

RESOLUTION NO. 2006-41

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE:

(1) ORDERING ANNEXATION AND INCLUSION OF ADDITIONAL TERRITORIES IN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 AS ZONES 8A AND 12A THEREOF; AND

(2) CONFIRMING THE DIAGRAM AND ASSESSMENT OF ANNUAL LEVY FOR FISCAL YEAR 2006-2007 FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1, ZONES 8A AND 12A

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Sections 22500 *et seq.*) (the "Act"), the City Council of the City of Lemoore declared its intention to form, conducted all proceedings to form and did form Landscaping and Lighting Maintenance District No. 1 of the City of Lemoore (the "District"), and has thereafter levied and collected the first assessment and subsequent annual assessments for maintenance and operation of landscaping, street lighting and other appurtenant improvements which constitute a portion of the public street, sidewalk and drainage systems within the District (collectively, the "Improvements") and which provide particular, distinct special benefits to the various lots and parcels assessed over and above the general benefits conferred on such lots and parcels and the public at large; and

WHEREAS, the City has determined that lots and parcels within territories to be designated Zones 8A and 12A of the District receive special benefits from the Improvements in existing Zones 8 and 12 of the District and therefore should be annexed to and included in the District and be subject to levy of annual assessments for the cost of maintenance, operation and servicing of such Improvements; and

WHEREAS, at the direction of the City Council, the City Engineer has prepared and filed with the City Clerk a report entitled "Engineer's Report and Assessment For Zones 8A and 12A, Landscape and Lighting Maintenance District No. 1, Zones 8A and 12A, City of Lemoore, Kings County, California," dated June 2006 (the "Engineer's Report"), to which reference is hereby made, which Engineer's Report contains a description of the existing Improvements specially benefiting Zones 8A and 12A, the boundaries of the territories in Zones 8A and 12A proposed to be annexed to the District in these proceedings, and the general location and proposed assessments on the assessable lots and parcels of land within Zones 8A and 12A; and

WHEREAS, the City Engineer also has prepared and filed with the City Clerk an amended map of the boundaries of the District, incorporating Zones 8A and 12A within such boundaries as proposed in these proceedings; and

WHEREAS, on June 20, 2006, the City Council adopted Resolution No. 2006-34, "A Resolution of Intention to (i) Annex and Include Additional Territories in Landscaping and Lighting Maintenance District No. 1 in the City of Lemoore, and (ii) Levy and Collect Annual Landscaping and Lighting Maintenance District No. 1 Assessments in Such Annexed Territory" (the "Resolution of Intention"), whereby the City Council declared its intention to annex and include the territories within Zones 8A and 12A in the District and to levy and collect annual assessments within Zones 8A and 12A for operation and maintenance of the Improvements specially benefiting Zones 8A and 12A, commencing with the 2006-2007 fiscal year; and

WHEREAS, the proceeds of the annual assessments will be used exclusively to finance the expenses for operation and maintenance of the Improvements for the 2006-2007 fiscal year or other fiscal year for which such assessments are levied, which operation and maintenance will provide particular, distinct special benefits to the various lots and parcels in Zones 8A and 12A of the District, over and above the general benefits conferred on such lots and parcels and the public at large; and

WHEREAS, the amount of the assessment to be levied on each lot or parcel in Zone 8A or Zone 12A for the 2006-2007 fiscal year, as proposed in the Engineer's Report is proportional to and no greater than the special benefits conferred on such lot or parcel from the maintenance, operation and servicing of the Improvements described in the Engineer's Report; and

WHEREAS, after notice by mail to the record owners of all lots and parcels within Zones 8A and 12A, as shown in the last equalized assessment roll of the County of Kings, the State Board of Equalization assessment roll or as known to the City Clerk, as required by Streets & Highways Code Section 22588 and Government Code Section 53753, the City Council conducted a public hearing and heard and considered all objections and protests to the proposed assessments; and, at the conclusion thereof, the City Clerk tabulated all assessment ballots submitted and not withdrawn in support of or in opposition to the proposed annexation and assessment of the lots and parcels in Zones 8A and 12A, and announced the results; and

WHEREAS, the City Council has determined, based on such ballot tabulation, that a majority protest to the proposed annexation and assessment of the lots and parcels within Zones 8A and 12A does not exist, in that the assessment ballots submitted and not withdrawn in favor of the proposed annexation and assessment exceed the assessment ballots submitted and not withdrawn in opposition; and

WHEREAS, the City Council has further determined that all of the property owners within Zones 8A and 12A of the District either have consented to the annexation to and inclusion in the District and the levy of the assessments proposed for the 2006-2007 fiscal year or have failed to file a majority protest against the proposed annexation and annual assessment in the manner provided by law;

THEREFORE, the City Council of the City of Lemoore resolves, finds and determines as follows:

1. The recitals, findings and determinations in the Resolution of Intention are hereby restated and confirmed. The recitals in the Resolution of Intention and in this resolution, above, are true and correct.

2. All territories within Zones 8A and 12A, whose boundaries are set forth in the Engineer's Report on file with the City Clerk, are annexed to and made part of City of Lemoore Landscaping and Lighting Maintenance District No. 1. The amended map of the boundaries of the District, prepared by the City Engineer and showing annexation of Zones 8A and 12A, is hereby approved.

3. The territories within Zones 8A and 12A, whose boundaries are set forth in the Engineer's Report, will be particularly, distinctly and specially benefited, over and above the general benefits conferred on such territory and the public at large, from operation and maintenance of the Improvements described in the Engineer's Report.

4. The hearing on the annexation of the territories within Zones 8A and 12A and the levy of annual assessments therein, commencing with the 2006-2007 fiscal year, was noticed and held in accordance with law.

5. The Engineer's Report, including the diagram of Zones 8A and 12A of the District and the assessment therein of the estimated costs of operation and maintenance of the Improvements contained in the Engineer's Report, and each and every part of the Engineer's Report, is finally adopted, confirmed and approved.

6. The assessment diagram showing the lots and parcels of land within Zones 8A and 12A of the District, all as contained in the Engineer's Report, is finally approved and confirmed as the diagram of the lots and parcels within Zones 8A and 12A to be assessed to pay the costs of operation and maintenance of the Improvements described in the Engineer's Report.

7. The assessment of the total amount of the costs and the individual assessments thereof on the lots and parcels within Zones 8A and 12A in proportion to the direct special benefits to be conferred on each such lot or parcel from operation and maintenance of the Improvements, and of the expenses incidental thereto, as set forth in the Engineer's Report, is finally approved and confirmed as the assessment for the 2006-2007 fiscal year to pay such costs.

8. The annexation and inclusion of the territories within Zones 8A and 12A in the District, and the levy of the annual assessments on all lots and parcels within Zones 8A and 12A for fiscal year 2006-2007, as described in the Resolution of Intention and the Engineer's Report,

are hereby ordered.

9. The City Clerk is authorized and directed to file the diagram of the District, including Zones 8A and 12A, and assessments therein, as approved and confirmed by the Council and containing all information and statements required by Section 3114 of the Streets & Highways Code, with the Kings County Recorder immediately after adoption of this resolution. The City Clerk is further authorized and directed to record a notice of assessment with respect to the Zones 8A and 12A of the District pursuant to Streets & Highways Code Section 3114. The City Clerk is further authorized and directed to file the amended map of the boundaries of the District, incorporating Zones 8A and 12A, as approved by the City Council and containing all information and statements provided for in Streets & Highways Code Sections 3110 and 3113, with the Kings County Recorder not later than 10 days after the date this resolution is adopted.

10. This resolution shall take effect immediately upon adoption.

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Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 15th day of August 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

APPROVED:

Thomas E. Buford, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I Nanci C.O. Lima, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting held on August 15, 2006

DATED: August 16, 2006

Nanci C.O. Lima
City Clerk