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Paso Robles, CA 93446

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San Luis Obispo Co.
Francis M. Cooney
Recorder
Aug 05, 1994
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TOTAL 0.00

RESOLUTION NO. 94-90

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY
OF EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT**

WHEREAS, the City Council by its previous Resolution initiated proceedings, and by previous Resolution approved the Final Annual Levy Report which described the assessments against parcels of land within the El Paso de Robles Landscape and Lighting Maintenance Assessment District (hereinafter referred to as District) for the fiscal year commencing July 1, 1994 and ending June 30, 1995 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 for the costs and expenses of operating, maintaining and servicing landscaping, lighting and appurtenant facilities located within public places in the City; 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, a report in connection with the proposed levy and collection upon eligible parcels of land within 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 District for the fiscal year commencing July 1, 1994 and ending June 30, 1995, to pay for the costs and expenses of operating, maintaining and servicing landscaping and appurtenant facilities located within public places in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Final Annual Levy Report prepared in connection therewith; the levy and collection and considered all oral and written statements, protests and communications made or filed by interested persons.

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

i) the land within District will be benefited by the operation, maintenance and servicing of landscaping, and drainage devices, located in public places within the boundaries of District.

ii) District includes all of the lands so benefited; and

iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the fiscal year commencing July 1, 1994 and ending June 30, 1995 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

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 follows: The operation, maintenance and servicing of landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices, located in public places within the boundaries. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, lighting, or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping and electricity, and the maintenance of any of the appurtenant facilities.

Section 5. The maintenance, operation and servicing of the landscaping, lighting and appurtenant facilities shall be performed pursuant to the "Act" and the Auditor of the San Luis Obispo County 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 special fund known as "Improvement Fund, City of El Paso de Robles Landscape and Lighting Maintenance Assessment District" 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.

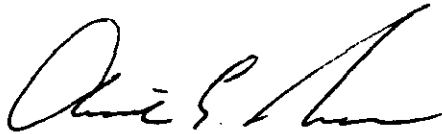
Section 7. The adoption of this Resolution constitutes the District levy for the fiscal year commencing July 1, 1994 and ending June 30, 1995.

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

Section 9. A certified copy of the levy shall be filed in the office of the City Clerk and open for public inspection.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 1994 by the following vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen
NOES: None
ABSENT: None
ABSTAINED: None



CHRISTIAN E. IVERSEN, MAYOR

ATTEST:



RICHARD J. RAMIREZ, CITY CLERK

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