

RESOLUTION NUMBER R- 306897

DATE OF FINAL PASSAGE JUL 06 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ORDERING THE DESIGNATION OF AN AREA OF BENEFIT IN MIRA MESA AND THE BOUNDARIES THEREOF AND ESTABLISHING THE AMOUNT OF THE FACILITIES BENEFIT ASSESSMENT AGAINST EACH PARCEL WITHIN THE AREA OF BENEFIT.

WHEREAS, pursuant to San Diego Municipal Code section 61.2200 et seq., on

MAY 24 2011, the Council of the City of San Diego adopted Resolution

No. R- 306822 declaring its intention to designate an area of benefit within Mira Mesa to finance the cost of the public facilities projects identified in the "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2012," (Financing Plan) on file in the Office of the City Clerk as Document No. RR- 306821, which is incorporated into this Resolution by reference; and

WHEREAS, on MAY 24 2011, the Council adopted Resolution No. R- 306821 approving the Financing Plan; and

WHEREAS, by Resolution No. R- 306822, the Council fixed at 10:00 a.m., or as soon thereafter as the matter may be heard, on MAY 24, 2011, at the City Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California, the time and place for a public hearing to consider the designation of the area of benefit, including the public facilities projects to be financed, the extent of the facilities benefit assessment area of benefit, and the proposed facilities benefit assessments to be levied upon parcels within the designated area of benefit; and

WHEREAS, the City Clerk has given notices of the passage of the Resolution of Intention, Resolution No. R- 306822, and of the time and place and purpose of the hearing, as required by San Diego Municipal Code section 61.2205; and

WHEREAS, at the time and place stated in the notices, a hearing was duly held by the Council; and during the course of the hearing, the Financing Plan was duly presented and considered, and all written protests and objections received, if any, were duly presented, read, heard and considered, and all persons appearing at the hearing and desiring to be heard were given that opportunity; and a full, fair and completed hearing was had; and

WHEREAS, the specific public facilities projects, the cost of which is proposed to be charged to the properties located within the area of benefit, are identified in the Financing Plan; and

WHEREAS, a capital improvement program with respect to the public facilities projects is included in the Financing Plan; and

WHEREAS, the proposed boundaries of the facilities benefit assessment area of benefit are shown in the Financing Plan; and

WHEREAS, the method pursuant to which the cost of the public facilities projects are to be apportioned among the parcels within the facilities benefit assessment area of benefit and the estimated amount of the facilities benefit assessments which will be charged to each such parcel is contained in the Financing Plan; and

WHEREAS, the Council has determined that it is necessary to provide for 4 percent annual automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceedings pursuant to San Diego Municipal Code section 61.2212 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 4 percent annual automatic increase is based on the March to March Construction Cost Index; and

WHEREAS, the amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects is set forth in the Financing Plan; and

WHEREAS, the goal of the Financing Plan is to ensure sufficient funds are available to provide needed community public facilities; NOW, THEREFORE,

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

1. That the foregoing recitals are true and correct and incorporated fully herein by this reference.
2. The designation of the area of benefit and the establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan is ordered.
3. The Mayor is authorized and requested to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code section 61.2209(a).
4. The City Clerk is authorized and requested to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(a).
5. The City Clerk is authorized and directed to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code section 61.2209(b).

6. The Chief Financial Officer is authorized and directed to transfer, appropriate and expend the subject FBA funds as necessary to ensure timely payment of all Mira Mesa public facilities projects identified in the Financing Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Heidi K. Vonblum
Heidi K. Vonblum
Deputy City Attorney

HKV:cw
04/26/11
Or.Dept:Fac.Fin.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 28 2011.

ELIZABETH S. MALAND
City Clerk
By [Signature]
Deputy City Clerk

Approved: 7-6-11
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor