

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

**CITY ENGINEER
COMMUNITY DEVELOPMENT DEPT.
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446**

RESOLUTION NO. 08-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, DECLARING ITS INTENTION TO ANNEX TRACT 2772-1, TRACT 2772-2 AND PARCEL MAP PR 07-0294 TO THE PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1; AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Paso Robles (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the annexation of Tract 2772-1, Tract 2772-2 and Parcel Map PR 07-0294 (hereinafter referred to as the "Annexation Territory") to the Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District"), and the proposed levy and collection of annual special benefit assessments related thereto commencing in Fiscal Year 2009/2010; and,

WHEREAS, the City Council desires to annex to the District as Sub-Area 116 the Annexation Territory, and to levy and collect annual assessments against lots and parcels of land within said territory to pay the cost and expenses related to the maintenance, servicing and operation of local landscaping and lighting improvements that provide special benefits to the parcels of land therein as authorized by the Act and the provisions of the California Constitution Article XIID (hereafter referred to as the "California Constitution"); and,

WHEREAS, the Assessment Engineer of Work has prepared and filed with the City Clerk an Engineer's Report (hereafter referred to as the "Report") in connection with such annexation proceedings and the proposed levy of assessments commencing with fiscal year 2009/2010 (said fiscal year beginning July 1, 2009 and ending June 30, 2010); in accordance with the Act and the California Constitution; and said Report has been presented to the City Council.

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

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Annexation Territory: The territory of land to be annexed to the District is inclusive of San Luis Obispo County Assessor's Parcel Numbers 025-435-013 and 025-435-014, which incorporates all of the lots and parcels of land within the commercial developments designated as Tract 2772-1, Tract 2772-2 and Parcel Map PR 07-0294, as well as the surrounding undeveloped land (remainder parcels and/or open space areas) associated with such development.

SECTION 3. Improvements: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the local landscaping and lighting improvements within the public right-of-ways or easements associated with the development of properties within the Annexation Territory which may include but are not limited to local: landscaped medians, parkways, slopes, drainage facilities, open space and other public areas; and street lighting improvements which shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

SECTION 4. Engineer's Report: The Report as presented consists of the following:

- 4a) A Description of the Improvements (Plans and Specifications); and,
- 4b) The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" that provides for an annual inflationary adjustment to the maximum assessment rate; and,
- 4c) The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed initial "Maximum Assessment Rate"; and,
- 4d) An Assessment Diagram (Boundary Map); and,
- 4e) An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the Annexation Territory based on the maximum assessment rate and method of apportionment described therein.

SECTION 5. Report Approval: The Report presented is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 6. Intention: The City Council hereby declares its intention to annex the territory of land designated as the Annexation Territory to the District as Sub-Area 116, and to levy and collect annual assessments against parcels of land within said territory to fund the ongoing cost and expenses of maintaining, operating and servicing the improvements determined to be of special benefit to the parcels of land therein as outlined in the Report prepared in connection therewith, commencing with fiscal year 2009/2010; and,

The City Council further declares its intention to conduct a public hearing regarding the annexation of the Annexation Territory to the District, and the proposed levy of assessments connected therewith; and calls for a property owner protest balloting proceeding in accordance with the provisions of the California Constitution Article XIII D. The City Council finds that the public's best interest requires such action and levy of assessments.

SECTION 7. Public Hearing: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the Annexation Territory in accordance with Government Code, Section 54954.6 and California Constitution, Article XIID, Section 4(e); and,

Notice is hereby given that a public hearing on these matters will be held by the City Council on Tuesday, November 18, 2008 at 7:30 P.M., or as soon thereafter as feasible in the City Council Chambers, located at 1000 Spring Street, Paso Robles CA 93446. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

SECTION 8. Assessment Balloting: Pursuant to Article XIID of the California Constitution, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessments for the Annexation Territory. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and property owner or owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for these matters.

SECTION 9. Notice and Ballots: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing and property owner protest ballots to the property owners of record regarding the proposed assessments including the assessment range formula as outlined in the Report, for return receipt prior to the date and time of the public hearing set forth in this Resolution; and,

The notice of the hearing and ballot shall be distributed by first class mail to the property owner(s) of record for each parcel within the Annexation Territory subject to an assessment, not less than 45 days before the date of the public hearing pursuant to the California Constitution.

SECTION 10. Protest Proceedings: The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owners' approval or rejection of the annual levy of assessments and assessment range formula described in the Report presented and previously approved by the City Council. Each property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing scheduled for Tuesday, November 18, 2008. After the close of the Public Hearing, pursuant to Section 4 (e) of the California Constitution, the City Clerk or their designee shall open and tabulate the ballots returned to determine if majority protest exists. Only those ballots issued by or on behalf of the City and signed by the property owner of record or authorized representative, shall be considered as valid ballots and shall be weighted according to the proportional financial obligation of each affected property. Majority protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and,

In addition to the ballot proceedings, property owners may also file a separate written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed such protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 16th day of September, 2008 by the following vote:

AYES: Nemeth, Picanco, Strong and Mecham
NOES:
ABSTAIN:
ABSENT: Hamon

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk