

RESOLUTION NO. 83-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIDGECREST, CALIFORNIA OF INTENTION TO
ACQUIRE AND CONSTRUCT IMPROVEMENTS

CHURCH AVENUE IMPROVEMENT PROJECT
between
DOWNS STREET AND SUNSET STREET

RESOLVED, by the City Council of the City of Ridgecrest, California, that in its opinion the public interest and convenience require and that it is the intention of said City Council to order the following acquisitions and improvements, to wit:

- (a) The construction of curb and gutter, street pavement, sewer, and water facilities and such other related and miscellaneous improvements as determined necessary, including acquisition of Right-of-Way within the boundaries of the attached Boundary Map, for Church Avenue.
 - (b) The acquisition of all lands, easements, facilities, and rights and the construction of all work auxiliary to the above and necessary to complete the same.
1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersection of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.
 2. Said streets and highways are more particularly shown on the records in the office of the County Recorder of Kern County, California and shall be shown upon the plans herein referred to and to be filed with the City Clerk of said City.
 3. 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.
 4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.
 5. Notice is hereby given of the fact that in many cases said work and improvements will bring finished work to a grade different from that formerly existing, and that to said extent work will be done to said changed grades.
 6. Said City Council does hereby adopt and establish as the official grades for said work and grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof, with reference to the datum plane of the City of Ridgecrest.
 7. The description of the acquisitions and 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 and maps and description as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

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CHURCH AVENUE IMPROVEMENT PROJECT
between
DOWNS STREET AND ZUNZEL STREET

RESOLVED, by the City Council of the City of Ridgcrest, California, that in its opinion the public interest and convenience require and that it is the intention of said City Council to order the following acquisitions and improvements to be made, to wit:

(a) The construction of curb and gutter, street pavement, sewer, and water facilities and such other related and miscellaneous improvements as determined necessary, including acquisition of Right-of-Way within the boundaries of the attached Boundary Map, for Church Avenue.

(b) The acquisition of all lands, easements, facilities, and rights and the construction of all work auxiliary to the above and necessary to complete the same.

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersection of the public ways referred to are included to the extent that work shall be shown on the plans to be done thereon.

2. Said streets and highways are more particularly shown on the records in the office of the County Recorder of Kern County, California and shall be shown upon the plans herein referred to and to be filed with the City Clerk of said City.

3. 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 detailed upon the plans, profiles and specifications to be made thereon, as hereinafter provided.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

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

6. Said City Council does hereby adopt and establish as the official grades for said work and grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in accordance with the plans, profiles and specifications to be made thereon, with reference to the datum plane of the City of Ridgcrest.

7. The description of the acquisitions and improvements and the location 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 and grades and elevations as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

8. Said contemplated acquisitions and improvements, in the opinion of said City Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof entitled "Proposed Boundaries of Church Avenue Improvement Project between Downs Street and Sunset Street", prepared by the City Engineer of the City of Ridgecrest, on file in the office of the City Clerk, to which reference is hereby made for particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.
9. Said City Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisitions and improvements.
10. Notice is hereby given that serial bonds to represent the unpaid assessments, and bear interest at a rate not to exceed the maximum legal rate of interest, will be issued under the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code, the last installment of which bonds shall mature not to exceed fourteen (14) 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.
11. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913.
12. Reference is hereby made to proceedings had pursuant to Division 4 of the Street and Highways Code on file in the office of the City Clerk.
13. Said proposed acquisitions and improvements are hereby referred to the Engineer of Work, being a competent person employed by said City Council for that purpose; and said Engineer is hereby directed to make and file with the Clerk of said City a report in writing, presenting the following:
 - (a) Maps and descriptions of the lands and easements to be acquired.
 - (b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;
 - (c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith;
 - (d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of this Resolution of Intention, each of which subdivision shall be given a separate number upon said diagram;
 - (e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements and of the expenses incidental thereto.

When any portion or percentage of the cost and expenses of the acquisitions and 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. Said assessment shall refer to said subdivision (d) of this section.

1. Said designated acquisitions and improvements, in the opinion of said City Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof entitled "Proposed boundaries of Council Avenue Improvement Project between Council Street and Sunset Street", prepared by the City Engineer of the City of Chicago, on file in the office of the City Clerk, to which reference is hereby made for particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

2. Said City Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment territory to be made to cover the costs and expenses of said acquisitions and improvements.

3. It is hereby given that special bonds to represent the unpaid assessments, and bear interest at a rate not to exceed the maximum legal rate of interest, will be issued under the terms provided in the Improvement Bond Act of 1912, Division 10 of the Streets and Highways Code, the last installment of which bonds shall mature not to exceed fourteen (14) years from the second day of July next, successively in ten (10) months from their date. The provisions of Part II, I. of said Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

4. Bond as herein authorized provided for the issuance of bonds, all of said improvements shall be made pursuant to the provisions of the Municipal Improvement Act of 1917.

5. Reference is hereby made to the proceedings had pursuant to Division 4 of the Streets and Highways Code on file in the office of the City Clerk.

6. Said proposed acquisitions and improvements are hereby referred to the Engineer of Work, being a competent person employed by said City Council for that purpose; and said Engineer is hereby directed to make and file with the Clerk of said City a report in writing, presenting the following:

- (a) Maps and descriptions of the lands and easements to be acquired.
- (b) Plans and specifications of the proposed improvements to be made and laid out to this section of the district.
- (c) Engineer's statement of the final and total estimated costs and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith.
- (d) Diagram showing the assessment district above referred to, and also the boundaries and divisions of the respective subdivisions of land within said district as the same existed at the time of the passage of this Resolution of Intention, each of which subdivision shall be given a separate number upon said diagram.

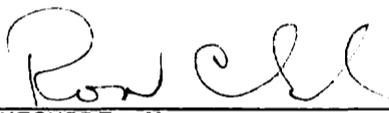
7. The proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements and of the expenses thereof shall be:

When any portion or percentage of the cost and expenses of the acquisitions and 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. Said assessment shall refer to said subdivision (b) of this section.

14. 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 10501.4 of the Streets and Highways Code, no notice of award of contract shall be published.
15. If any excess shall be realized from the assessment it shall be used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:
 - (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or 5% of the total amount expended from the improvement fund;
 - (b) As a credit upon the assessment and any supplemental assessment; or
 - (c) For the maintenance of improvements.

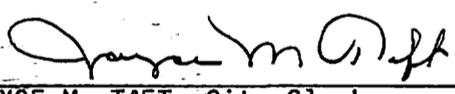
APPROVED AND ADOPTED this 19th day of September, 1983, by the following vote:

AYES: Mayor Cheshire, Vice-Mayor Webb, Councilmembers Bergens, Padgett and Rieger
NOES: None
ABSENT: None
ABSTAIN: None



RON CHESHIRE, Mayor

ATTEST:



JOYCE M. TAFT, City Clerk



IA. 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 10501.4 of the Streets and Highways Code, no notice of award of contract shall be published.

IB. If any excess shall be realized from the assessment it shall be used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

- (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000.00 or 2% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment; or
- (c) For the maintenance of improvements.

APPROVED AND ADOPTED this 10th day of September, 1983, by the following vote:

AYES: Mayor Christine, Vice-Mayor Webb, Councilmembers Bergens, Radabaugh and Bishop
 NONE: None
 ABSENT: None
 ABSTAIN: None

ROW CHESTERE, Mayor

City Clerk



EXHIBIT "A"

DESCRIPTION OF WORK

CHURCH AVE IMPROVEMENT PROJECT
BETWEEN
MARGOLA STREET AND SUNSET STREET

- a. The construction of curb and gutter, street pavement, sewer and water facilities and such other related and miscellaneous improvements as determined necessary, including acquisition of Right-of Way within the boundaries of the attached Boundary Map, for Church Ave, between Margola Street and Sunset Street.
- b. The acquisition of all Lands, Easements, Facilities, and rights and the construction of all work auxillary to the above and necessary to complete the same.

