

RESOLUTION NO. 2461

A RESOLUTION OF INTENTION TO ACQUIRE  
AND CONSTRUCT IMPROVEMENTS

ORCHARD BUNGALOW ASSESSMENT DISTRICT

RESOLVED, by the City Council of the City of El Paso de Robles, County of San Luis Obispo, California, that in its opinion the public interest and convenience require and that it is the intention of this Council to order the acquisitions and improvements set forth in Exhibit "A".

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersection of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

2. Said streets and highways are more particularly shown in the records in the office of the County Recorder of San Luis Obispo County, California, and shall be shown upon the plans herein referred to and to be filed with the City Clerk of said City.

3. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevation as shown and delineated upon the plans, profiles and specifications to be made therefor, and hereinafter provided.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

5. Notice is hereby given of the fact that in many cases said work and improvement will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

6. Said Council does hereby adopt and establish as the official grades for said work and grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the County of San Luis Obispo.

7. The description of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

8. Said contemplated acquisitions and the improvements, in the opinion of said Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof entitled: "Map of Proposed Boundaries, Orchard Bungalow Assessment District" on file in the office of the City Clerk to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

9. Said Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereinafter to be made to cover the costs and expenses of said acquisitions and improvements.

10. Notice is hereby given that serial bonds to represent the unpaid assessments, and bear interest at the rate of not

to exceed ten percent (10%) per annum, will be issued hereunder in the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code, the last installment of which bonds shall mature not to exceed fourteen (14) years from the second day of July next succeeding ten (10) months from their date. The provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

11. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913.

12. Notice is hereby given that the City of El Paso de Robles intends to assess publicly owned property owned by the City of El Paso de Robles in said proceedings and issue Certificates of Ownership of Assessment Against Public Property pursuant to the provisions of 6467 and following of the Streets and Highways Code.

13. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code on file in the office of the City Clerk.

14. Said proposed acquisitions and improvements are hereby referred to the Engineer of Work, being a competent person employed by said Council for that purpose; and said Engineer is hereby directed to make and file with the Clerk of said City a report in writing, presenting the following:

(a) Maps and descriptions of lands and easements to be acquired;

(b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

When any portion or percentage of the costs and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

15. Notice is hereby given that in the opinion of the Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

16. If any excess shall be realized from the assessment it shall be used, in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes;

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or 5% of the total amount expended from the improvement.

(b) As a credit upon the assessment and any supplemental assessment; or

(c) For the maintenance of the improvements.

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PASSED AND ADOPTED by the City Council of the City of Paso Robles, County of San Luis Obispo, State of California, this 19th day of August, 1980, by the following vote:

AYES: Councilmen Minshull, Monroe, Parish and Schwartz

NOES: Councilmen None

ABSENT: Councilmen None

ABSTAINED: Councilman Stemper

Barnes Schwartz  
Mayor

Arnold Stemper  
City Clerk

EXHIBIT "A"

- a. The installation of water mains, valves, tees, fire hydrants, water services and trench resurfacing. The installation of sewer mains, sewer laterals, manholes and trench resurfacing.

The construction of street paving, aggregate base, and excavation.

The installation of curbs, gutters, drop in-lets, storm drain lines and appurtenances.

The installation of underground utilities consisting of electricity, gas, telephone and cable television in and adjacent to Orchard Bungalow Tract in the City of El Paso de Robles, California.

- b. The acquisition of necessary rights of way and easements and the construction of all work auxiliary to any of the above and necessary to complete the same.

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO (SS.  
CITY OF EL PASO DE ROBLES )

I, Donald B. Keefer, City Clerk of the  
City of El Paso de Robles, California, do hereby certify that the  
foregoing Resolution No. 2461 was duly and regularly adopted,  
passed and approved by the City Council of the City of El Paso de Robles,  
California, at a regular meeting of said City Council held at  
the regular meeting place thereof, on the 19th day of August, 1980,  
by the following vote:

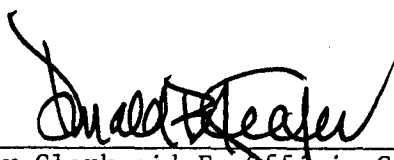
AYES: Councilmen... Minshull, Monroe, Parish and Schwartz .....

NOES: Councilmen... None .....

ABSENT: Councilmen... None .....

ABSTAINED:.. Councilman Stemper .....

Dated this 19th day of August, 1980.



City Clerk and Ex-Officio Clerk of the City  
Council, City of El Paso de Robles, State  
of California.