

RESOLUTION NUMBER R- 307889

DATE OF FINAL PASSAGE NOV 28 2012

RESOLUTION CONSIDERING THE PROTESTS,
CONFIRMING THE ASSESSMENTS, AND ORDERING THE
IMPROVEMENTS, MAINTENANCE, AND/OR SERVICES IN
THE MATTER OF THE BARRIO LOGAN COMMUNITY
BENEFIT MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 (the Act), codified at California Streets and Highways Code section 22500, *et seq.*, and the Maintenance Assessment District Ordinance, codified at San Diego Municipal Code section 65.0201, *et seq.*, authorize the creation of maintenance assessment districts and set forth the procedure for the formation 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 Barrio Logan Community Benefit Maintenance Assessment District (District); and

WHEREAS, pursuant to Resolution No. R- 307736, adopted on OCT 9 2012, the Council of the City of San Diego approved the Engineer's Report submitted in connection with the District, said Engineer's report on file in the Office of the City Clerk as Document No. RR- 307736; and

WHEREAS, pursuant to Resolution No. R- 307736, adopted on OCT 9 2012, the Council of the City of San Diego noticed the time and place fixed for the hearing of protests regarding the formation of the District; NOW, THEREFORE,

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

1. That the assessment ballots have been tabulated and it is determined that no majority protest exists.
2. That the Barrio Logan Community Benefit Maintenance Assessment District is ordered formed.
3. That the assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR- 307736, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report.
4. That, pursuant to Section 65.0227 of the San Diego Municipal Code, 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. That the assessment district map for the Barrio Logan Community Benefit Maintenance Assessment District contained in the Engineer's Report is hereby confirmed.
6. That the improvements, maintenance, and/or services described in the Engineer's Report are hereby ordered performed.
7. That the adoption of this resolution hereby constitutes the levy of the assessments for Fiscal Year 2013.
8. That the annual budget for the Barrio Logan Community Benefit Maintenance Assessment District is adopted for Fiscal Year 2013.
9. That the Chief Financial Officer is authorized to establish an interest-bearing fund for the Barrio Logan Community Benefit Maintenance Assessment District.

10. That the Chief Financial Officer is authorized to appropriate and expend from the Barrio Logan Community Benefit Maintenance Assessment District fund once established contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

11. That the Chief Financial Officer is authorized to manually bill and collect assessments for FY 2013 and that all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

12. That the Chief Financial Officer is authorized to expend \$32,249 from the City's General Fund for assessments levied to City-owned parcels for FY 2013 and to authorize future year expenditures contingent upon successful formation of the Barrio Logan Community Benefit.

13. That the Chief Financial Officer is to appropriate and expend \$13,457 from the Barrio Logan Community Benefit MAD for administration of the for FY 2013 contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

APPROVED AS TO FORM:
JAN I. GOLDSMITH, City Attorney

By *Daphne B. Stogen for*
Adam R. Wander
Deputy City Attorney

ARW:DZS: mm:js
October 2, 2012
Or.Dept: Econ. Dev't
Doc. No. 448199

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 27 2012.

ELIZABETH S. MALAND
City Clerk

By *Mary Zuma*
Deputy City Clerk

Approved: 11-28-12
(date)

JSA
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor