

(R-99-990)

RESOLUTION NUMBER R- 291438

ADOPTED ON MAR 29 1999

RESOLUTION OF INTENTION.

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

WHEREAS, under the authority of the Municipal Improvement Act of 1913 (Sections 10000 and following, California Streets and Highways Code), which incorporates by reference the provisions of Sections 5896.1 through 5896.17 of the California Streets and Highways Code (the "Code"), constituting Chapter 28 of Part 3 of Division 7 of the Code, and entitled "Conversion of Existing Overhead Electric and Communication Facilities to Underground Locations," this Council intends to order the acquisition and/or construction of the improvements needed to accomplish the undergrounding of existing overhead electric and communication facilities within the proposed City of San Diego Del Mar Terraces Undergrounding Assessment District No. 99-1 (the "Assessment District"); and

WHEREAS, this Council finds that the land specially benefitted by the improvement is the land shown within the boundaries shown on the Boundary Map previously approved by the City Council and on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated "City of San Diego Del Mar Terraces Undergrounding Assessment District No. 99-1, County of San Diego, State of California"; NOW, THEREFORE,

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

1. That this Council intends to levy a special assessment upon designated portions of the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement.

2. That where any disparity occurs in level or size between the improvement and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this limited purpose with the written consent of the Landowner; provided that this determination shall not be construed to provide for the inclusion in the authorized undergrounding project of the work on private property required to establish an underground connection from the undergrounded utility facilities into individual structures which are being served by such undergrounded utility facilities.

3. That this Council appoints Frank Belock, Jr., the City Engineer, as the Assessment Engineer for this project, and directs the preparation of the report containing the matters required by Section 10204 of the Streets and Highways Code, as supplemented by Section 4 of Article XIID of the California Constitution.

4. That in the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code

5. That this Council does not intend to issue limited obligation improvement bonds upon the security of the unpaid assessments but intends instead to collect said unpaid assessments in a single installment on the 1999-2000 secured property tax roll of the County of San Diego, as authorized by the provisions of the San Diego Municipal Code.

6. That the amount of any surplus remaining in the improvement fund after completion of the improvement and payment of all claims shall be distributed in accordance with the provisions of Section 10427.1 of the Streets and Highways Code.

APPROVED: CASEY GWINN, City Attorney

By Kelly J. Suf for
Jacqueline Mittelstadt
Deputy City Attorney

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