.00</u>
<b>TOTAL EXPENSE</b>	\$ 193,830.00	\$ 0.00	\$ 193,830.00
<b>ENDING BALANCE</b>	\$ 0.00	\$ 183,028.00	\$ 183,028.00

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 Article XIII D, Section 4 of the California Constitution.

#### Section 4

#### TIME AND PLACE OF HEARING

NOTICE IS HEREBY GIVEN that on July 22, 1997 at 10:00 a.m. and on August 5, 1997 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.

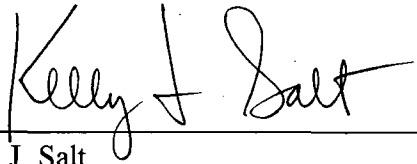
Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Acting Program Supervisor at the City Administration Building, 202 "C" Street, MS 7B, San Diego, California 92101 or telephone (619) 533-4513.

Section 5

NOTICE OF HEARING

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: CASEY GWINN, City Attorney

By   
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Kelly J. Salt  
Deputy City Attorney

KJS:pev  
5/27/97  
Or.Dept:Fin.&Tech.Svcs  
R-97-1309  
Form=ilcar.frm

EXHIBIT A

- a. Irrigation
- b. Fertilization
- c. Removal of weeds, trash and litter
- d. Pruning of trees and shrubs
- e. Replacement of dead or diseased trees and shrubs
- f. Repair of facilities