

RESOLUTION NUMBER R- 298878

ADOPTED ON FEB 09 2004

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING JUDICIAL FORECLOSURE OF PARCELS WITH DELINQUENT SPECIAL ASSESSMENTS, PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915 AND THE REFUNDING ACT OF 1984 FOR 1915 IMPROVEMENT ACT BONDS, AND ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE INSTALLMENTS.

WHEREAS, the City of San Diego, a California municipal corporation [City] has conducted special assessment proceedings from time to time, resulting in the issuance and sale of improvement bonds pursuant to the Improvement Bond Act of 1915 (California Streets & Highways Code Section 8500, et seq.) [1915 Act] and refunding bonds pursuant to the Refunding Act of 1984 for 1915 Improvement Act Bonds (California Streets & Highways Code Section 9500, et seq.) [1984 Act]; and

WHEREAS, pursuant to the 1915 Act and 1984 Act, the City has duly and regularly issued and filed and recorded the unpaid assessments and reassessments [hereinafter referred to as assessments], which assessments and each installment thereof and interest and penalties thereon constitute a lien against the parcel of land against which it was made until the same are paid, and which liens secure 1915 Act or 1984 Act bonds [hereinafter referred to as bonds]; and

WHEREAS, certain installments of the assessments have not been paid when due, and certain installments of assessments may not be paid in the future; and

WHEREAS, pursuant to Section 8830(a) of the 1915 Act and Section 9350 of the 1984 Act, the City is authorized to order the delinquent amounts collected by an action brought in the Superior Court to foreclose the liens thereof; and

WHEREAS, pursuant to Section 8830(b) of the 1915 Act, the City has covenanted for the benefit of owners of the bonds to file such foreclosure actions in its own name on their behalf, and to order the County Auditor to credit delinquent installments upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto; and,

WHEREAS, the City has retained Sherman & Feller, a Law Corporation, [Special Counsel] as special counsel to prosecute such judicial foreclosure actions; NOW THEREFORE,

BE IT RESOLVED by the City Council [Council] as follows:

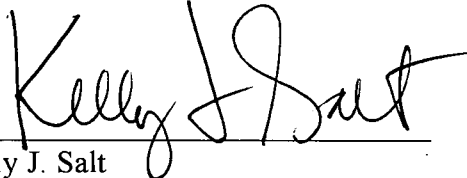
1. The Council finds that the 1915 Act and the 1984 Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special assessment installments, and hereby orders that the delinquent special assessment installments listed on Exhibit A attached hereto, and all future delinquent assessment installments as to such parcels, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2. The Council finds that the 1915 Act and the 1984 Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the Council, and hereby authorizes Attorneys to require payment of all costs and all attorneys fees incurred in the applicable foreclosure lawsuit as a condition of such redemption.

3. City personnel in conjunction with special counsel and other City consultants are authorized and directed to: 1) record applicable notices of intent to remove the delinquent

assessment installments from the tax rolls, and 2) request that the County Auditor remove current and future delinquent special assessment installments from the tax rolls.

APPROVED: CASEY GWINN, City Attorney

By 
Kelly J. Salt
Deputy City Attorney

KJS:pev
01/27/04
Or.Dept: City Treas.
R-2004-808

EXHIBIT A

District / Property Owner	Assessor's Parcel No.	Tax Year	Delinquent Installment	Delinquent Assessment Amount (a)
<u>De La Fuente Business Park - Phase 1 (b)</u>				
Delgadillo Abel & Maria	646-210-31-00	2001/2002	4/10/2002	\$ 868.00
539 Port Harwick		2002/2003	12/10/2002	\$ 824.50
Chula Vista, CA 91913		2002/2003	4/10/2003	\$ 824.50
			Total	\$ 2,517.00
<u>De La Fuente Business Park - Phase 2 (b)</u>				
Delgadillo Abel & Maria	646-210-31-00	2001/2002	4/10/2002	\$ 4,978.00
539 Port Harwick		2002/2003	12/10/2002	\$ 4,810.50
Chula Vista, CA 91913		2002/2003	4/10/2003	\$ 4,810.50
			Total	\$ 14,599.00
<u>Reassessment District 1999-1</u>				
Troy CMBS Property, LLC	438-360-01-00	2001/2002	4/10/2002	\$ 19,023.00
PO Box 560907				
Dallas, TX 75356				

(a) Exclusive of Delinquent and Redemption Penalties.

(b) The bonds associated with De La Fuente Business Park - Phases 1 & 2 were refunded in September, 2003, as part of the issuance of the Reassessment District 2003-1 Limited Obligation Refunding Bonds.