

RESOLUTION NO. 2618

A RESOLUTION AND ORDER ADOPTING ENGINEER'S REPORT
CONFIRMING THE ASSESSMENT AND ORDERING THE WORK
AND ACQUISITIONS

ORCHARD BUNGALOW ASSESSMENT DISTRICT

RESOLVED, by the City Council of the City of El Paso de Robles, County of San Luis Obispo, California, that

WHEREAS, on the 19th day of August, 1980, said Council adopted its Resolution of Intention No. 2461, to construct public improvements in said City, and referred the proposed improvements to the Engineer of Work of said City, he being the officer having charge and control of the construction of improvements in and for said City of the kind described in said Resolution of Intention and being a competent person appointed by said Council for that purpose; and

WHEREAS, said Council thereby directed said Engineer of Work to make and file with the City Clerk a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, said report was duly made and filed with the City Clerk, whereupon said Clerk presented it to the Council for consideration; and

WHEREAS, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act, including (1) plans and specifications of the proposed improvement, (2) estimate of costs, (3) diagram of district, and (4) an assessment according to benefits, all of which was done in the form and manner required by said Act; and

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, appointed Tuesday, September 15, 1981, at the hour of 7:30 o'clock P.M., of said day in the Council

Chambers, City Hall, 1030 Spring Street, Paso Robles, California, as the time and place for hearing protests in relation to said proposed improvements, and directing the City Clerk to give notice of said hearing as required by said Act; and

WHEREAS, it appears that notices of said hearing were duly and regularly posted, mailed and published in the time, form and manner required by said Act, as evidenced by the affidavits on file with the City Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

WHEREAS, 18 persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, filed written protests with the City Clerk at or before the time set for hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said improvements were fully heard and considered by said Council, and said Council has acquired jurisdiction to order said improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof.

NOW, THEREFORE, said Council does hereby FIND, DETERMINE and ORDER, as follows:

1. That the owners of one-half (1/2) of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing file written protests against the proposed improvements as a whole, or against the said district or the extent thereof to be assessed for the costs and expenses of said improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the diagram and assessment to pay for the costs and expenses thereof.

2. That the district benefited by said improvements and to be assessed to pay the costs and expenses thereof and the exterior boundaries thereof are more particularly described in said Resolution of Intention and made a part hereof by reference thereto. 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 said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said improvements.

3. That the plans and specifications for the proposed improvements, contained in said report, be, and they are hereby, finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution of Intention.

4. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, and of the incidental expenses in connection therewith, contained in said report, be, and it is hereby finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said improvements.

5. That the public interest and convenience require and said Council does hereby order the improvements to be made as described in and in accordance with said Resolution of Intention on file in the office of the City Clerk, reference to which is hereby made for a more particular description of said improvements, and also for further particulars pursuant to the provisions of said Municipal Improvement Act of 1913.

6. That the diagram showing the assessment district referred to and described in said Resolution of Intention, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said improvements.

7. That the assessment of the total amount of the costs and expenses of the proposed improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively from said improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said improvements.

8. That said Engineer's report be, and the same is hereby, finally adopted and approved as a whole.

9. That the City Clerk shall forthwith deliver to the Superintendent of Streets the said assessment, together with said diagram thereto attached and made a part thereof, as confirmed by this Council, with his certificate of such confirmation ther attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose; and append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

10. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the City or on file in the office of the City Clerk, or to both addresses if said address is not the same, or to the general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on the unpaid assessment pursuant to the Improvement Bond Act of 1915.

11. That said Superintendent of Streets shall also give notice by publishing a copy of a Notice to Pay Assessments once a week for two weeks in the local newspaper published and circulated in Paso Robles, that said assessment has been recorded in his office, and that all sums assessed thereon are due and payable immediately, and that payment of said sums is to be made thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

* * * * *

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, County of San Luis Obispo, State of California, this 15th day of September, 1981, by the following vote:

AYES: Councilmen Minshull, Monroe, and Schwartz

NOES: Councilmen Parish

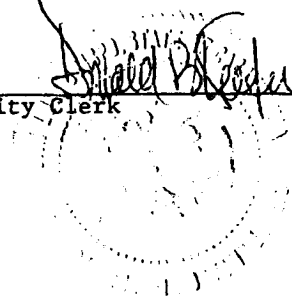
ABSENT: Councilmen None

ABSTAINED: Councilman Stemper

Barney Schwartz
Mayor

ATTEST:

Donald P. Stember
City Clerk



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

I,DONALD B. KEEFER....., City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing.....RESOLUTION No.....2618.....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.....15th.. day, of.....September.....19.....81....., by the following vote:

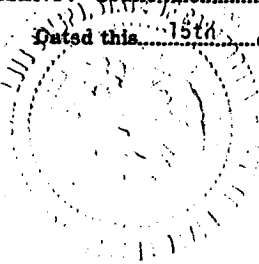
AYES: Councilmen..Minshull..Monroe.and.Schwartz.....

NOES: Councilmen..Parish.....

ABSTAINED: Councilman Stemper.....

ABSENT: Councilmen..None.....

Dated this 15th day of September, 1981.



Donald B. Keefer
City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso De Robles, State of California.