

RESOLUTION NO. 08-083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA;  
APPROVING THE ENGINEER'S REPORT THAT ESTABLISHES A NEW MAXIMUM ASSESSMENT  
FOR SUB-AREA 2A-1 OF THE CITY OF PASO ROBLES LANDSCAPE AND LIGHTING DISTRICT  
NO. 1; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO  
COMMENCING IN FISCAL YEAR 2008/2009

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WHEREAS, the City Council has by previous Resolutions initiated proceedings and declared its intention to submit to the property owners of record a proposed assessment increase (new maximum assessment) for Sub-Area 2A-1 of the City of Paso Robles Landscape and Lighting District No. 1 (hereinafter referred to as "Sub-Area 2A-1"), and the levy and collection of assessments related thereto, commencing in fiscal year 2008/2009 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "1972 Act"); and declared its intention to conduct a property owner protest ballot proceeding for the levy and collection of a new maximum assessment rate to pay for the cost of improvements related thereto commencing with fiscal year 2008/2009, in accordance with the provisions of the California Constitution Article XIID (hereinafter referred to as the "Constitution"); and

WHEREAS, the Assessment Engineer has prepared and filed an Engineer's Report with the City Clerk in connection with these proceedings and the City Clerk has presented to the City Council such report as required by the Act and in accordance with the provisions of the Constitution; and

WHEREAS, the City Council has duly held a public hearing regarding the improvements and proposed assessment increase for Sub-Area 2A-1 and has conducted a property owner protest ballot proceeding for the proposed assessment increase and establishment of a new maximum assessment related thereto, the results of which have been presented and confirmed by this City Council; and

WHEREAS, the City Council has examined and reviewed the Engineer's Report, considered all public testimony and written protests presented, and evaluated the results of the property owner protest ballot proceedings to determine if majority protest exists.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Engineer's Report as presented, consists of the following:

2a) Plans and specifications that describe Sub-Area 2A-1 and Improvements.

2b) Method of Apportionment that outlines the special benefit conferred on properties within Sub-Area 2A-1 from the improvements and the calculations used to establish each parcel's proportional special benefit assessment including the maximum assessment rate and assessment range formula commencing in fiscal year 2008/2009.

2c) The Budgets that outline the estimated costs and expenses to service and maintain the improvements including incidental expenses as authorized by the Act and used to establish the maximum assessment and the proposed assessments for fiscal year 2008/2009.

2d) An Assessment Diagram that identifies the lots, parcels and properties included in the boundaries of Sub-Area 2A-1.

2e) An Assessment Roll containing each of the Assessor Parcel Numbers to be assessed and the assessment obligation (amount) apportioned to each parcel including the calculated maximum assessment balloted and the amount to be levied for fiscal year 2008/2009.

SECTION 3. Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer's Report previously presented and filed, and said modifications or amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.

SECTION 4. The Engineer's Report and Assessment Diagram connected therewith as approved, shall constitute the properties within Sub-Area 2A-1, and confirm and establish the method of apportionment and the maximum assessment rate including the assessment range formula approved by the property owners of record in the ballot proceeding. Said assessments as described in the Engineer's Report are hereby confirmed and adopted by the City Council commencing in fiscal year 2008/2009 based on the benefits properties will receive from the improvements, operation, maintenance and services to be performed and authorized for Sub-Area 2A-1.

SECTION 5. The Engineer's Report as presented or amended is ordered to be filed in the City Clerk's Department as a permanent record and to remain open to public inspection. The City Clerk's Department shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the final approval of the Engineer's Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 20<sup>th</sup> of May 2008 by the following vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk