RESOLUTION NO. 88-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADOPTING ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS

STREET IMPROVEMENT PROJECT NO. 17-B, 17-C, 17-E

ASSESSMENT DISTRICT NO. 17

RESOLVED, by the City Council of the City of Ridgecrest, California, that

WHEREAS, on the 7th day of May, 1986, said Council adopted its Resolution of Intention No. 86-42, to acquire and construct improvements in said City, and referred the proposed acquisition and construction of improvements to the Engineer of Work, he being the officer having charge and control of the acquisition and construction of improvements in and for said City of the kind described in said Resolution of Intention and being a competent person appointed by said Council for that purpose; and

WHEREAS, said Council thereby directed said Engineer to make and file with the City Clerk a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, said report was duly made and filed with the clerk, whereupon said Clerk presented it to the Council for consideration; and

WHEREAS, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act, including (1) maps and descriptions of lands and easements to be acquired; (2) plans and specifications of the proposed acquisition and construction to be made; (3) itemized and total costs of said acquisition and construction; (4) diagram of district; and (5) an assessment according to benefits, all of which was done in the form and manner required by said Act; and

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said Council, pursuant to the requirements of said Act, appointed March 16, 1988, at the hour of seven o'clock (7:00) p.m., of said day in the regular meeting place of said Council, City Hall, 139 Balsam Street, Ridgecrest, California, as the time and place for hearing protests in relation to said proposed acquisition and construction of improvements, and directing the Clerk to give notice of said hearing as required by said Act; and

WHEREAS, it appears that notices of said hearing were duly and regularly posted, mailed and published in the time, form and manner required by said Act, as evidenced by the documents on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

WHEREAS, 3 person(s) interested, objecting to said acquisition and construction of improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, filed written protests with the Clerk at or before the time set for hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisition and construction of improvements were fully heard and considered by said Council, and said Council has acquired jurisdiction to order said acquisition and construction of improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof; and

WHEREAS, it is in the best interest of this assessment district to retain said jurisdiction to construct said improvements and levy said assessments and issue said bonds;

NOW, THEREFORE, said Council does hereby FIND, DETERMINE AND ORDER, as follows:

1. That the owners of one-half (1/2) or more of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing file written protests against the said proposed acquisition and construction of improvements as a whole, or against the said district or the extent thereof to be assessed for the costs and expenses of said acquisition and construction of improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.

2. That the district benefited by said acquisition and construction of improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution of Intention and made a part hereof by reference thereto. 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 said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said acquisition and construction of improvements.

3. That the plans and specifications for the proposed acquisition and construction of improvements, contained in said report, be, and they are hereby, finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution of Intention.

4. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in said Report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said acquisition and construction of improvements.

5. That the public interest and convenience require and said Council does hereby order the acquisition and construction of improvements to be made as described in and in accordance with said Resolution of Intention on file in the office of the Clerk, reference to which is hereby made for a more particular description of said acquisition and construction of improvements, and also for further particulars pursuant to the provisions of said Municipal Improvement Act of 1913.

6. That the diagram showing the assessment district referred to and described in said Resolution of Intention, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisition and construction of improvements.

7. That the assessment of the total amount of the costs and expenses of the proposed acquisition and construction of improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively from said acquisition and construction of improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said acquisition and construction of improvements.

8. That said Engineer's Report be, and the same is hereby, finally adopted and approved as a whole.

9. That the Clerk shall forthwith deliver to the Superintendent of Streets the said assessment, together with said diagram thereto attached and made a part thereof, as confirmed by this Council with his certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and append thereto his certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.

10. That said Superintendent of Streets, upon recording of said diagram and assessment, shall mail to each owner of real property within the assessment district at his last known address as to the same appears on the tax rolls of the City or on file in the office of the City Clerk, or to both addresses if said address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on the unpaid assessments pursuant to the Improvement Bond Act of 1915.

11. That said Superintendent of Streets shall also give notice by publishing a copy of a Notice to Pay Assessments by two successive insertions in a newspaper published and circulated in said City, that said assessment has been recorded in his office, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made thirty (30) days after the date of recording of said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

APPROVED AND ADOPTED this 16th day of March, 1988 by the following vote:

AYES: Mayor Mower, Councilmembers Wiknich, Condos and Corlett.

NOES: None.

ABSENT: None.

ABSTAIN: Councilmember Bergens.

Michael R. Mower

Michael R. Mower, Mayor

ATTEST:

Joyce M. Taft

Joyce M. Taft, City Clerk