

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2017-18

WHEREAS, the Landscape and Lighting Act of 1972, California Streets and Highways Code §22500 et seq., and Articles XIIC and XIID of the Constitution of the State of California, provides for the levy and collection of assessments to fund improvements in proportion to the estimated benefit received (hereafter "Assessment Law"); and

WHEREAS, the City Council has, by resolution adopted on June 6, 2017, initiated proceedings and declared its intention to levy and collect assessments on parcels of land within Landscape and Lighting Maintenance District No. 2 ("District No. 2") for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018; and

WHEREAS, the engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, an annual engineer's report in connection with the proposed levy and collection of assessments upon eligible parcels of land within District No. 2 ("Engineer's Report"); and

WHEREAS, notice was duly given to the property owners within District No. 2 of a public hearing to be held July 5, 2017, and the City Council held said public hearing regarding the proposed levy, assessment, and the Engineer's Report, and considered all oral and written statements, protests, and communications made or filed by interested parties; and

WHEREAS, the improvements within District No. 2 to be maintained and serviced include, but are not limited to, ground cover, shrubs, plants, trees, irrigation systems, landscape lighting, street lighting, graffiti removal, sidewalks, masonry, monuments, and equipment and associated appurtenant facilities, and the costs associated with such maintenance and services include, but are not be limited to, those incurred for operations, administration, and other items necessary for maintaining and servicing the improvements; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within District No. 2 for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018 to pay the costs and expenses of operating, maintaining and servicing improvements within District No. 2.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

Section 1. Recitals

That the recitals set forth above are true and correct.

Section 2. Findings and Determinations

That the City Council hereby finds and determines that:

A. The land within District No. 2 will receive special benefits by the operation, maintenance, and servicing of improvements contained therein which include, but are not limited to, landscaping, lighting, and appurtenant facilities within the boundaries of District No. 2; and

B. District No. 2 includes all of the lands receiving such special benefits; and

C. The net amount to be assessed upon the lands within District No. 2 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

Section 3. Acknowledgement that Engineer's Report Filed

That the City Council hereby acknowledges that the Engineer's Report as presented to the City Council is on file in the Office of the City Clerk.

Section 4. District Improvements

That the City Council hereby orders that the improvements in District No. 2 be serviced pursuant to Assessment Law, which improvements include, but are not limited to, landscaping and appurtenant facilities associated with the streets, trees, sidewalks, landscaped slopes, park facilities, and street lighting systems.

Section 5. Approval of Levy of Assessments

That the City Council hereby approve and authorize the County Auditor of the County of Riverside to enter on the County Assessment Roll opposite each parcel of land within District No. 2 the amount of levy so apportioned by the formula and method outlined in the Engineer's Report, and to collect such levies at the same time and in the same manner as the County taxes are collected, pursuant to Assessment Law.

Section 6. Deposit of Assessment

That all monies representing assessments collected by the County of Riverside for District No. 2 be deposited in a fund for District No. 2, and such money shall be expended only for the improvements as described in this Resolution.

Section 7. Directions to City Clerk

That the City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to Assessment Law, and to file a certified copy of the levy in the Office of the City Clerk for public inspection.

Section 8. Severability

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 9. Effective Date

That this Resolution shall take effect upon its adoption.

Section 10. Certification

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on this fifth day of July 2017 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on July 5, 2017, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: July 5, 2017

City Clerk of the City of Desert Hot Springs

[SEAL]