

RESOLUTION NO. 2020-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DESERT HOT SPRINGS, CALIFORNIA, ORDERING THE
ANNEXATION OF PROPERTY (ANNEXATION NO. 18, Zone 19)
TO LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO.
2 AND LEVYING ASSESSMENTS**

WHEREAS, on November 19, 2019, the City Council of the City of Desert Hot Springs (the "City Council") adopted Resolution No. 2019-054 declaring its intention to annex certain property to Landscape and Lighting Maintenance District No. 2 of the City of Desert Hot Springs (the "Assessment District") which property has been designated for purposes of such proceedings as "Annexation No. 18, Zone 19" and scheduling a public hearing thereon; and

WHEREAS, by Resolution No. 2019-054, the City Council approved the report of Webb Municipal Finance, LLC, the assessment engineer (the "Report"), which contained, among other matters, the proposed assessments to be levied for Fiscal Year 2020-21 upon assessable lots and parcels comprising Annexation No. 18, Zone 19; and

WHEREAS, pursuant to Section 53753 of the Government Code, by Resolution No. 2019-054, the City Council directed the City Clerk to mail notice of the proposed annexation and the proposed assessments and of the time and place of the public hearing thereon to the record owner of each parcel of property identified in the Report and further directed that each such mailed notice contain an assessment ballot upon which the property owner could indicate his or her support or opposition to the proposed assessments; and

WHEREAS, on _____, the City mailed ballots to each property owner located within the property to be annexed so they can vote whether they are in favor or opposed to annexation into the District, including the maximum assessment rates as described in the Engineer's report; and

WHEREAS, the City complied with all applicable provisions of Proposition 218; and

WHEREAS, the City Council has conducted the public hearing with respect to the annexation of the territory proposed to be annexed to the Assessment District and has received a report from the City Clerk regarding the tabulation of the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessments advising that the ballots which were received were voted in favor of the proposed assessments and that a majority protest does not therefore exist.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Desert Hot Springs, California as follows:

Section 1. Findings. The findings recited in the preceding paragraphs are true and correct.

Section 2. Assessment District. The Assessment District is Landscape and Lighting Maintenance District No. 2 of the City of Desert Hot Springs. The property which is proposed to be annexed to the Assessment District and which comprises Annexation No. 18, Zone 19 is identified as Riverside County Tract Map No. 23866.

Section 3. Improvements. The improvements within and for the Assessment District and which shall be provided for through the assessments levied annually on property therein, including the property which comprises Annexation No. 18, Zone 19, shall include the following:

- (a) The installation and planting of landscaping, including trees, shrubs, grass, and other ornamental vegetation;
- (b) The installation or construction of any facilities which are appurtenant to such landscaping or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to, all matters specified in subdivision (d) of Section 22525 of the California Streets and Highways Code; and
- (c) The maintenance and servicing of any of the foregoing.

Section 4. Annexation. The property comprising Annexation No. 18, Zone 19, as described in Section 2 hereof, is annexed to Landscape and Lighting Maintenance District No. 2 of the City of Desert Hot Springs. The diagram of the Assessment District, as modified to include Annexation No. 18, Zone 19 and as contained in the Report, is confirmed.

Section 5. Levy of Assessments, Duration. The assessments proposed to be levied on the lots and parcels comprising property annexed to the Assessment District, as Annexation No. 18, Zone 19, for Fiscal Year 2020-21 in the amounts set forth in the Report and in the assessment ballots mailed to and returned by the owners of the property comprising Annexation No. 18, Zone 19 shall be and are confirmed and levied. The assessments shall be levied annually on lots and parcels comprising Annexation No. 18, Zone 19 as long as the assessments are necessary to finance the cost of the operation, maintenance, and servicing landscaping and appurtenant facilities within the Assessment District.

Section 6. Filing with the County Auditor. The City Clerk shall cause the diagram and assessments as confirmed and levied hereby to be filed with the County Auditor of the County of Riverside as required by Section 22641 of the Streets and Highways Code.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the twenty-first day of January 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, Deputy 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 January 21, 2020, 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 11-711 West Drive, Desert Hot Springs, 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: January 21, 2020

City Clerk of the City of Desert Hot Springs

[SEAL]