

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015/2016

The City Council of the City of Cathedral City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has by previous Resolutions initiated proceedings and declared its intention to levy special benefit assessments against parcels of land within the Street Lighting and Landscape Maintenance District No. 1 (hereafter referred to as the "District") for the fiscal year commencing July 1, 2015 and ending June 30, 2016; pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereinafter referred to as the "Act")* to pay the costs and expenses of operating, maintaining and servicing landscaping, lighting and appurtenant facilities located within public places in the District; 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 Engineer's Annual Levy Report (hereafter referred to as the "Report") in connection with the proposed levy and collection of special benefit assessments upon eligible parcels of land within the District, and the City Council did by previous Resolution approve such Report; and,

WHEREAS, The City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2015 and ending June 30, 2016, to pay the costs and expenses of operating, maintaining and servicing landscaping improvements and street lighting improvements and appurtenant facilities located within public places in the District; and,

WHEREAS, The City Council has previously conducted a property owner protest ballot proceeding as part of the formation of the District and any increase in assessments pursuant to the applicable provisions of the California State Constitution Article XIID, and said District assessments proposed to be levied for Fiscal Year 2015/2016 are described in the approved Report.

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

Section 1: Following notice duly given, the City Council has held a full and fair Public Hearing regarding its Resolution approving or amending the Report prepared in connection therewith; the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons. The City Council has determined that the property owners in accordance with the requirements of the California State Constitution, Article XIID have approved the assessments so presented.

Section 2: Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- a) The land within District will receive special benefit by the operation, maintenance and servicing of landscaping, lighting, and appurtenant facilities within the boundaries of District.
- b) The District includes all of the lands receiving such special benefit.
- c) The net amount to be assessed upon the lands within the District is in accordance and apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services for the fiscal year commencing July 1, 2015 and ending June 30, 2016.

Section 3: The Report and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 4: The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as the maintenance, operation, administration and servicing of the improvements including turf, ground cover, shrubs and trees, irrigation systems, street lighting, water features, entry monuments, drainage systems and all appurtenant facilities related thereto.

Section 5: The maintenance, operation and servicing of the landscaping, lighting and appurtenant facilities shall be performed pursuant to the Act and the County Auditor of Riverside shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. 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 for the Street Lighting and Landscape Maintenance District No. 1, and such money shall be expended only for the maintenance, operation and servicing of the landscaping, lighting and appurtenant facilities as described in Section 4.

Section 7: The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016.

Section 8: The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2015.

AYES:

NOES:

ABSENT:

ABSTAINED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO CONTENT:

Department Head

REVIEWED:

City Manager