

RESOLUTION NO. 12 - 26

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO FORM LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1 AND TO LEVY ANNUAL ASSESSMENTS COMMENCING WITH FISCAL YEAR 2012/2013; ACCEPTING AND APPROVING THE ENGINEER'S REPORT; TO CONDUCT A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS; AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS.

WHEREAS, the City Council of the City of Ridgecrest ("City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Division 15, Part 2 of the California Streets and Highways Code ("Act") did by previous resolution, initiated proceedings for the formation of an assessment district to be known and designated as City of Ridgecrest, Landscaping and Lighting District No. 2012-1 ("District"), and to levy and collect annual assessments for the District commencing on fiscal year 2012/2013 to pay for the operation, maintenance, and servicing of local landscaping and lighting improvements, and appurtenant facilities related thereto; and

WHEREAS, the City has retained Willdan Financial Services ("Willdan") as the Engineer of Work for the purpose of preparing and filing an Engineer's Report ("Report") with the City Clerk concerning the formation of Landscaping and Lighting District No. 2012-1 and the proposed annual levy of assessments in accordance with the provisions of Chapter 1, Article 4 of the Act and the provisions of the California Constitution Article XIID (the "Constitution"); and

WHEREAS, the City Council has received Willdan's Report and has examined and reviewed the Report as presented, and is satisfied that the Report sufficiently describes the boundaries of the proposed District, the improvements to be provided, and is satisfied that the assessments have been spread in accordance with the benefits received from the improvements and maintenance to be performed; and

WHEREAS, the City desires and intends to form the District, to levy and collect annual assessments for the District commencing in fiscal year 2012/2013 to pay for the operation, maintenance, and servicing of the local landscaping and lighting improvements, and appurtenant facilities related thereto; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Ridgecrest, as follows:

SECTION 1. That the foregoing recitals are true and correct.

SECTION 2. That the Report prepared by Willdan, attached hereto and incorporated as part of this Resolution, consists of the following:

A Description of the Improvements (Plans and Specifications), and

The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" applicable to subsequent assessments, and

The estimated annual cost and expenses to provide the improvements (Budget) that establishes the proposed "Maximum Assessment Rate" and first year's assessments, and

An Assessment Diagram (Boundary Map), and

An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the District, commencing in fiscal year 2012/2013 based on the assessment rate and method of apportionment described therein; and

SECTION 3. That the improvements for which the District is formed generally include, but are not limited to, the maintenance, operation and servicing of the local streetscape landscaping and street lighting improvements established in connection with development of the properties within the District, and which shall be maintained for the special benefit of those properties. The maintenance and servicing of the improvements generally include, but are not limited to, the materials, equipment, utilities, labor, and incidental expenses, including administrative expenses, required for annual operation, as well as the performance of periodic repairs and replacement activities as needed to provide for the growth, health, and beauty of trees, landscaping and the proper operation and functioning of related hardscapes, street lights and street lighting system, irrigation systems and drainage systems within the public right-of-ways and/or dedicated easements; and

SECTION 4. That the District as described in the Report consists of the lots and parcels of land that will receive special benefits from the improvements and services to be provided and are within the residential subdivisions known as DR Horton Tract No. 6740 which is generally located on the west side of College Heights Boulevard, just north of Kendall Avenue and will eventually include all or a portion of the residential streets designated as Del Rosa Drive, Rain Shadow Court, Salt River Drive, Majestic Sky Court and Wild Thorne Drive. The parcels within the proposed District are currently identified on the Kern County Assessor's Parcel Maps as Book 510; Page 010, Parcel 12 (22.70 acres), and incorporates sixty-seven (67) planned single-family residential home sites, associated public right-of-ways and easements as identified on the approved tract maps for Tract No. 6740, and by reference these maps and documents are made part of this resolution; and

SECTION 5. That Notice is hereby given that a public hearing on these matters will be held by the City Council on Wednesday, June 6, 2012, at 6:00 P.M., or as soon thereafter as feasible, in the City Council Chambers, located at 100 W. California Avenue, Ridgecrest, CA 93555. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard; and

SECTION 6. That City Clerk or their designee is hereby authorized and directed to prepare and mail notice of the Public Hearing and property owner protest ballots to the subject property owners regarding the proposed levy of the assessments and the assessment range formula outlined in the Engineer's Report, pursuant to Article XIID of the California Constitution and Government Code section 53753; and

SECTION 7. That the property owner protest ballot proceeding conducted for the District assessments shall constitute the property owner's approval or rejection of the proposed levy of assessments, assessment range formula and formation of the District. Each landowner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing on Wednesday June 6, 2012. After the close of the Public Hearing, the City shall tabulate the ballots returned to determine if majority protest exists. The ballots shall be weighted according to the proportional financial obligation of each affected property. Majority protest

exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and

SECTION 8. That any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

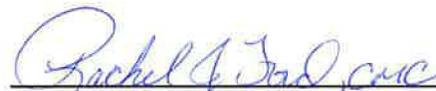
APPROVED AND ADOPTED this 18th day of April 2012 by the following vote.

AYES: Mayor Carter, Council Members Holloway, Taylor, Morgan, and Patin
NOES: None
ABSENT: None
ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Rachel J. Ford, CMC
City Clerk