

RESOLUTION NO. 186271

RESOLUTION DECLARING INTENTION TO PARTICIPATE IN THE FINANCING OF THE CONSTRUCTION OF A PROTECTIVE SEA WALL WITHIN THE INCORPORATED LIMITS OF SAID CITY OF SAN DIEGO; DESCRIBING THE PROPOSED IMPROVEMENT; GIVING REFERENCE TO THE EXTERIOR BOUNDARIES OF THE DISTRICT TO BE BENEFITED BY SAID WORK AND TO BE ASSESSED TO PAY A PORTION OF THE COSTS AND EXPENSES THEREOF; DECLARING ITS INTENTION TO HOLD A PUBLIC HEARING ON WHETHER THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE SAID WORK AND IMPROVEMENT AND WHETHER THE PROVISIONS OF THE INVESTIGATION, LIMITATION AND MAJORITY PROTEST ACT OF 1931 SHALL APPLY THERETO; DETERMINING THAT BONDS SHALL BE ISSUED TO REPRESENT ASSESSMENTS TO BE LEVIED; PROVIDING FOR THE DISPOSAL OF ANY SURPLUS REMAINING IN THE IMPROVEMENT FUND AFTER THE COMPLETION OF THE IMPROVEMENT; AND REFERRING THE PROPOSED IMPROVEMENT TO THE CITY ENGINEER AND DIRECTING HIM TO MAKE AND PRESENT TO THE CITY A WRITTEN REPORT.

(Bird Rock Shore Improvement Assessment District)

WHEREAS, the City Council proposes, as is hereinafter more particularly set forth, to proceed under the San Diego Improvement District Procedural Ordinance (San Diego Municipal Code Section 61.0301, et seq.) to participate in the construction of a protective sea wall and appurtenant work in the City of San Diego, California.

NOW, THEREFORE, the City Council of The City of San Diego, California, DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. That the public interest and convenience require and that it is the intention of the City Council of The City of San Diego to participate in the construction of the following work to be done and improvement to be made in the City, to wit:

That a rock slope revetment be constructed along:

The Bird Rock Shore area, between the westerly extension of the southerly line of Forward Street and a line parallel to and distant 250.00 feet northerly of the westerly extension of the northerly line of Bird Rock Avenue.

Said work is to be performed under the auspices and control of the U. S. Army Corps of Engineers. The City of San Diego, the State of California (Department of Water Resources) and the United States Government

are contributing a combined estimated amount of \$74,625.00 toward the costs and expense of this project.

It is proposed that property owners within the benefiting district shall contribute an estimated \$34,460.00, including incidentals.

Section 2. That the City Council hereby makes a portion of the costs and expense of said work chargeable upon a district, which district this City hereby declares to be the district benefited by the said work and to be assessed to pay a portion of the costs and expense thereof. For a description of said district reference is hereby made to a map of said district on file in the office of the City Clerk as Document No. 695666 and designated Bird Rock Shore Protection Project, which map indicates by boundary line the extent of territory of the proposed district and shall govern for all details as to the extent of said assessment district.

Section 3. That a public hearing be held to determine whether the public convenience and necessity require said work or improvement and whether the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall apply, all as provided in and in accordance with Sections 61.0101 through 61.0111 of the San Diego Municipal Code.

Section 4. That serial bonds bearing interest at a rate not to exceed six per cent (6%) per annum shall be issued to represent each assessment of Fifty Dollars (\$50.00) or over remaining unpaid for thirty (30) days after the date of recordation of the assessment. Said serial bonds shall extend over a period ending ten (10) years from the second day of January next succeeding the next September 1st following their date. Said bonds may be redeemed by the owners or any persons interested in any lot or parcel of land described therein, in the manner provided by law, at any time before maturity and before commencement of proceedings for sale, upon payment to the City Treasurer of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid together with a premium of five per cent (5%) of the unmatured principal.

Said bonds are as authorized under the San Diego Improvement District Procedural Ordinance (San Diego Municipal Code Section 61.0339) and are to be issued pursuant to the Improvement Act of 1911, Division 7, of the Streets and Highways Code of the State of California, as provided for in the Municipal Improvement Act of 1913, Division 12 of said Streets and Highways Code. Assessments under Fifty Dollars (\$50.00) shall be subject to the penalties and costs, and collected as provided for in the Street Opening Act of 1903.

Section 5. That said participation is to be conducted under and proceedings therefor are to be under and pursuant to the said San Diego Improvement District Procedural Ordinance.

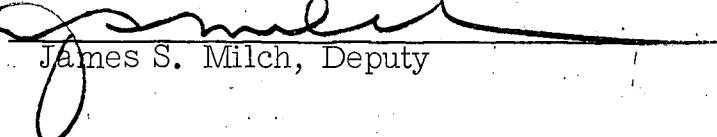
Section 6. Any payments made upon the assessments and the proceedings of any bonds issued pursuant to these proceedings may be paid at least in part to the U. S. Army Corps of Engineers, or to The City of San Diego in the event that said City should under appropriate proceedings advance to the U. S. Army Corps of Engineers monies representing the district's share of the project.

Section 7. That any surplus remaining in the improvement fund after the completion of the work or project shall be used for the maintenance and operation of said work or improvement.

Section 8. That the City Engineer is hereby directed to make and file with the City Clerk for presentation to this City a written report on said work or improvement required by said San Diego Improvement District Procedural Ordinance as set forth in Section 61.0317 of the San Diego Municipal Code.

Presented by _____

APPROVED: EDWARD T. BUTLER, City Attorney

By  _____
James S. Milch, Deputy