

RESOLUTION NO. 12 - 42

A RESOLUTION DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1, COMMENCING IN FISCAL YEAR 2012/2013

WHEREAS, the City Council of the City of Ridgecrest (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the formation of Landscaping and Lighting District No. 2012-1 (hereafter referred to as the "District"), and declared its intention to conduct a protest balloting for the levy of new assessments within the District commencing in Fiscal Year 2012/2013 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIID, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new assessments to be levied on properties within the District; and,

WHEREAS, the assessments presented to each property owner of record within the District reflects the proportional annual special benefit assessment amount for the parcel or parcels identified on the ballot for the costs and expenses related to the ongoing operation, maintenance, servicing and incidental expenses related to the local landscaping and lighting improvements associated with Landscaping and Lighting District No. 2012-1 as authorized by the Act and the provisions of the California Constitution. The notice and ballot presented to the property owners of record clearly identified the total amount balloted to all properties; the proposed assessment rate and the inflationary adjustment applicable to future assessments; and the proportional annual amount for the parcel or parcels identified on the ballot commencing with Fiscal Year 2012/2013; and,

WHEREAS, upon the close of the Public Hearing held on June 6, 2012, the protest ballots returned by the landowners of record within the District, were opened and tabulated, the results of which are illustrated below:

Yes: \$13,780.00

No: \$1,325.00

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. The protest ballot proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners of record within the District as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on June 6, 2012.

SECTION 3. The canvass of the protest ballots cast for the proposed District and received prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties is hereby approved and confirmed.

SECTION 4. The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

SECTION 6. The City Clerk shall certify the adoption of this Resolution.

APPROVED AND ADOPTED this 6th day of June 2012 by the following vote.

AYES: Mayor Carter, Council Members Holloway, Taylor, Morgan, and Patin

NOES: None

ABSENT: None

ABSTAIN: None



Ronald Carter, Mayor

ATTEST:



Rachel J. Ford, CMC
City Clerk