

DRAFT RESOLUTION F

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2009/2010.

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

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2009/2010 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the "District"). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the proposed District assessments for fiscal year 2009/2010 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and,

WHEREAS, there has now been presented to this City Council an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report"), and said Engineer's Report has been filed with the City Clerk in accordance with the Act; and,

WHEREAS, the City Council has examined and reviewed the Engineer's Report as presented and is satisfied with the District, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atascadero, pursuant to Chapter 3, Section 22624 of the Act, as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2009/2010.

SECTION 3. The boundaries of the District are described in the Engineer's Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as Apple Valley and referred to as the "Atascadero Landscaping and Lighting District No. 1".

SECTION 4. The improvements within the District include the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District.

SECTION 5. The proposed assessments for fiscal year 2009/2010, as outlined in the Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIID.

SECTION 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with *Chapter 3, Section 22626* of the Act.

SECTION 7. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 9, 2009, at 6:00 p.m., at the City Council Chambers, 6907 El Camino Real, Atascadero, California or as soon thereafter as feasible.

SECTION 8. The City Council hereby authorizes and directs the City Clerk to give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code. The City Clerk shall give notice to all property owners by: causing notice of the public hearing to be published in the local newspaper one time at least 10 days prior to the Public Hearing; and, posting a copy of this resolution on the official bulletin board (s) customarily used for posting such notices.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _____
Ellen Beraud, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney