

RESOLUTION NUMBER R- 296561

ADOPTED ON MAY 28 2002

RESOLUTION OF INTENTION TO INITIATE PROCEEDINGS
FOR A BALLOT PROTEST PROCEDURE FOR ZONE 1 OF
THE BAY TERRACES MAINTENANCE ASSESSMENT
DISTRICT AND TO LEVY AND COLLECT FISCAL YEAR
2003 ANNUAL ASSESSMENTS ON ZONE 1 OF THE BAY
TERRACES MAINTENANCE ASSESSMENT DISTRICT.

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to initiate proceedings for a ballot protest procedure to increase the annual assessment for Zone 1 of the Bay Terraces Maintenance Assessment District [District] pursuant to Article XIID, section 4 of the California Constitution, the Landscaping and Lighting Act of 1972 (Sections 22.500, et seq., Streets and Highways Code), and the San Diego Municipal Code (sections 65.0201, et seq.).

BE IT FURTHER RESOLVED, that the Council proposes to increase the annual assessments for Zone 1 of the Bay Terraces Maintenance Assessment District and intends to levy and collect assessments to pay a prescribed portion of the cost of future maintenance of those items described in Exhibit A, attached hereto, located within the boundaries of the District, in the City under the provisions of Article XIII D, section 4 of the California Constitution and Sections 53739, 53750, 53753, 53753.5, and 54954.6 of the California Government Code (collectively referred to herein as the "Law"). 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."

The maintenance shall be for a period of one year, terminating on June 30, 2003.

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 District, filed in the office of the City Clerk under Document No. M407-03-1, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the map for a further and more particular description of the District, so on file, shall govern for all details as to the extent of the District.

Section 3

ASSESSMENT OF COST AND EXPENSE

The maintenance and expense of the contemplated maintenance are made chargeable upon the District, and the Council does declare that certain properties within the District receive special benefit by the maintenance.

The City Council proposes to assess those properties within the District which receive a special benefit from the maintenance for the total amount of maintenance costs of the District, plus the incidental expenses thereto, less a City contribution of \$53 representing general benefits and the special benefits to public parcels (from the Environmental Growth Fund for open space maintenance), to be received by the individual parcels of real property within the District.

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>OPERATIONS</u>	<u>RESERVE</u>	<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00	\$ 65.00	\$ 65.00
REVENUE:			
Assessments	\$ 29,615.00	\$ 0.00	\$ 29,615.00
Interest	0.00	200.00	200.00
City Contribution	53.00	.00	53.00
TOTAL REVENUE	\$ 29,668.00	\$ 200.00	\$ 29,868.00
TRANSFER TO RESERVE	(\$ 1,986.00)	\$ 1,986.00	\$ 0.00
TOTAL CASH AVAILABLE	\$ 27,682.00	\$ 2,251.00	\$ 29,933.00
EXPENSE:			
Personnel	\$ 1,405.00	\$ 0.00	\$ 1,405.00
Contractual	\$ 17,000.00	0.00	17,000.00
Incidental	3,255.00	0.00	3,255.00
Utilities	6,022.00	0.00	6,022.00
TOTAL EXPENSE	\$ 27,682.00	\$ 0.00	\$ 27,682.00
ENDING BALANCE	\$ 0.00	\$ 2,251.00	\$ 2,251.00

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 Park and Recreation, Northern Parks Division.

Section 4

TIME AND PLACE OF HEARING

The City Clerk is hereby directed to set a date for a public hearing for the proposed assessments within at least 45 days after the mailing of assessment ballots. Such hearing shall be held July 23, 2002 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. This hearing may be continued from time to time. Failure to make objections at the time of the hearing, or any continuance thereof, 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 or continuance thereof.

Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Assessment District Administrator at the World Trade Center, 1250 Sixth Avenue, Fourth Floor, MS 804A, San Diego, California 92101 or telephone (619) 533-6778.

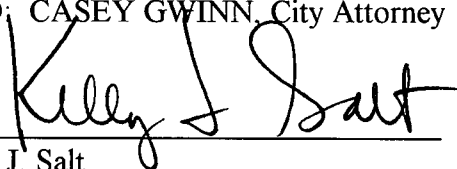
Section 5

NOTICE OF HEARING

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the hearing, postage prepaid, to all property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the Law.

APPROVED: CASEY GWINN, City Attorney

By


Kelly J. Salt
Deputy City Attorney

KJS:pev
5/8/02
Or.Dept:Park & Rec.
R-2002-1544

EXHIBIT A

- a. Fertilization
- b. Removal of weeds, trash and litter
- c. Pruning of trees and shrubs
- d. Trail maintenance

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