

**RESOLUTION NO. 06-100**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES CALIFORNIA, APPROVING THE FINAL ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS AND THE PROPOSED NEW OR INCREASED ASSESSMENTS CONNECTED THEREWITH FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1, COMMENCING IN FISCAL YEAR 2006-2007**

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WHEREAS, the City Council has by previous Resolutions, formed the El Paso de Robles Landscape and Lighting District No. 1 (hereinafter referred to as the "District"), and annually levied special benefit assessments pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "1972 Act"); and,

WHEREAS, the City Council has initiated proceedings for the levy and collection of assessments of said District, for Fiscal Year 2006-2007 in accordance with the 1972 Act, and declared its intention to conduct a property owner protest ballot proceeding for the levy and collection of new or increased assessments to pay for the cost of improvements related thereto commencing with Fiscal Year 2006-2007, in accordance with the provisions of the California Constitution Article XIID; and,

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Report (hereafter referred to as "Engineer's Report") regarding the District territory, the improvements, expenses and assessments related thereto, as required by Chapter 3, Section 22623 of the 1972 Act, and said Engineer's Report has been prepared, filed with the City Clerk's Department and previously presented to the City Council; and,

WHEREAS, the City Council called and duly held property owner protest ballot proceedings for the proposed new or increased assessments related to the each affected Zone or Sub Area within the District territory in accordance with the provisions of the California Constitution Article XIID, the results of which have been presented and confirmed by City Council; and,

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report, considered all public testimony and written protests presented, and evaluated the results of the property owner protest ballot proceedings to determine if majority protest exists; and,

NOW, THEREFORE, be it Resolved for the El Paso de Robles Landscape and Lighting District No. 1, pursuant to Chapter 3 of the 1972 Act and the provisions of the California Constitution Article XIID, as follows:

- Section 1. That the above recitals are all true and correct.
- Section 2. Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer's Report previously presented and filed, and said modifications or

amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.

- Section 3. The Engineer's Report as approved shall constitute the territory and properties including Zones and Sub Areas within the District in Fiscal Year 2006-2007, and confirms and establishes the maximum assessment rates and method of apportionment adopted by the City Council in accordance with the benefits received from the improvements, operation, maintenance and services to be performed and authorized within each Zone and Sub Area of the District.
- Sections 4. All new or increased assessments incorporated in the Engineer's Report have been approved by the property owners of record pursuant to the provisions of the California Constitution Article XIID.
- Section 5. The Engineer's Report as presented or amended is ordered to be filed in the City Clerk's Department as a permanent record and to remain open to public inspection.
- Section 6. The City Clerk's Department shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of and final approval of the Engineer's Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 20<sup>th</sup> day of June, 2006 by the following vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES:  
ABSTAIN:  
ABSENT:

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Frank Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk

APPROVED AS TO FORM:

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Iris Yang, City Attorney

APPROVED AS TO ADMINISTRATION:

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James L. App, City Manager