

11/14/06 3306
(R-2007-319)

RESOLUTION NUMBER R- 302081
DATE OF FINAL PASSAGE NOV 14 2006

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN TORREY HIGHLANDS AND SETTING THE TIME AND PLACE FOR HOLDING A PUBLIC HEARING THEREON.

WHEREAS, the Council of the City of San Diego [Council] desires to initiate proceedings for the designation of a facilities benefit assessment area of benefit in Torrey Highlands pursuant to Ordinance No. O-15318 (New Series) of the Council [Ordinance] which area of benefit will specially benefit from the acquisition, improvement and construction of certain public improvements more particularly described in the document titled, "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007," [Report]; and

WHEREAS, the Mayor, with the assistance of the City Planning & Community Investment Department, made and filed with the City Clerk, the Report, a copy of which is on file in the office of the City Clerk as Document No. RR- 302080 ; and

WHEREAS, the Council has examined and considered the Report, including the community financing plan and capital improvement program with respect to the proposed public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the general description of the public facilities projects; the estimated costs for the construction of said public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied

pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects; NOW, THEREFORE,

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

1. The Council declares its intention to designate an area of benefit within Torrey Highlands to finance the cost of the public facilities projects pursuant to the Ordinance.
2. The Council is satisfied with the correctness of the Report, including, without limitation, the community finance plan and capital improvement program with respect to said public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the description of the public facilities projects; the estimated costs for the construction of the public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the facilities benefit assessment area of benefit, and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic increases in the facilities benefit assessments will be computed; assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects. The Council does confirm and approve the Report.
3. The public facilities projects will be undertaken and completed as described in the Report.
4. The community financing plan and capital improvement program with respect to the public facilities projects will be as set forth in the Report.
5. The boundaries of the facilities benefit assessment area of benefit will be as set forth in the Report.

R- 302081

6. The method pursuant to which the cost of the public facilities project is to be apportioned among the parcels within the facilities benefit assessment area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel will be as set forth in the Report.

7. The Council determines it necessary to provide for automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceeding pursuant to Section 66.2212 of the Ordinance in order to reflect increases in the cost of money during the period between the imposition of the facilities benefit assessment, the payment of facilities benefit assessments and completion of the public facilities projects. The Council further determines that the basis and methodology for computing such increases set forth in the Report is reasonable and appropriate in order to provide an equitable distribution of the cost of the public facilities projects to community developers and the ultimate purchasers of developed properties.

8. The amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities project will be as set forth in the Report.

9. The Council shall hold a public hearing to consider the designation of the facilities benefit assessment area of benefit as proposed in this resolution at 2:00 p.m. on the 5th day of December, 2006, at the Council Chambers, 202 C Street, San Diego, California.

10. The City Clerk is authorized and directed to give notice of the public hearing described in Section 9 of this resolution by publishing this Resolution in the "*San Diego Daily Transcript*" at least two weeks before the date set forth herein and by mailing copies of this resolution to each owner of property located within the proposed area of benefit at the addresses

R- 302081

shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to Section 61.2205 of the Ordinance.

BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to State Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *KAD* _____ *Kimberly Ann Davies*
for David E. Miller
Deputy City Attorney

DEM:cfq
10/11/06
Or.Dept:City Planning & Community Investment/Fac.Fin.
R-2007-319
MMS#3814
Comp: R-2007-318
R-2007-320
R-2007-321
R-2007-357

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11-14-06.

ELIZABETH S. MALAND
City Clerk

By *Delia Averson-Cruz*
Deputy City Clerk

Approved: 11-14-06
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-302081

Passed by the Council of The City of San Diego on NOV 14 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda* Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 302081

11/14/06

STRT-FB-18(33)

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CITY CLERK'S OFFICE

06 NOV 22 AM 10:36

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

Karen Crenshaw
City of San Diego/Clerk's Office
202 C Street, M.S. 2A
San Diego CA 92101

**IN THE MATTER OF
R-302081**

CASE NO.

I, Jacqueline R. Burnett, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

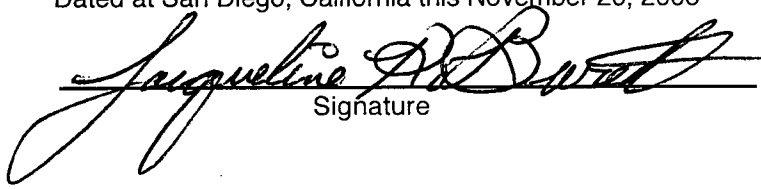
Resolution Number R-302081

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 20

I certify under penalty of perjury that the forgoing is true and correct.

Dated at San Diego, California this November 20, 2006


Signature

9 x 3 1/8 x 1 = 99.00

**CITY OF SAN DIEGO
RESOLUTION NUMBER R-302081**
RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN TORREY HIGHLANDS AND SETTING THE TIME AND PLACE FOR HOLDING A PUBLIC HEARING THEREON.
WHEREAS, the Council of the City of San Diego (Council) desires to initiate proceedings for the designation of a facilities benefit assessment area of benefit in Torrey Highlands pursuant to Ordinance No. O 15318 (New Series) of the Council (Ordinance) which area of benefit will specially benefit from the acquisition, improvement and construction of certain public improvements, more particularly described in the document titled "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007," (Report) and
WHEREAS, the Mayor, with the assistance of the City Planning & Community Investment Department, made and filed with the City Clerk, the Report, a copy of which is on file in the office of the City Clerk as Document No. RR 302080; and
WHEREAS, the Council has examined and considered the Report, including the community financing plan and capital improvement program, with respect to the proposed public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the general description of the public facilities projects; the estimated costs for the construction of said public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects; NOW THEREFORE
BE IT RESOLVED, by the City Council of the City of San Diego as follows:
1. The Council declares its intention to designate an area of benefit within Torrey Highlands to finance the cost of the public facilities projects pursuant to the Ordinance.
2. The Council is satisfied with the correctness of the Report, including, without limitation, the community finance plan and capital improvement program with respect to said public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the description of the public facilities projects; the estimated costs for the construction of the public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the facilities benefit assessment area of benefit; and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic increases in the facilities benefit assessments will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects. The Council does confirm and approve the Report.
3. The public facilities projects will be undertaken and completed as described in the Report.
4. The community financing plan and capital improvement program with respect to the public facilities projects will be as set forth in the Report.
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6. The method pursuant to which the cost of the public facilities project is to be apportioned among the parcels within the facilities benefit assessment area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel will be as set forth in the Report.
7. The Council determines it necessary to provide for automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceeding pursuant to Section 66.2212 of the Ordinance in order to reflect increases in the cost of money during the period between the imposition of the facilities benefit assessment, the payment of facilities benefit assessments and completion of the public facilities projects. The Council further determines that the basis and methodology for computing such increases set forth in the Report is reasonable and appropriate in order to provide an equitable distribution of the cost of the public facilities projects to community developers and the ultimate purchasers of developed properties.
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