

RESOLUTION NUMBER R- 306493  
DATE OF FINAL PASSAGE DEC 07 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ORDERING THE FORMATION OF THE OCEANUS GEOLOGIC HAZARD ABATEMENT DISTRICT, APPOINTING THE MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT, AND GRANTING THE CONSENT OF THE CITY COUNCIL TO THE FORMATION BY THE DISTRICT OF A SPECIAL ASSESSMENT DISTRICT TO PAY THE COSTS OF IMPROVEMENTS AUTHORIZED BY THE DISTRICT PURSUANT TO ITS PLAN OF CONTROL.

WHEREAS, on November 15, 2010, the City Council received a petition (Petition) from certain individuals owning property in the City of San Diego requesting that the City initiate proceedings to form a geologic hazard abatement district, to be known as the Oceanus Geologic Hazard Abatement District (GHAD) pursuant to the provisions of Division 17 of the California Public Resources Code (Code), section 26500, et seq.; and

WHEREAS, pursuant to Resolution No. R-306320, the City Council determined that the formation of the GHAD was required by the health, safety and welfare of the area; and

WHEREAS, the City Council directed the City Clerk to provide notice, pursuant to the provisions of the Code, to all property owners within the GHAD of a public hearing to consider the formation of the GHAD and such notice was mailed to all property owners; and

WHEREAS, the City Council has not received objections from the owners of more than 50% of the assessed value of property within the GHAD; and

WHEREAS, the City Council has received the names of five property owners within the GHAD who have indicated their willingness to serve as members of the board of directors of the GHAD; and

WHEREAS, the property owners petitioning for the formation of the GHAD have indicated their intention to fund the cost of improvements to be made by the GHAD through the formation of a special assessment district, as permitted by the Code, and have provided to the City Council a proposed resolution of intent for the creation of such a district, on file with the City Clerk's office as Document No. RR-306493 ; and

WHEREAS, pursuant to California Streets and Highway Code section 10104, the City Council must consent to the proposed resolution of intent prior to the resolution of intent being adopted by the GHAD; and

WHEREAS, the boundaries of proposed special assessment district are identical to, and coterminous with, the boundaries of the GHAD, as indicated in the Petition; NOW, THEREFORE,

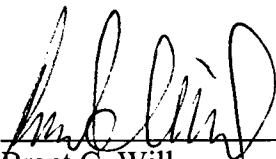
BE IT RESOLVED, the Council of the City of San Diego as follows:

1. That the Oceanus Geologic Hazard Abatement District be and is hereby formed in accordance with the Code.
2. That the GHAD shall consist of all real property in the City of San Diego included within the exterior boundary lines designated as the GHAD on the map included with Petition and on file with the City Clerk as Document No. RR-306320, excepting therefrom all public property.
3. That the following five property owners within the GHAD are appointed as members of the board of directors of the GHAD: Allen Bloom; Mike Halling; Mel Pohl; Gina Steele; and Daniel R. Smith.

4. That the City Council hereby consents to the proposed resolution of intent of the GHAD to form a special assessment district coterminous with the boundaries of the GHAD, pursuant to California Streets and Highways Code section 10000, et seq., but only to the extent that the GHAD shall hold harmless and indemnify the City of San Diego, its officers and employees, from any and all causes of action, claims, losses or damages which may arise, directly or indirectly, from the action of the City Council in reviewing and granting its consent to the formation of the special assessment district.

5. That the City Clerk shall transmit a certified copy of this resolution to the GHAD.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
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Brant C. Will  
Deputy City Attorney

BCW:jdf  
11/18/10  
12/02/10 COR.COPY  
Or.Dept:Debt. Management