RESOLUTION NO. 74-80

CITY OF RIDGECREST

RESOLUTION DECLARING INTENTION TO ORDER THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TOGETHER WITH APPURTENANCES AND APPURTENANT WORK IN CONNECTION THEREWITH IN A PROPOSED ASSESSMENT DISTRICT PURSUANT TO THE TERMS AND PROVISIONS OF "MUNICIPAL IMPROVEMENT ACT OF 1913;" DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; DETERMINING LIQUIDATED DAMAGES; AND PROVIDING FOR THE ISSUANCE OF BONDS.

ASSESSMENT DISTRICT NO. 8B

THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest and convenience require, and it is the intention of this body, pursuant to the provisions of Division 12 of the Streets and Highways Code (Municipal Improvement Act of 1913), to order the construction of certain improvements together with appurtenances and appurtenant work in what is known as ASSESSMENT DISTRICT NO. 8B.

DESCRIPTION OF IMPROVEMENT

(a) The construction of certain sanitary sewer improvements and other public improvements, together with appurtenances and appurtenant work in connection therewith in certain public streets and rights-of-way in what is designated as ASSESSMENT DISTRICT NO. 8B and for further particulars reference is hereby made to Exhibit "A" attached hereto, incorporated and so referenced. For further particulars, reference is hereby made to a map of said assessment district previously adopted by this Body and on file in the Office of the City Clerk.

(b) Said streets and highways are more particularly shown in the records in the Office of the County Recorder and shall be shown upon the plans herein referred to and to be filed with these proceedings.

(c) All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefore, as hereinafter provided.

(d) The description of the improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

(e) Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

(f) Notice is hereby given of the fact that in many cases said work and improvement will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and said work will be done to said changed grades.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 2. The said improvement and work is of more than local or ordinary public benefit and the City Council of the City of Ridgecrest hereby makes the expenses of said work and improvement chargeable upon a district, which said assessment district is hereby declared to be the district benefited by said work and improvement and to be assessed to pay the costs and expenses thereof, including incidental expenses and costs, and which is described as follows:

All that certain territory situated in the City of Ridgecrest, County of Kern, State of California, included within the exterior boundary lines shown on the plat exhibiting the property affected or benefited by or to be assessed to pay the costs and expenses of said work and improvement in said assessment district, said map titled and identified as "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 8B," County of Kern, State of California, and which said map was heretofore approved and which said map or diagram is on file in the Office of the City Clerk, EXCEPTING from the area shown within and delineated upon said map or plat hereinabove referred to, the area of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys and all easements and rights of way therein contained belonging to the public. For all particulars as to the boundaries of the assessment district, reference is hereby made to said boundary map heretofore previously approved, and for a complete description of the said assessment district, the said plat and proposed boundary map on file shall govern.

REPORT OF ENGINEER

SECTION 3. This proposed improvement is hereby referred to the Superintendent of Streets and he is hereby directed to make and file a report in writing containing the following:

1. Plans and specifications of the proposed improvements.

2. An estimate of the cost of the proposed works and improvement, including the cost of the incidental expenses in connection therewith.

3. A diagram showing the assessment district above referred to, which shall also show the boundaries and dimensions of the respective subdivisions of land within said assessment district, as the same existed at the time of the passage of the Resolution of Intention, each of which subdivisions shall be given a separate number upon said Diagram.

4. A proposed assessment of the total amount of the assessable cost and expenses of the proposed improvement upon the several divisions of land in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement. Said assessment shall refer to such subdivisions upon said diagram by the respective numbers thereof.

5. The description of works of improvement to be constructed under these proceedings.

When any portion or percentage of the cost and expenses of the improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of said work and improvements, and said assessment shall include only the remainder of the estimated cost and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to Subdivision 4 of this Section.

BONDS

SECTION 4. Notice is hereby given that serial bonds to represent the unpaid assessments, and bear interest at the rate of not to exceed eight percent (8%) per annum, will be issued hereunder in the manner provided in the "Improvement Bond Act of 1915," being Division 10 of the Streets and Highways Code, the last installment of which bonds shall mature a maximum of and not to exceed twenty-four (24) years from the second day of July next succeeding ten (10) months from their date. The provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds shall apply.

The principal amount of the bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of the bonds, and the amount of principal maturing in each year, plus the amount of interest payable in that year will be generally an aggregate amount that is equal each year, except for the first year's adjustments.

"MUNICIPAL IMPROVEMENT ACT OF 1913"

SECTION 5. Except as herein otherwise provided for the issuance of bonds, all of said improvement and acquisition, if necessary, shall be made and ordered pursuant to the provisions of the "Municipal Improvement Act of 1913," being Division 12 of the Streets and Highways Code of the State of California.

SURPLUS FUNDS

SECTION 6. If any excess shall be realized from the assessment, it shall be used for the maintenance of the improvement.

SPECIAL FUND

SECTION 7. The legislative body hereby establishes a special fund designated "ASSESSMENT DISTRICT NO. 8B ADVANCE ACCOUNT" into which funds may be transferred at any time to expedite the making of the improvement herein authorized and said funds are a loan and shall be repaid out of the proceedings of the sale of assessments as authorized by law.

PRIVATE CONTRACT

SECTION 8. Notice is hereby given that, in the opinion of the City Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

GRADES

SECTION 9. Notice is hereby given that the grade to which the work shall be done is to be shown on the plans and profiles therefor, which grades may vary from the existing grades. The work herein contemplated shall be done to the grades as indicated on the plans and specifications, and reference shall be made to said plans, profiles and specifications for a description of the grade at which the work is to be done. Any objections or protests to the proposed grade shall be made at the public hearing to be conducted under these proceedings.

DAMAGES FOR DELAY

SECTION 10. In the event the work is not completed within the time limit specified in the contract or within such further time as may be extended, the City shall charge the subcontractor liquidated damages in the net amount of One Hundred Dollars, ($100.00) for each day of delay until the work is completed.

APPROVED and ADOPTED this 6th day of November 1974.

Rex E. Shackelford
MAYOR OF THE CITY OF RIDGECREST

ATTEST:

Ernest A. Thompson
CITY CLERK

ASSESSMENT DISTRICT NO. 8-B

CITY OF RIDGECREST

The construction and installation of certain sanitary sewer lines including house laterals, manholes together with appurtenances and appurtenant work in the following public streets, alleys and public easements:

1. WEST REEVES AVENUE from a point approximately 130 feet East of North Norma Street to a point approximately 340 feet East of North Wayne Street.

2. WEST MOYER AVENUE from a point approximately 100 feet East of North Norma Street to North Wayne Street.

3. NORTH WAYNE STREET from West Moyer Avenue to West Reeves Avenue.

4. WEST JOYNER AVENUE from North Sierra View Street to North Norma Street.

5. WEST WEIMAN AVENUE from North Sierra View Street to North Norma Street.

6. WEST GARIS AVENUE from North Sierra View Street to North Norma Street.

7. WEST BENNETT AVENUE from approximately 145 feet East of North Downs Street to North Sierra View Street.

8. WEST REEVES AVENUE from approximately 165 feet East of North Downs Street to North Sierra View Street.

9. WEST MOYER AVENUE from approximately 170 feet East of North Downs Street to North Sierra View Street.

10. NORTH SIERRA VIEW Street from West Ward Avenue to West Graaf Avenue.

11. NORTH DOWNS STREET from West Ward Avenue to West Graaf Avenue.

EXHIBIT "A"

STATE OF CALIFORNIA)
COUNTY OF) SS
CITY OF)

I, ERNEST A. THOMPSON, City Clerk of the City of Ridgecrest, California, DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 74-80, was duly passed, approved and adopted by said City Council, approved and signed by the Mayor, and attested by the City Clerk, all at a regular meeting of said City Council held on the 6th day of November, 1974, and that the same was passed and adopted by the following vote, to wit:

AYES: COUNCILMEN - Edwards, Mettenburg, Wilson, Councilwoman Green, Mayor Shacklett

NOES: COUNCILMEN - None

ABSENT: COUNCILMEN - None

DATED this 6th day of November, 1974.

Ernest A. Thompson
CITY CLERK OF THE CITY OF
RIDGECREST, CALIFORNIA

(SEAL)

CITY OF RIDGECREST CALIFORNIA
THE KEY TO NEW HORIZONS