

RESOLUTION NO. 06-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, ORDERING THE LEVY OF EXISTING AND THE IMPOSITION OF NEW OR INCREASED ASSESSMENTS FOR FISCAL YEAR 2006/2007 FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1, AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO

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"), 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, by Resolution initiated proceedings and declared its intention to propose existing, new or increased assessments for territory within specified Zones and Sub Areas within the District for Fiscal Year 2006-2007 and to impose on said territory and properties an annual levy of assessments for special benefits received from improvements related thereto; and,

WHEREAS, the City Council called and duly held a property owner protest ballot proceeding for the levy and collection of assessments for the costs and expenses of the landscaping, lighting and appurtenant facilities and improvements benefiting properties within the District territory, in accordance with the provisions of California Constitution, Articles XIID; and,

WHEREAS, the City Council has by previous Resolutions declared the results of said property owner protest ballot proceeding regarding the proposed levy and collection of existing, new or increased assessments for improvements related to the District territory including an annual inflationary adjustment; and,

WHEREAS, the City Council has by Resolution approved the Final Engineer's Report (hereafter referred to as the "Engineer's Report") that describes each Zone and Sub Area and the assessments against parcels of land within each such designation therein within the District territory commencing with Fiscal Year 2006-2007; and,

WHEREAS, the City Council desires to levy and collect annual special benefit assessments against parcels of land within the District territory commencing with Fiscal Year 2006-2007 to pay the costs and expenses of operating, maintaining and servicing of lighting, landscaping, and appurtenant facilities within public places that are provided by the District; and,

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

Section 1 Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, each Zone and Sub Area within the District territory, the levy and collection of assessments, the Engineer's Report prepared

in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

Section 2 Based on public testimony, the facts presented and the results of the property owner protest ballot proceedings, the City Council by resolution has approved the Engineer's Report as presented or amended and hereby finds and determines:

2a. The land within each Zone and Sub Area within the District territory receives special benefit from the operation, maintenance and servicing of improvements, located in public places associated with each such designation therein within the District; and,

2b. The District territory includes all of the lands receiving such special benefit; and,

2c. The net amount to be assessed upon the lands within each Zone and Sub Area within the District territory is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels within each such designation therein in proportion to the estimated special benefits to be received by each parcel from the improvements and services and said apportionment of fees was approved by the property owners as defined in the Engineer's Report.

Section 3 The improvements and assessments as presented in the Engineer's Report on file in the Office of the City Clerk are hereby confirmed as filed or as amended by City Council action and the minutes of this meeting.

Section 4 The maintenance, operation and servicing of the improvements and appurtenant facilities shall be performed pursuant to the 1972 Act. The City Council hereby orders the proposed improvements to be made, which are briefly described as the maintenance, operation and the furnishing of services and materials for: public landscaping and lighting facilities.

Section 5 The Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy approved by the City Council each year, and such levies shall be collected at the same time and in the same manner as the County taxes are collected, pursuant to Chapter 4, Article 2, Section 22646 of the 1972 Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6 The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund specifically established by the City for the El Paso de Robles Landscape and Lighting District No. 1," and such money shall be expended only for the maintenance, operation and servicing of the improvements, and facilities as described in Section 4 including all administrative and incidental expenses authorized by the provisions of the 1972 Act.

Section 7 The adoption of this Resolution constitutes the confirmation of the maximum

assessment and inflationary formula applicable to each Zone and Sub Area within the District's said properties, commencing with Fiscal Year 2006-2007. The assessment amount to be levied for each Zone and Sub Area within the District territory in Fiscal Year 2006-2007 (commencing July 1, 2006 and ending June 30, 2007) will be reviewed and approved during the annual public hearing for the entire El Paso de Robles Landscape and Lighting District No. 1, but in no case shall exceed the maximum assessment rates approved by property owner ballot proceedings.

Section 8 The City Clerk's Department is hereby directed to enter this Resolution on the minutes of the City Council meeting and shall constitute the official declaration of the confirmation of the maximum assessment and inflationary formula applicable to each Zone and Sub Area within the District's said properties, commencing with Fiscal Year 2006-2007 for properties within the El Paso de Robles Landscape and Lighting District No. 1 as outlined in the final Engineer's Report.

Section 9 This Resolution shall become effective immediately upon its adoption.

Section 10 The City Clerk's Department shall certify the adoption of this Resolution.

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

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

Frank Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

APPROVED AS TO FORM:

Iris Yang, City Attorney

APPROVED AS TO ADMINISTRATION:

James L. App, City Manager