

(R-2014-820)

Item 5400
Subitem B

Monday 6/30/14

RESOLUTION NUMBER R- 309091

DATE OF FINAL PASSAGE JUL 14 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSIDERING THE PROTESTS, CONFIRMING THE ASSESSMENTS, AND ORDERING THE IMPROVEMENTS, MAINTENANCE, AND SERVICES IN THE MATTER OF THE KENSINGTON MANOR MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 (the Act), codified at California Streets and Highways Code section 22500 through 22679, and the Maintenance Assessment District Ordinance, codified in Chapter 6, Article 5, Division 2 of the San Diego Municipal Code, authorize the creation of maintenance assessment districts and set forth the procedure for the formation of a maintenance assessment district; and

WHEREAS, pursuant to the Act and San Diego Municipal Code section 65.0211, the City ordered, and an assessment engineer prepared and submitted, an engineer's report (Engineer's Report) for the Kensington Manor Maintenance Assessment District (District); and

WHEREAS, pursuant to Resolution No. R-308912 effective May 15, 2014 the City Council approved the Engineer's Report submitted in connection with the District, which is on file in the Office of the City Clerk as Document No. RR-308912 declared the City Council's intention to form the District and levy and collect assessments, and noticed the time and place fixed for the hearing of protests regarding the formation of the District (Resolution of Intention); and

WHEREAS, as directed by the Resolution of Intention, notice of a public hearing regarding formation of the District and the proposed assessment was mailed to all affected property owners; and

WHEREAS, an assessment ballot was enclosed with each mailed notice; and

WHEREAS, on June 24, 2014 at 2:00 p.m. in the City Council Chambers located at 202 "C" Street, 12th Floor, San Diego, California, the City Council held a public hearing on the formation of the District and the proposed assessment at which all persons were permitted to present written and oral testimony regarding the District and the Assessment (Public Hearing); and

WHEREAS, the City Clerk accepted completed assessment ballots through the close of the Public Hearing; and

WHEREAS, the City Clerk has tabulated the ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment and determined that no majority protest exists, as that term is defined in California Government Code section 53753(e)(4); NOW,

THEREFORE,

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

1. The assessment ballots have been tabulated and it is determined that no majority protest exists.
2. The District is ordered formed.
3. The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR- 308912, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report.
4. Pursuant to San Diego Municipal Code section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution.

5. The assessment district map for the District contained in the Engineer's Report is hereby confirmed.

6. The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed.

7. The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014 through June 30, 2015 (Fiscal Year 2015).

8. The annual budget for the District is adopted for Fiscal Year 2015.

9. The Chief Financial Officer is authorized to establish an interest-bearing fund for the District.

10. The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Daphne Z. Skogen
Daphne Z. Skogen
Deputy City Attorney

DZS:dkr
6/12/2014
Or.Dept: Parks & Rec.
Doc. No. 804283

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 30 2014

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-14-14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 30 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 14 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By *Jennette J. Pauls*, Deputy

Office of the City Clerk, San Diego, California

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