

(a)

(R-98-693)

RESOLUTION NUMBER R- 289603

ADOPTED ON DEC 16 1997

RESOLUTION ORDERING FORECLOSURE ACTIONS TO FORECLOSE THE DELINQUENT SPECIAL ASSESSMENT LIENS AGAINST DELINQUENT PARCELS OF LAND IN ASSESSMENT DISTRICT NO. 4011 - DE LA FUENTE BUSINESS PARK PHASE 1 AND ORDERING THE RECORDATION OF A NOTICE OF INTENT TO REMOVE DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS FROM THE TAX ROLL; ORDERING ACTION TO TRANSMIT TO THE COUNTY OF SAN DIEGO DOCUMENTS NECESSARY TO CREDIT THE COUNTY OF SAN DIEGO UPON THE TAX ROLL AND TO RELIEVE TAX COLLECTOR FURTHER DUTY THERETO IN ASSESSMENT DISTRICT NO. 4011.

WHEREAS, in Closed Session on December 9, 1997, the City Council by the following vote: Yeas, Districts 1, 2, 3, 4, 6, 7 and 8, Not Present, District 5 and Mayor Golding approved the following; and

WHEREAS, the City Council of San Diego, California, did previously undertake proceedings to and did establish an assessment district pursuant to the provisions of the "Improvement Bond Act of 1915" ("1915 Act") found in California Streets and Highways Code section 8500 and following; and

WHEREAS, the City of San Diego did previously issue special assessment bonds pursuant to the 1915 Act to finance public improvements; and

WHEREAS, pursuant to the 1915 Act, the timely collection of the special assessment installments are necessary for the timely payment of all principal and interest on the special assessment bonds and each special assessment levy 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 special assessments have not been paid when due, and certain special assessments may not be paid in the future; and

WHEREAS, the City of San Diego has covenanted with the owners of the special assessment bonds to commence and diligently pursue foreclosure actions against those parcels of land subject to the delinquent payment of special assessments; and

WHEREAS, under the provisions of Section 8834 of the Streets and Highways Code of California, this City Council is authorized, not later than four years after the final maturity of the special assessment bonds, to order the same to be collected by an action brought in the Superior Court to foreclose the liens of the delinquent special assessments; and

WHEREAS, under the provisions of Section 8833 of the Streets and Highways Code of California, when such foreclosure actions are ordered, the County Tax Collector is to be credited upon the tax roll with the amount charged against the Tax Collector on account of the delinquent special assessments to be sued on and to be relieved of further duty in regard thereto and a Notice of Intent to Remove Delinquent Special Assessment Installments from the Tax Roll is to be recorded with the County Recorder's Office in the county in which the real property is located;

NOW, THEREFORE, BE IT RESOLVED by the City Council of San Diego as follows:

SECTION 1. The City of San Diego hereby orders that the delinquent payments of special assessments with respect to the following San Diego County Assessor's Parcel or Land Numbers 646-150-34, 646-150-31, 646-150-48, and all subsequent delinquent special assessments with respect to those parcels which are not paid when due, be collected by action

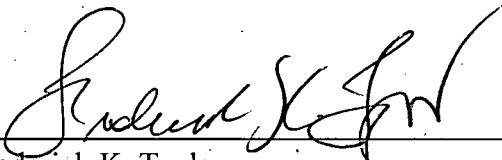
brought in the Superior Court of San Diego to foreclose the liens thereof.

SECTION 2. The City Attorney of San Diego is hereby authorized and directed to institute such actions in the name of the City to foreclose the liens of all such delinquent special assessments.

SECTION 3. The City of San Diego hereby orders that the San Diego City Manager or the Manager's designee, in cooperation and in conjunction with the City Attorney, is authorized and directed to prepare and cause to be recorded with the County Recorder of San Diego a Notice of Intent to Remove Delinquent Assessment Installments from the Tax Roll.

SECTION 4. The City of San Diego hereby orders that the San Diego City Manager or the Manager's designee, in cooperation and in conjunction with the City Attorney, is authorized and directed to transmit a certified copy of this Resolution to the Auditor/Controller's Office of San Diego County together with such other documents and the payment of such fees as is necessary or appropriate to credit the San Diego County Tax Collector upon the tax roll with the amounts charged against the Tax Collector on account of the delinquent special assessment installments to be sued upon and to relive the Tax Collector of further duty in regards thereto.

APPROVED: CASEY GWINN, City Attorney

By 
Frederick K. Taylor
Deputy City Attorney

FKT:cmg
12/10/97
Or.Dept:Financial & Technical Services
Aud.Cert:
R-98-693
Form=r&t.frm