

(R-99-991)

RESOLUTION NUMBER R- 291436

ADOPTED ON MAR 29 1999

RESOLUTION ACCEPTING PETITION AND DETERMINING
TO UNDERTAKE SPECIAL ASSESSMENT PROCEEDINGS.

CITY OF SAN DIEGO
DEL MAR TERRACES UNDERGROUNDING
ASSESSMENT DISTRICT NO. 99-1

WHEREAS, the owners of certain real property situated in the City of San Diego have filed with the City Clerk a petition, signed by such owners, requesting the acquisition and/or construction of certain public improvements necessary to the undergrounding of existing overhead electric and communication facilities to underground locations, the cost of which is to be specifically assessed against each parcel of land benefitting from such improvements; and

WHEREAS, the petition contains an express waiver of statutory proceedings under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, as provided in Section 2804 of the Streets and Highways Code of the State of California; and

WHEREAS, the City Clerk has also received a certificate to the effect that the petition has been signed by persons owning lands constituting more than sixty percent (60%) in area of the land subject to assessment within the proposed assessment district; and

WHEREAS, this Council finds that the owners of more than sixty percent (60%) in area of the land subject to assessment for the proposed improvements, including not less than five owners of assessable land within the proposed assessment district, have signed such petition and that the petition contains the matters required by Sections 2804 and 2804.5 of the Streets and Highways Code; NOW, THEREFORE,

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

1. That the petition as filed with the City Clerk is hereby found to be legally sufficient and is accepted by this City Council.

2. That the special assessment proceedings shall be undertaken by the terms of the petition, pursuant to the Municipal Improvement Act of 1913 and the provisions of Chapter 28, Part 3, Division 7 of the California Streets and Highways Code, and without further compliance with the Special Assessment investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800 of the Streets and Highways Code)

3. That the public interest and convenience will be served by the taking of such proceedings.

4. That this action is "final" within the meaning of Streets and Highways Code Section 3012.

APPROVED: CASEY GWINN, City Attorney

By Kelley J. Dault for
Jacqueline Mittelstadt
Deputy City Attorney

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