

RESOLUTION OF INTENTION NO. 88-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA DECLARING INTENTION TO ORDER THE ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS TOGETHER WITH APPURTENANCES IN A PROPOSED ASSESSMENT DISTRICT PURSUANT TO THE PROVISIONS OF THE MUNICIPAL IMPROVEMENT ACT OF 1913; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY BENEFIT; DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; AND PROVIDING FOR THE ISSUANCE OF BONDS

WHEREAS, the City Council (the "City Council") of the City of Ridgecrest (the "City") is considering the formation of an assessment district, pursuant to the Municipal Improvement Act of 1913 (the "Act"), being Division 12 (commencing with Section 10000) of the California Streets and Highways Code, for the construction of certain public work and improvements and acquisitions, if necessary; and

WHEREAS, the City desires to declare its intention to order the construction and acquisition of said improvements, to declare the work to be of more than local or ordinary benefit, to describe the lands to be assessed to pay the costs and expenses of said improvements, and to provide for the issuance of bonds;

NOW, THEREFORE, the City Council of the City of Ridgecrest does hereby resolve as follows:

SECTION 1. Description of Improvements. The public interest and convenience require, and it is the intention of the City Council, pursuant to the provisions of the Act, to

order the acquisition and construction of certain improvements in a special assessment district designated

ASSESSMENT DISTRICT NO. 86-1  
(PROSPECT PARK VILLAGE)

(hereinafter referred to as the "Assessment District"), said improvements generally being as described in Exhibit A hereto (collectively, the "Improvements");

For further particulars, reference is hereby made to the Map of the Assessment District entitled "Proposed Boundaries of Assessment District No. 86-1 (Prospect Park Village)" adopted by the City and on file with the City Clerk, and to the following additional provisions:

- (a) Said streets, rights-of-way and easements shall be shown upon the construction plans herein referred to and to be filed with these proceedings.
- (b) All of said Improvements and work have been 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 therefor, as hereinafter provided.
- (c) The description of the Improvements and the extent thereof as 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 and on such detailed plans as may be prepared subsequent to the filing of such report shall be controlling as to the correct and detailed description thereof.

(d) 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.

(e) Notice is hereby given that in many cases the Improvements and work to be constructed will bring the finished work to a grade different from that which formerly existed, and to that extent, said grades are hereby changed and the work done to the changed grades, as more particularly described in Section 9 hereof.

SECTION 2. Description of Assessment District. Said Improvements and work are of direct benefit to the properties and land within the Assessment District, and the City hereby makes the expenses of said Improvements and work chargeable upon those properties, which properties are hereby declared to constitute the Assessment District benefited by said

Improvements and work and to be assessed to pay the costs and expenses thereof, including incidental costs and expenses, described as follows:

All that certain territory 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 Improvements and work in the Assessment District, said map titled and identified as

PROPOSED BOUNDARIES OF  
ASSESSMENT DISTRICT NO. 86-1  
(PROSPECT PARK VILLAGE)

and which said map was heretofore approved by the City and is on file with the City Clerk, EXCEPTING therefrom 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 map and for a complete description of said Assessment District, said map on file with the City Clerk shall govern.

SECTION 3. Report of Engineer. Pursuant to Section 10203 of the Act, the City Council hereby refers the proposed Improvements to the Engineer of Work of the Assessment District, previously designated by the City, who is hereby directed to make and file a report in writing in the form described in Section 10204 of the Act, containing the following:

- (a) Plans and specifications of the proposed Improvements to be constructed under these proceedings;
- (b) An estimate of the cost of the proposed Improvements and work, and of the cost of lands, rights-of-way, easements and incidental expenses as enumerated in said report in connection therewith;
- (c) A diagram showing the exterior boundaries of the Assessment District which shall also show the dimensions of each parcel of land within the Assessment 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;
- (d) A proposed assessment of the total amount of the cost and expenses of the proposed Improvements, including, but not limited to, environmental impact reports, feasibility studies, engineering plans, costs estimates and legal expenses, upon the several subdivisions of land in the Assessment District in proportion to the estimated benefits to be received by each such subdivision, respectively, from the Improvements. Said assessment shall refer to such subdivisions upon said diagram by the respective numbers thereof; and

(e) An annual assessment, in an amount not to exceed one-quarter of one percent (0.25%) of the total amount of the bonds issued to represent all unpaid assessments, shall be assessed pro rata upon each of the parcels of land upon which there is an unpaid assessment in the Assessment District to pay costs incurred by the City, and not otherwise reimbursed, which result from the administration and collection of any bonds issued or funds administered under the proceedings, as provided in Section 10204(f) of the Act; such costs shall be in addition to any costs collected pursuant to Sections 8682 and 8682.1 of the Bond Law (as defined in Section 4 hereof).

SECTION 4. Bonds. Notice is hereby given that serial bonds to represent the unpaid assessments, and bearing interest at rates not to exceed the current legal maximum rate of 12% per annum, will be issued hereunder in the manner provided in the "Improvement Bond Act of 1915" (the "Bond Law"), being Division 10 (commencing with Section 8500) of the California Streets and Highways Code, the last installment of which bonds shall mature a maximum of and not to exceed nineteen (19) years from the second day of September next succeeding twelve (12) months from their date. The provisions of Part 11.1 of the Bond Law (commencing with Section 8760),

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 amount of the bonds; the amount of principal maturing in each year plus the amount of interest payable in that year, will be as provided in the resolution authorizing issuance of the bonds.

SECTION 5. Authority for Proceedings. Except as herein otherwise provided for the issuance of bonds, all of the Improvements shall be made and ordered pursuant to the provisions of the Act.

SECTION 6. Surplus Funds. If any excess shall be realized from the assessment after completion of the Improvements and payment or provision for the payment of all costs and expenses in connection with the Assessment District, such excess shall be used, in such amounts as this City Council may determine, in accordance with Section 10427 of the Act, for one or more of the following purposes:

- (a) Transfer to the general fund, provided that the amount of any such transfer shall not exceed the lesser of One Thousand Dollars (\$1,000.00) or five percent (5%) of the total amount expended from the Improvement Fund (as established in Section 7 hereof);

(b) As a credit upon the assessment and any supplemental assessment as provided in Section 10427.1; or

(c) For the maintenance of the Improvements.

SECTION 7. Special Fund. The City Council hereby establishes a special fund designated

IMPROVEMENT FUND  
ASSESSMENT DISTRICT NO. 86-1

into which moneys may be transferred at any time to expedite the making of the Improvements herein authorized; said moneys are a loan and shall be repaid out of the proceeds of the sale of bonds as authorized by law.

SECTION 8. Grades. Notice is hereby given that the grade to which the work shall be done shall be as shown on the plans and profiles therefor, which grade may vary from the existing grades. With the written consent of the property owner, work may be done on private property to eliminate any disparity in level or size between the improvement and private property, if the Engineer of Work determines that it is more economical to do such work on private property than to adjust the work on public property as provided in Section 10100.1 of the Act, such work shall be assessed to the parcel of land on which such work was done. The work herein contemplated shall be done to the grades indicated on the plans and specifications. Any objections or protests to the proposed grade shall be made at the public hearing to be conducted under these proceedings.

SECTION 9. Proceedings Inquiries. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below at the department indicated:

Robert E. Roberts,  
Director of Public Works  
City of Ridgecrest  
139 Balsam Street  
Ridgecrest, California 93555  
(619) 375-1321

SECTION 10. Public Property. All public property in the use and performance of a public function shall be omitted from assessment in these proceedings unless expressly provided and listed herein.

SECTION 11. Available Funds. Pursuant to Section 8769 of the Bond Law, this City Council hereby determines and notice is hereby given 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 12. Acquisition of Right-of-Way. The public interest, convenience and necessity may require that certain land, rights-of-way or easements be obtained in order to allow the works of improvement proposed for this Assessment District to be accomplished. For a general description of the location and extent of the easements or land necessary to be acquired, if any, reference is hereby made to the Report of

Engineer described in Section 3 hereof or to maps on file with the transcript of these proceedings.

SECTION 13. Bond Redemption. The City Council further elects to provide that the bonds herein authorized, upon redemption prior to maturity, shall provide a premium of not to exceed five percent (5%) on the unmatured principal, to be determined and specified in the resolution authorizing issuance of the bonds, and said language shall be added to the redemption clause in the bond form and the City shall require the property owner to pay said premium in order to discharge the obligation of the lien prior to maturity.

SECTION 14. Division 4 Proceedings. It is the intention of this City Council to fully comply with the proceedings and provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (the "1931 Act"), being Division 4 (commencing with Section 2800) of the California Streets and Highways Code. A Petition and Waiver has been filed by the property owners pursuant to Section 2804(3) of the 1931 Act. Based on the certification of the Engineer of Work, the petition is found to be adequate and no further proceedings under the 1931 Act are required; such Petition and Waiver is on file with the transcript of these proceedings and open for inspection by the public.

SECTION 15. Utility Agreements. The City Council hereby authorizes the Superintendent of Streets, on behalf of the City, to enter into agreements with the Indian Wells Valley

County Water District, Pacific Gas and Electric Company and Southern California Edison Company, which agreements shall comply with the provisions of Section 10110 and 10110.1 of the Act.

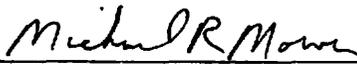
APPROVED AND ADOPTED this 6th day of July, 1988 by the following vote:

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

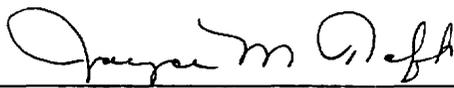
NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Bergens.

  
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Michael R. Mower, Mayor

ATTEST:

  
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Joyce M. Taft, City Clerk

DESCRIPTION OF IMPROVEMENTS TO BE ACQUIRED  
PROPOSED ASSESSMENT DISTRICT NO. 86-1 (PROSPECT PARK VILLAGE)  
CITY OF RIDGECREST (CALIFORNIA)

The following listed improvements proposed for acquisition after installation and construction thereof within the boundaries of Proposed Assessment District No. 86-1 (Prospect Park Village), said District consisting of Units "A" through "H" of Tract No. 4244 recorded, respectively, in MB 32/77, MB 29/135-139, MB 32/80, MB 32/84, MB 32/87, MB 29/101-103, MB 30-111-112 and MB 32/92, Records of Kern County and the lands lying between the northwesterly boundary of said Tract and the centerline of French Avenue:

STREET IMPROVEMENTS: Construction of curbs, gutters, pavement, slope protection, fencing, appurtenances and appurtenant work in the southerly half of French Avenue, between China Lake Boulevard and Prospect Street, and in Prospect Street between French Avenue and Gold Canyon Drive;

DOMESTIC WATER, SANITARY SEWER, STORM DRAINAGE, STREET LIGHTING AND UNDERGROUND ELECTRICAL AND COMMUNICATIONS IMPROVEMENTS: Construction, reconstruction and installation of domestic water services; sanitary sewer mains and laterals; relocation of street lights; and, underground electrical facilities, appurtenances and appurtenant work in easements, including easements within private streets known as Bonita Street, Toro Street, Segundo Street, Carricart Lane and Searles Street, and in Prospect Street.