

# **Attachment 1**

Petition for Special Assessment Proceedings

## PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS

### UNDERGROUNDING OF OVERHEAD UTILITY LINES and the REPLACEMENT OF STREET LIGHTS on portions of the following streets in the La Jolla Mesa Vista area: Candlelight Drive, Moonlight Lane, and Lamplight Drive in the City of San Diego, California

#### TO THE MAYOR AND CITY COUNCIL OF SAN DIEGO:

1. We, the undersigned, are the owners of the land shown on the map attached as Exhibit A, and made a part of this document.
2. We petition you to undertake special assessment proceedings as a means of financing the undergrounding of utilities within the public right-of-way and the replacement of approximately five existing street lights on the above referenced street (the "Project"). We understand that we will be responsible for undergrounding utility lines from our homes to the utility connection point on our property, that such costs could be significant, and that it is strongly encouraged that we obtain an estimate of such costs prior to signing this petition.
3. We understand that the City Engineer's current total cost estimate for the Project including City staff costs, legal fees, assessment engineering fees and incidental costs in connection therewith, is approximately \$1,011,189. We recognize that the amount to be financed by the proposed assessment district after City contribution is estimated to be \$631,189, and that this cost will be borne by the property owners within the assessment district. We recognize that the cost estimate, including the amount to be borne by landowners within the assessment district, is based on preliminary analysis by the City Engineer and is subject to increase (however, not by more than 10 percent) or decrease thereafter without any new petition being circulated or required.
4. We further understand:
  - (a) THAT the cost of the Project will be a charge against the land which benefits from the Project, including our land.
  - (b) THAT an engineering report will be prepared about the Project, including a general description of improvements to be constructed or acquired, a detailed cost estimate, and a division of costs among the benefited parcels of land, including our land.
  - (c) THAT the cost of engineering, legal, other incidental and City staff costs will be included in the Project cost.
  - (d) THAT there will be additional costs incurred by each property owner if the proposed assessment district is formed, which will be in addition to the estimated costs for this Project, in order to underground all utility services from the property line to the home. Each individual property owner is wholly and financially responsible for performing, or hiring others to perform this work, including obtaining all necessary permits.

**PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS (Cont'd)**

- (e) THAT failure of all property owners within the proposed assessment district to convert the underground utility lines from the property line to the home may result in the delay in the removal of the overhead utilities in the public right-of-way; such delay is possible because the overhead public right-of-way utility system may not be removed if it is needed to continue to serve even a single customer who has not converted underground utility lines from the property to the home.
  - (f) THAT failure to underground private utility services will not relieve a property from the burden of the assessment.
  - (g) THAT, assuming you proceed with the assessment district and levy an assessment on each of the benefited parcels, each property owner will have the option to pay their assessment either 1) in cash (if paid within 30 days of recordation of the Notice of Assessment), or 2) in not more than two installments typically included on the ad valorem property tax bills due on November 1 and February 1 following the enrollment of the assessment levy by the City with the County Auditor's Office, which must be completed by August 10 for the ensuing tax year. Such enrollment or other billing will not occur until after a Notice of Assessment has been recorded with the County Recorder.
  - (h) THAT property with an assessment lien shall be subject to judicial foreclosure in cases of delinquency and nonpayment.
  - (i) THAT, in accordance with Article XIID of the California Constitution (Proposition 218), these proceedings may be terminated at the public hearing by ballot protest from property owners representing more than fifty percent (50%) of the total proposed assessments on those parcels for which ballots have been returned to the City Clerk (all property owners of record will be mailed a ballot at least 45 days prior to such scheduled public hearing).
5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that code.

<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1. Erka Lewis	5473 Candlelight Dr	1/12/06	357-102-11-00
2. [Signature]	833 Lamplight Dr	1/12/06	? 357-101-03-01
3. Tony Klein	5561 Moonlight Lane	1/12/06	(05) <sup>#22</sup> 357-092-09-00
4. Betty Verhies	5515 Candlelight Dr	1/12/06	357-093-04-02
5. [Signature]	5572 Candlelight Dr	1/12/06	357-091-13-02
[Signature]	5560 Mountgait Lane	1/12/06	357-093-03-01

Document No. \_\_\_\_\_

Date: \_\_\_\_\_

Office of the City Clerk

San Diego, California

**PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS (Cont'd)**

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5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that code.

	<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1.		5542 Candlelight	2/13/06	357-091-08-05
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Document No. \_\_\_\_\_

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*to go to the next step*

<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
<i>M. Asherhurst</i>	<i>5382 Candlelight Dr</i>	<i>1-16-06</i>	<i>357-600-03-0</i>
<i>Cross Johnson</i>	<i>5510 Moonlight Lane</i>	<i>1/11/06</i>	<i>357-693-01-00</i>
<i>Elabor Bluesten</i>	<i>5533 Moonlight Lane</i>	<i>1/11/06</i>	<i>357-692-07-0</i>
<i>[Signature]</i>	<i>5565 CANDLELIGHT DR.</i>	<i>1/15/06</i>	<i>357-692-01-00</i>
<i>[Signature]</i>	<i>5509 Candlelight DR</i>	<i>1/23/06</i>	<i>357-693-05-00</i>
<i>Donald J. Vire</i>	<i>5570 CANDLELIGHT</i>	<i>1/24/06</i>	<i>357-691-06-00</i>

Document No. \_\_\_\_\_

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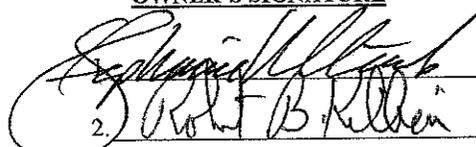
<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1. <i>[Signature]</i>	5566 Candlelight Dr.	LJ 11/21/06	357-0691-12-00
2. <i>[Signature]</i>	5392 Candlelight Dr.	LJ-1/24/06	357-0600-02-00
3. _____			
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 San Diego, California

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<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
	5385 Candlelight	1/11/06	357-660-017
2) Robert B. Kellen	5459 Candlelight Dr.	1/11/06	357-702-120
3. _____			
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1. <i>[Signature]</i>	5506 Candlelight Dr.	11 Jan. 2006	357-691-02-1
2. <i>[Signature]</i>	5503 Candlelight Dr	1/11/06	357-702-10-0
3. <i>[Signature]</i>	5476 Moonlight Ln	1/11/2006	357-702-09-0
4. <i>[Signature]</i>	5554 candlelight Dr	1/11/06	357-691-10-0
5. <i>[Signature]</i>	838 hamplight DR	1/11/06	357-691-01-0
6. <i>[Signature]</i>	5560 Candle light DR	1/11/06	357-691-11-00
<i>[Signature]</i>	5526 Moonlight Ln	1/11/06	357-693-02-0
7. <i>[Signature]</i>	Noelle Mayne		Office of the City Clerk
Document No. _____			San Diego, California
Date: _____			

8. *[Signature]* *[Signature]* *[Signature]* 357-692-08-00  
 5719 moonlight Ln 1/11/06

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1.	John & Norma Borath	5539 Candlelight Dr	11/1/06	357-692-00
2.	Richard Brower	5469 Moonlight Ln	11/1/06	357-703-01-00
3.	Richard Brower	5536 Candlelight Dr	11/1/06	357-691-07-00
4.	Daniel F. Ryan	5505 Moonlight Ln.	11/1/06	357-692-09-00
5.	Charles Williams	5547 Moonlight Ln	11/12/06	357-692-06-00
6.	Greg & Jane Van	5510 Moonlight Ln	1/11/06	357-693-01-00

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1.	<i>Wes Penake</i>	<i>5946 Candlelight Dr.</i>	<i>1/11/06</i>	<i>357-710-10-00</i>
2.	<i>[Signature]</i>	<i>5551 Candlelight Dr</i>	<i>1/11/06</i>	<i>357-692-02-0</i>
3.	<i>Carol Vandenberg</i>	<i>5548 Candlelight Dr.</i>	<i>1/12/06</i>	<i>357-692-02-00</i>
4.	<i>[Signature]</i>	<i>5545 Candlelight Dr</i>	<i>1/15/06</i>	<i>357-692-037</i>
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1.	<i>[Signature]</i>	(vacant lot) MOONLIGHT LN	4/3/06	LOT 38 357702-07-00
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1.	<i>Sarla Salem</i>	<i>8211ump118th</i>	<i>4/03/06</i>	<i>357-701-02-00</i>
2.		<i>San Diego, CA, 9</i>		
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1.	<i>B. Lavan</i>	<i>5512 Cordillera Dr.</i>	<i>3-21-06</i>	<i>357-691-03-00</i>
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  - (g) THAT, assuming you proceed with the assessment district and levy an assessment on each of the benefited parcels, each property owner will have the option to pay their assessment either 1) in cash (if paid within 30 days of recordation of the Notice of Assessment), or 2) in not more than two installments typically included on the ad valorem property tax bills due on November 1 and February 1 following the enrollment of the assessment levy by the City with the County Auditor's Office, which must be completed by August 10 for the ensuing tax year. Such enrollment or other billing will not occur until after a Notice of Assessment has been recorded with the County Recorder.
  - (h) THAT property with an assessment lien shall be subject to judicial foreclosure in cases of delinquency and nonpayment.
  - (i) THAT, in accordance with Article XIID of the California Constitution (Proposition 218), these proceedings may be terminated at the public hearing by ballot protest from property owners representing more than fifty percent (50%) of the total proposed assessments on those parcels for which ballots have been returned to the City Clerk (all property owners of record will be mailed a ballot at least 45 days prior to such scheduled public hearing).
5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that code.

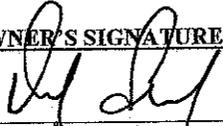
<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1. <i>Brynn Mankin</i>	5464 MOONLIGHT LN	1/31	357-702-08-00
2. <i>Jay Wyman</i>	5402 Moonlight Lane	2/16/04	357-702-02-00
3. <i>Jay Wyman</i>	5404 Moonlight Lane	2/16/04	357-702-03-00
4. <i>Jay Wyman</i>	5416 Moonlight Lane	2/16/04	357-702-04-00
5. <i>Angie Seldman</i>	5459 Moonlight	2/16/04	357-703-02-00
6. <i>Ken D. J.</i>	5409 moonlight	2/17/04	357-703-05-00

Document No. \_\_\_\_\_  
Date: \_\_\_\_\_

Office of the City Clerk  
San Diego, California

**PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS (Cont'd)**

- (e) THAT failure of all property owners within the proposed assessment district to convert the underground utility lines from the property line to the home may result in the delay in the removal of the overhead utilities in the public right-of-way; such delay is possible because the overhead public right-of-way utility system may not be removed if it is needed to continue to serve even a single customer who has not converted underground utility lines from the property to the home.
  - (f) THAT failure to underground private utility services will not relieve a property from the burden of the assessment.
  - (g) THAT, assuming you proceed with the assessment district and levy an assessment on each of the benefited parcels, each property owner will have the option to pay their assessment either 1) in cash (if paid within 30 days of recordation of the Notice of Assessment), or 2) in not more than two installments typically included on the ad valorem property tax bills due on November 1 and February 1 following the enrollment of the assessment levy by the City with the County Auditor's Office, which must be completed by August 10 for the ensuing tax year. Such enrollment or other billing will not occur until after a Notice of Assessment has been recorded with the County Recorder.
  - (h) THAT property with an assessment lien shall be subject to judicial foreclosure in cases of delinquency and nonpayment.
  - (i) THAT, in accordance with Article XIID of the California Constitution (Proposition 218), these proceedings may be terminated at the public hearing by ballot protest from property owners representing more than fifty percent (50%) of the total proposed assessments on those parcels for which ballots have been returned to the City Clerk (all property owners of record will be mailed a ballot at least 45 days prior to such scheduled public hearing).
5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that code.

	<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1.		5518 Candlelight	2/08/06	357-691-04-00
2.		5524 Candlelight Drive	2/8/06	357-691-05-00
3.				
4.				
5.				
6.				

Document No. \_\_\_\_\_  
Date: \_\_\_\_\_

Office of the City Clerk  
San Diego, California

**PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS (Cont'd)**

- (e) THAT failure of all property owners within the proposed assessment district to convert the underground utility lines from the property line to the home may result in the delay in the removal of the overhead utilities in the public right-of-way; such delay is possible because the overhead public right-of-way utility system may not be removed if it is needed to continue to serve even a single customer who has not converted underground utility lines from the property to the home.
- (f) THAT failure to underground private utility services will not relieve a property from the burden of the assessment.
- (g) THAT, assuming you proceed with the assessment district and levy an assessment on each of the benefited parcels, each property owner will have the option to pay their assessment either 1) in cash (if paid within 30 days of recordation of the Notice of Assessment), or 2) in not more than two installments typically included on the ad valorem property tax bills due on November 1 and February 1 following the enrollment of the assessment levy by the City with the County Auditor's Office, which must be completed by August 10 for the ensuing tax year. Such enrollment or other billing will not occur until after a Notice of Assessment has been recorded with the County Recorder.
- (h) THAT property with an assessment lien shall be subject to judicial foreclosure in cases of delinquency and nonpayment.
- (i) THAT, in accordance with Article XIII D of the California Constitution (Proposition 218), these proceedings may be terminated at the public hearing by ballot protest from property owners representing more than fifty percent (50%) of the total proposed assessments on those parcels for which ballots have been returned to the City Clerk (all property owners of record will be mailed a ballot at least 45 days prior to such scheduled public hearing).

5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that code.

	<u>OWNER'S SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
1.	J. E. POLICER	845 LAMPLIGHT	2/15/06	357-701-04-00
2.				
3.				
4.				
5.				
6.				

Document No. \_\_\_\_\_  
Date: \_\_\_\_\_

Office of the City Clerk  
San Diego, California

# LA JOLLA MESA VISTA (20-B) UNDERGROUND UTILITY DISTRICT

**LEGEND**



MATCH LINE



DISTRICT BOUNDARY



ASSESSOR'S BOOK &  
PAGE NO.



ASSESSOR'S PARCEL NO.



ADDRESS



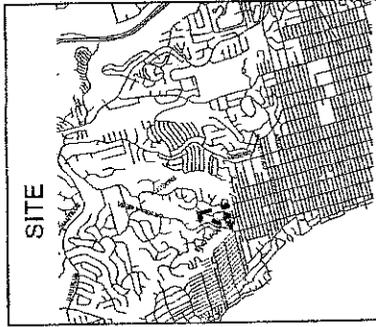
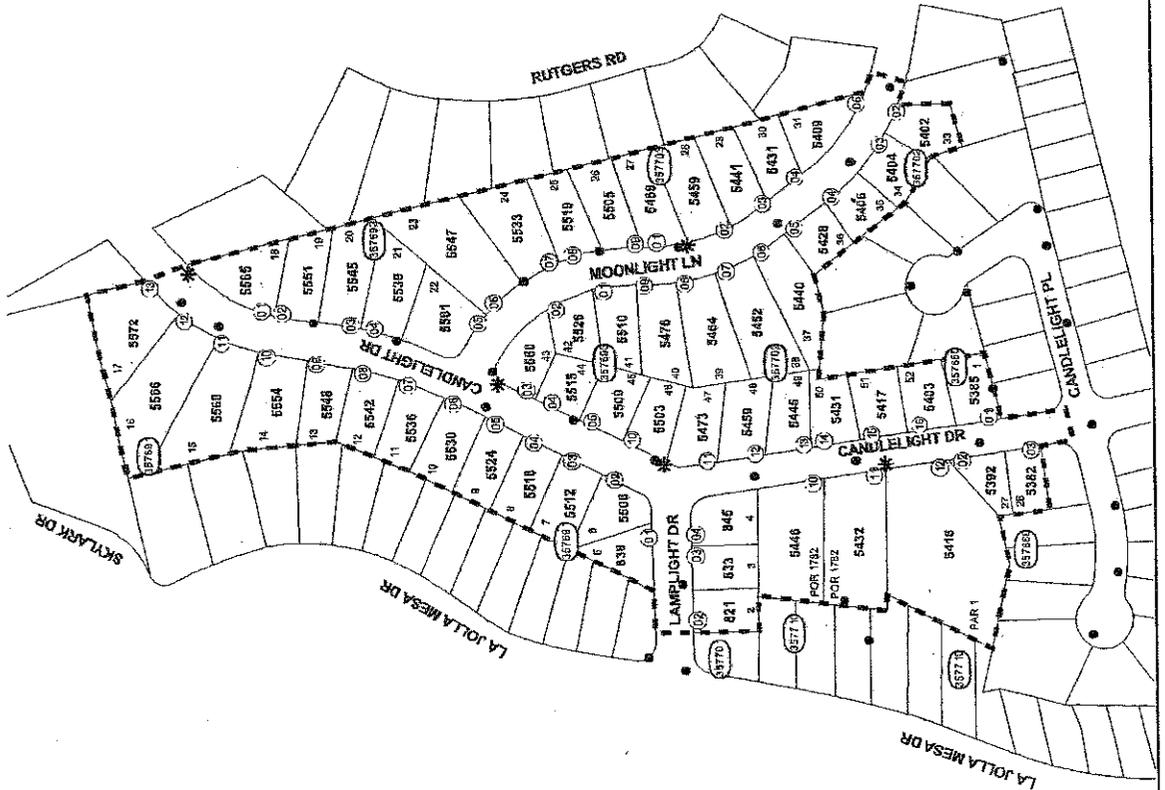
PROPOSED STREET LIGHT



EXISTING POLES

RESOLUTION NO.:

DATE ADOPTED:



VICINITY MAP



It is hereby declared that the interests in the property of the City of San Diego, California, described herein, are hereby dedicated to the public use of the City of San Diego, California, for the purpose of providing for the installation and maintenance of underground utility lines, and that the City of San Diego, California, is authorized to acquire the same by eminent domain, and that the City of San Diego, California, is authorized to exercise its eminent domain powers in the acquisition of the same.

LA JOLLA MESA VISTA (20-B)

UNDERGROUND UTILITY DISTRICT

CITY OF SAN DIEGO, CALIFORNIA		REG. NO.	370270
ENGINEERING AND SURVEYING FIRM		DATE	07/27/00
SHEET NO. 1		SHEET TOTAL 1	
PROJECT NO.	007764	DATE	07/27/00
PROJECT NAME	LA JOLLA MESA VISTA (20-B)	PROJECT TYPE	UNDERGROUND UTILITY DISTRICT
PROJECT LOCATION	LA JOLLA MESA VISTA (20-B)	PROJECT AREA	LA JOLLA MESA VISTA (20-B)
PROJECT OWNER	LA JOLLA MESA VISTA (20-B)	PROJECT CONTACT	LA JOLLA MESA VISTA (20-B)
PROJECT ADDRESS	LA JOLLA MESA VISTA (20-B)	PROJECT PHONE	LA JOLLA MESA VISTA (20-B)
PROJECT FAX	LA JOLLA MESA VISTA (20-B)	PROJECT E-MAIL	LA JOLLA MESA VISTA (20-B)
PROJECT WEBSITE	LA JOLLA MESA VISTA (20-B)	PROJECT URL	LA JOLLA MESA VISTA (20-B)
PROJECT STATE	LA JOLLA MESA VISTA (20-B)	PROJECT COUNTY	LA JOLLA MESA VISTA (20-B)
PROJECT ZIP	LA JOLLA MESA VISTA (20-B)	PROJECT CITY	LA JOLLA MESA VISTA (20-B)
PROJECT STATE	LA JOLLA MESA VISTA (20-B)	PROJECT COUNTY	LA JOLLA MESA VISTA (20-B)
PROJECT ZIP	LA JOLLA MESA VISTA (20-B)	PROJECT CITY	LA JOLLA MESA VISTA (20-B)
PROJECT STATE	LA JOLLA MESA VISTA (20-B)	PROJECT COUNTY	LA JOLLA MESA VISTA (20-B)
PROJECT ZIP	LA JOLLA MESA VISTA (20-B)	PROJECT CITY	LA JOLLA MESA VISTA (20-B)