

RESOLUTION NO. 2008-06

RESOLUTION INITIATING PROCEEDINGS TO (i) ANNEX AND INCLUDE ADDITIONAL TERRITORIES TO ZONE 1 OF PUBLIC FACILITIES MAINTENANCE DISTRICT NO. 1 IN THE CITY OF LEMOORE, AND (ii) LEVY AND COLLECT ANNUAL ASSESSMENTS IN SUCH ANNEXED TERRITORY FOR FISCAL YEAR 2008-2009 AND THEREAFTER

WHEREAS, the City Council (the "Council") of the City of Lemoore (the "City") has been requested by the owner of all the real property located within Tract No. 817, Phase 2, Lemoore, California (the "Added Territories") to annex the Added Territories to City of Lemoore Public Facilities Maintenance District No. 1 ("PFMD") and to levy and collect annual assessments on the lots and parcels in the Added Territories for the maintenance, operation, repair and periodic replacement of certain landscaping, street lights, local streets, parks and appurtenant facilities and improvement; and

WHEREAS, the Council has determined that it is in the best interests of the City to annex the Added Territories to the PFMD and to order levy and imposition of assessments on all benefited lots and parcels of real property within the Added Territories, in that they will receive special benefit from the maintenance, operation, repair and periodic replacement of the landscaping, street lights, local streets, parks and appurtenant facilities and improvements described below, over and above general benefit received by other real property or by the public at large;

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

1. The Council proposes to undertake proceedings pursuant to Chapter 10 of Title 7 of the Lemoore Municipal Code, as enacted by Ordinance No. 2006-01 (the "Ordinance"), the procedures set forth in the Proposition 218 Omnibus Implementation Act (Government Code Sections 53750--53753.5, inclusive) (the "Implementation Act"), Article XIID of the California Constitution ("Proposition 218") and, to the extent not inconsistent with the Ordinance, the procedures specified in the State Landscaping and Lighting Act of 1972 (Chapter 2 of Part 2 of Division 15 of the California Streets & Highways Code) (the "LLMD Act") to (i) annex and include the Added Territories in the PFMD, and (ii) order levy and collection of annual assessments in such annexed territory, commencing with fiscal year 2008-2009 for maintenance, operation, repair and periodic replacement of landscaping, street lights, local streets, parks and other appurtenant facilities and improvements.

2. The facilities and improvements are generally described as: Plants, shrubbery, trees, turf, irrigation systems, entry monuments, local street maintenance, parks, hardscapes, walls, fencing, street lights and appurtenant facilities in public rights-of-way and easements within the proposed boundaries of the Added Territories.

3. The Added Territories proposed to be annexed to and included in the PFMD are generally described in the map(s), attached hereto as Exhibit A and incorporated herein. The Added Territories are proposed to be annexed to an existing zone of benefit in the PFMD, the distinctive designation of which is "City of Lemoore Public Facilities Maintenance District No. 1, Zone 1."

4. The City Engineer is authorized and directed to prepare and file with the City Clerk a written report ("Engineer's Report") containing all of the following:

- a. Reference to the proposed annexation of the Added Territories by its distinctive designation and specification of the fiscal year to which the report applies;
- b. A description of the existing and proposed facilities and improvements within the Added Territories, and plans and specifications for proposed facilities and improvements;
- c. An estimate of the costs of maintenance, operation, repair and periodic replacement of the existing and proposed facilities and improvements for the specified fiscal year;
- d. A diagram of the amended boundaries of the PFMD, incorporating the Added Territories within Zone 1 of the PFMD, as proposed in these proceedings;
- e. The general location and proposed assessments on the assessable lots and parcels of land within the Added Territories;
- f. The methodology and/or formula for determining the maximum amount of the assessment which may be levied for each such lot or parcel during any fiscal year;
- g. The duration of the assessment;
- h. The basis of the assessment and the basis for determining the special benefit which will be received by each such lot or parcel over and above the general benefit received by the public at large;
- i. The amount of the assessment to be levied on each lot or parcel in the Added Territories for the 2008-2009 fiscal year;
- j. A description specifying the requirements for written or oral protests and for completion, return and tabulation of assessment ballots pursuant to the Implementation Act;
- k. Any other information required by the Ordinance, the Implementation Act, Proposition 218 or, to the extent applicable, the LLMD Act.

5. 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 19th day of February, 2008 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

APPROVED:

John F. Murray, 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 Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on February 19, 2008.

DATED: February 19, 2008

Nanci C.O. Lima, City Clerk