RESOLUTION NO. 2011-25

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE CONFIRMING THE DIAGRAM AND ASSESSMENT OF ANNUAL LEVY FOR FISCAL YEAR 2011-2012 FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1, ZONES 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A, & 13

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 operation, maintenance and servicing 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 general benefits conferred on such lots and parcels and the public at large; 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 City of Lemoore Landscape and Lighting Maintenance District No. 1, Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13, dated May, 2011 (the "Engineer's Report"), to which reference is hereby made, which Engineer's Report contains a description of the general nature, location and extent of the existing Improvements within Zones 1, 2, 3, 5, 6, 7 8, 8A, 9, 10, 11, 12, 12A and 13 of the District, an estimate of the costs of operating, maintaining and servicing the Improvements, a diagram showing the boundaries of the District and Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A, and 13 therein, the lines and dimensions of each lot or parcel of land within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13, and the descriptions of and proposed assessments on the assessable lots and parcels of land within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13; and

WHEREAS, at a regular meeting on May 17, 2011, the City Council declared its intention to
levy and collect the annual assessments for operation, maintenance and servicing of the Improvements within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 for the 2011-2012 fiscal year; and

WHEREAS, the amount of the assessments proposed in the Engineer's Report for Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10 11, 12, 12A and 13 for the 2011-2012 fiscal year are the same or less than the amount of the assessments for Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 in all previous fiscal years; and

WHEREAS, the proceeds of the assessments will be used exclusively to finance the expenses for operation, maintenance and servicing of the Improvements for the 2011-2012 fiscal year, which operation, maintenance and servicing will provide particular, distinct special benefits to the various lots and parcels in Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13, over and

above the general benefits conferred on such lots and parcels and the public at large; and

WHEREAS, no substantial changes will be made to the existing Improvements and no new Improvements will be made for Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 in fiscal year 2011-2012; and

WHEREAS, the amount of the assessment on each lot or parcel in Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 is proportional to and no greater than the special benefits conferred on such lot or parcel from operation, maintenance and servicing of the Improvements; and

WHEREAS, after notice of the hearing was published pursuant to Streets & Highways Code Section 22626(a) and Government Code Section 6061, the City Council conducted a public hearing and heard and considered all objections and protests to the proposed assessments; and

WHEREAS, the City Council has determined that there is not a majority protest to the proposed annual assessment by property owners in Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10 11, 12, 12A and 13;

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

1. The recitals in this resolution, above, are true and correct.

2. The territory within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 of the District, whose boundaries are set forth in the Engineer's Report, will be the territory particularly, distinctly and specially benefited, over and above the general benefits conferred on such territory and the public at large, from operation, maintenance and servicing of the Improvements described in the Engineer's Report.

3. The hearing on the annual levy of assessments in Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 of the District was noticed and held in accordance with law.

4. The Engineer's Report, including the diagram of Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 and the assessment of the estimated costs of operation, maintenance and servicing 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.

5. The assessment diagram showing Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 and the lots and parcels of land therein, all as contained in the Engineer's Report, is finally approved and confirmed as the diagram of the lots and parcels within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 to be assessed to pay the costs of operation, maintenance and servicing of the Improvements described in the Engineer's Report.

6. The assessment of the total amount of the costs and the individual assessments thereof on the lots and parcels within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 in proportion to the special benefits to be conferred on each such lot or parcel from operation, maintenance and servicing of the Improvements, and of the expenses incidental thereto, as set forth

in the Engineer's Report, is finally approved and confirmed as the annual assessment for Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 for the 2010-2011 fiscal year to pay such costs.

7. The levy of the annual assessments within Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11,12, 12A and 13 for fiscal year 2011-2012, as described in the Engineer's Report, is hereby ordered.

8. The City Clerk is authorized and directed to file the diagram of Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13 of the District and assessments therein, or a certified copy thereof, as approved and confirmed by the Council and containing all information and statements required by Streets & Highways Code Section 3114, with the Kings County Auditor immediately after adoption of this resolution.

9. 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 5th day of July 2011, by the following vote:

Zones 1, 2, 3, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 12A and 13
AYES:
NOES:
ABSENT:
ABSTAINING:

APPROVED:

_____
Willard J. Rodarmel, Mayor

ATTEST:

_____
Nanci C.O. Lima, MMC
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 July 5, 2011

DATED: July 6, 2011

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Nanci C.O. Lima, MMC
City Clerk