

RESOLUTION NO. 88-51

ASSESSMENT DISTRICT NO. 18

RESOLUTION OF THE CITY COUNCIL OF OF THE CITY OF RIDGECREST DECLARING INTENTION TO ORDER THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS WITHIN AND FOR A PROPOSED ASSESSMENT DISTRICT AND THE PAYMENT OF CERTAIN EXPENSES INCIDENTAL THERETO PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913, DESCRIBING THE ASSESSMENT DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES OF SUCH IMPROVEMENTS, AND DETERMINING THAT BONDS SHALL BE ISSUED IN THE AMOUNT OF THE UNPAID ASSESSMENT PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915

WHEREAS, the City Council (the "City Council") of the City of Ridgecrest, County of Kern, State of California (the "City"), proposes to form an assessment district under the provisions of the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code, for the construction and paving of streets, which improvements are hereinafter generally described; and

WHEREAS, the City Council hereby finds:

- (i) that the public interest, convenience and necessity require: (a) the construction of certain street improvements; (b) the acquisition of certain land, easements and rights-of-way necessary therefor; and (c) appurtenances and appurtenant work and incidental costs and expenses in connection therewith;
- (ii) that the project is feasible; and
- (iii) that the

lands to be assessed will be able to carry the burden of the proposed assessments and to pay the costs and expenses thereof; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA AS FOLLOWS:

Section 1. Description of Improvements. The public interest, convenience and necessity require, and it is the intention of the City Council of the City of Ridgecrest, pursuant to the provisions of Division 12 of the Streets and Highways Code, commonly known as the "Municipal Improvement Act of 1913," to order the construction of the improvements, together with incidental costs and expenses in connection with the proposed assessment district, for the benefit of the lands within the exterior boundaries of the proposed assessment district, hereinafter referred to as the "improvements," all in the assessment district, more particularly described as follows:

Street improvements, including curbs, gutters and asphalt paving on streets where water system improvements are to be installed by Indian Wells Valley Water District, and appurtenances and appurtenant work.

Section 2. Description of Assessment District. The improvements will be of direct benefit to properties and lands within a district which is hereby declared to be the district benefited by the improvements and to be assessed to

pay the costs and expenses thereof. Said district shall be known as "Assessment District No. 18, City of Ridgecrest, County of Kern, State of California", and shall be all that part of the District having the exterior boundaries as shown on a map of the district entitled "PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 18, CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA" (the "Assessment District"), which map is on file in the office of the City Clerk. Reference is hereby made to said map for a full and complete description of the Assessment District and said map shall govern for all details as to the extent of the Assessment District.

Section 3. Report of Engineers. The proposed improvements are hereby referred to Krieger & Stewart, Incorporated (the "Engineer of Work"), and said Engineer of Work is hereby directed to make and file with the City Clerk of the City of Ridgecrest a report (the "Report") in writing containing, insofar as applicable, the following:

(a) Plans and specifications of the proposed improvements which shall indicate the class and type of improvements to be provided for each zone within the Assessment District;

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements;

(c) An estimate of the cost of the proposed work and improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection therewith, including any cost of registering bonds;

(d) A diagram showing: (i) the exterior boundaries of the Assessment District, (ii) the boundaries of the zones within the Assessment District, and (iii) the lines and dimensions of each parcel of land within the Assessment District. Each subdivision or parcel, including each separate condominium interest, as defined in Section 783 of the Civil Code, shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the cost and expenses of the proposed improvements upon the several subdivisions or parcels of land in the Assessment District in proportion to the estimated benefits to be received by said subdivisions, respectively, from the improvements. The assessment shall refer to such subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this Section 3.

Section 4. Bonds. It is hereby determined and declared and notice is hereby given that serial bonds to represent and be secured by the unpaid amount of the assessment which will be levied to pay the costs and expenses of the improvements, and to bear interest at the rate of not to exceed 12 percent per annum, shall be issued in the manner

provided by Division 10 of the Streets and Highways Code, the Improvement Bond Act of 1915, and the last installment of such bonds shall mature not later than 39 years from the second day of September next succeeding 12 months from their date. The amount of principal of the bonds maturing in each year plus the amount of interest payable in that year will be an aggregate amount that is equal each year, except for the moneys falling due on the first series of the bonds which will be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds.

Section 5. Special Reserve Fund. Pursuant to Part 16 (commencing with § 8880) of Division 10 of the Streets and Highways Code, there shall be included in the assessment to be levied on the land in the Assessment District, as an incidental expense of the proceedings, an amount not to exceed 10 percent of the amount of the bonds to be issued to create a special reserve fund for the bonds. Said special reserve fund shall be identified as the "Assessment District No. 18 Special Reserve Fund," and upon receipt of the bond sale proceeds, said amount shall be transferred to said special reserve fund. Said special reserve fund shall constitute a trust fund for the benefit of the bond holders, and shall be maintained, used, transferred, reimbursed and liquidated as provided in said Part 16.

Section 6. Collection of Assessments and Advance Retirement of Bonds. The procedures set forth in Part 11.1 of Division 10 of the Streets and Highways Code shall be followed in the collection of assessments and advance retirement of bonds.

Section 7. Refunding of Bonds. The City Council determines that the bonds to be issued pursuant to Section 4 hereof may be refunded pursuant to Division 11.5 (commencing with § 9500) of the Streets and Highways Code on the following conditions:

(a) The maximum interest rate on the refunding bonds shall not exceed the maximum rate permitted by law at the time of the refunding;

(b) The maximum number of years to maturity of the refunding bonds shall not exceed the remaining number of years to maturity of the bonds to be refunded; and

(c) Any adjustment to assessments resulting from the refunding will be done on a pro-rata basis.

Section 8. No Obligation to Cure Deficiency in Redemption Fund. The City Council determines and declares pursuant to Section 8769 of the Streets and Highways Code that the City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund.

Section 9. Disposition of Surplus Funds. If after completion of the improvements and the payment of all claims

from the improvement fund the City Council shall determine that a surplus remains in the improvement fund by reason of the assessment and any supplemental assessment levied for the improvements, any such surplus shall be used as follows:

(a) For transfer to the general fund of the City of an amount not to exceed the lesser of \$1,000.00 or five (5) percent of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, in the manner provided in Section 10427.1 of the Streets and Highways Code; or

(c) For the maintenance of the improvements.

Section 10. Proceedings Under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. The City Council intends to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Division 4 (commencing with §2800) of the Streets and Highways Code, by proceeding under Part 7.5 (commencing with §2960) of said Division 4. In addition to the matters provided for in Section 3 hereof, there shall be included in the report provided for therein the following information:

(a) the total amount, as near as may be determined, of the total principal of all unpaid special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that

contemplated in the instant proceedings, which would require an investigation and report under said act against the total area proposed to be assessed; and

(b) the total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed. Pursuant to Sections 2961 and 2980 of the Streets and Highways Code, such total true value shall be the full cash value of such land and improvements as defined in Article XIII A of the California Constitution and as shown upon the last equalized assessment roll of the County of Kern.

Section 11. Declaration of Intention to Order City to Execute all of Work of Improvements. The City Council declares that it intends, pursuant to Sections 10506 through 10508 of the Streets and Highways Code, to order that the City shall execute all of the work of improvements in accordance with the plans and specifications therefor, and to authorize the City to employ the labor and provide the material, appliances and supplies necessary to carry out the work.

Section 12. Property Owners Taking Contract. It is hereby determined and declared that the public interest will not be served by allowing the owners of the lands assessed or liable to be assessed, or their agents, to take a contract for the construction and installation of the improvements.

Section 13. Adjustment of Grade on Private Property. Wherever it is necessary to eliminate any disparity in level or size between said improvements and private property, it is in the public interest and more economical to do such work on private property than to adjust the work on public property to eliminate such disparity.

ADOPTED this 27th day of April, 1988 by the following vote:

AYES: Vice Mayor Bergens, Councilmembers Corlett, Condos and Lilly.

NOES: None.

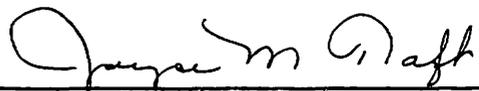
ABSTAIN: None.

ABSENT: Mayor Mower.



Michael R. Mower, Mayor

ATTEST:



Joyce M. Taft, City Clerk