

## DRAFT RESOLUTION A

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN 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") hereby finds, determines, resolves and orders as follows:

**WHEREAS**, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the "1982 Act") formed an assessment district to be designated as Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the "District"), for the purpose of funding the ongoing operation, maintenance and servicing of public streets, sidewalks, storm drain and flood control facilities installed in conjunction with the development of properties known as Apple Valley Tract 2495; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to *Article 3 Section 54710*, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to *Article 4 Section 54718*; and,

**WHEREAS**, the City Council has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the *California Constitution, Articles XIII C and XIII D*;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Atascadero as follows:

**SECTION 1.** The City Council hereby orders the Engineer to prepare and file an Engineer's Annual Levy Report concerning the levy of assessments for properties within the District as specified by *Article 4 Section 54716* of the 1982 Act.

**SECTION 2.** The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance.

**SECTION 3.** The territory within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) consists of lots, parcels and subdivisions of land located in the development known as Apple Valley Tract 2495.

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