

RESOLUTION NUMBER R- 302611

DATE OF FINAL PASSAGE MAY 21 2007

A RESOLUTION OF INTENTION TO FORM THE DEL MAR HEIGHTS ROAD MAINTENANCE ASSESSMENT DISTRICT AND TO LEVY AND COLLECT FISCAL YEAR 2008 ANNUAL ASSESSMENTS ON THE DEL MAR HEIGHTS ROAD MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 [the Act], codified at California Streets and Highways Code section 22500 *et seq.*, authorizes the creation of maintenance assessment districts pursuant to the terms thereof; and

WHEREAS, the Council of the City of San Diego has heretofore authorized the initiation of proceedings to form the Del Mar Heights Road Maintenance Assessment District; and

WHEREAS, the Council of the City of San Diego has heretofore preliminarily approved the report of the engineers created and filed in connection with same; NOW THEREFORE

BE IT RESOLVED, by the Council of the City of San Diego [Council] that the Council proposes and intends to order the formation of a maintenance assessment district to be designated the Del Mar Heights Road Maintenance Assessment District [District] pursuant to California Streets and Highways sections 22500 *et seq.*

BE IT FURTHER RESOLVED, that the Council proposes and intends to levy and collect assessments to pay a prescribed portion of the costs of future improvements, maintenance and/or services of those items described in the Engineer's Report for the Del Mar Heights Road Maintenance Assessment District [Report], located within the boundaries of the District, in the City under the provisions of Article XII D, section of the California Constitution and California

Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6 [collectively referred to herein as the Law].

BE IT FURTHER RESOLVED, that the proposed improvements, maintenance and/or services for the District shall generally include the enhanced maintenance of landscaped and hardscaped improvements including identified medians, curbs, and gutters, described more particularly in the Report.

BE IT FURTHER RESOLVED, that the District is described as all that real property in the City of San Diego, included within the exterior boundary lines of the map designated as the District [Map], filed in the office of the City Clerk under Document No. M-510-34, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the Map for a full and detailed description of the improvements to be made, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District. The Report shall govern for all details as to the extent of the District.

BE IT FURTHER RESOLVED, that the cost and expense of the contemplated improvements, maintenance and/or services are made chargeable upon the District, and the Council does declare that certain properties within the District as identified in the Report receive special benefit by the proposed improvements, maintenance and/or services.

BE IT FURTHER RESOLVED, that the City Council proposes to assess those properties within the District which receive a special benefit from the proposed improvements, maintenance and/or services for the total amount of costs of such improvements, maintenance and /or services to be provided in the District, plus the incidental expenses thereto, to be received by the

individual parcels of real property within the District. The estimated expenses, revenues and reserves are as follows:

FUND

	<u>FY 2008</u>	<u>Maximum Authorized</u>
EXPENSES		
Personnel	\$1,500	\$4,505
Landscape Contract	\$7,178	\$34,183
Incidentals	\$500	\$1,841
Administration	\$3,000	\$3,686
Utilities (energy, water utilities & storm drain fee)	\$0	\$719
Repayment to MAD Formation Fund (one-time expense)	\$30,000	\$0
TOTAL EXPENSES	\$42,178	\$44,934
REVENUES		
Assessments	\$51,034	\$52,590
City Contributions - Gas Tax	\$4,188	\$5,824
TOTAL REVENUES	\$55,222	\$58,414
FUND BALANCE (Carryover & Reserve)		
Allocated Reserve/Carryover (20% of operating budget)	\$8,435	\$8,987
Required Minimum Reserve (10% of operating budget)	\$4,218	\$4,493
TOTAL FUND BALANCE	\$13,044	\$13,480

The Council may order a portion of the costs of improvements, maintenance and/or services to be paid by the City from appropriate funds. A statement of the proposed assessments

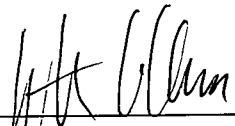
levied against the several lots or parcels of land as shown on the map referred to above, is on file in the office of Park and Recreation, Open Space Division.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to set a date for a public hearing for the proposed formation of the District, and levy of assessments at least forty-five days after the mailing of assessment ballots. Such hearing shall be held on July 10, 2007 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, and is the day, hour and place for the hearing when any person interested may object to the proposed improvements, maintenance and/or services or the proposed 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 prior to the conclusion of the public testimony on the proposed assessment at 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) 533-6724.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five 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.

BE IT FURTHER RESOLVED, that this activity is not a project and is therefore exempt from CEQA pursuant to State Guidelines sections 15060(c)(3) and 15301.

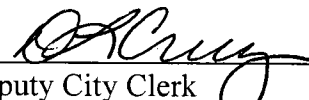
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
ELIZABETH COLEMAN
Deputy City Attorney

EC:mm
04/16/07
05/08/07 Corr.Copy
06/27/07 Rev.Copy
Or.Dept:Park & Rec.
R-2007-997
MMS#4803

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 15 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5-21-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor