

RESOLUTION NO. 12 - 43

A RESOLUTION APPROVING THE FORMATION OF THE LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1; CONFIRMING THE ENGINEER'S REPORT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH; AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR 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 the 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 for the operation, maintenance and servicing of local landscaping and the lighting improvements and appurtenant facilities related thereto in accordance with the provisions of the California Constitution Article XIID (the "Constitution"); and,

WHEREAS, an Engineer's Report has been prepared, filed and presented to the City Council in connection with the proceedings for the formation of the District and the annual levy of assessments related thereto commencing in Fiscal Year 2012/2013 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters and has conducted a property owner protest ballot proceeding for the proposed new assessments related thereto pursuant to the provisions of the Constitution, the results of which have been presented and confirmed by this City Council; and,

WHEREAS, the City Council desires to form the District and to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2012 and ending June 30, 2013 (Fiscal Year 2012/2013), to pay the costs and expenses associated with the operation, maintenance, and servicing of improvements and appurtenant facilities related thereto that have been determined to be of special benefit to the properties within the District as described in the Engineer's Report; 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. Following notice duly given, the City Council has held a full and fair public hearing regarding the formation of the District, the levy and collection of assessments, and has considered all public testimony and written statements, protests and communications made or filed by interested persons. The City Council has evaluated the results of the property owner protest ballot proceedings conducted in

accordance with the provisions of the Constitution, and has determine that majority protest of the assessments did not exist.

SECTION 3. Based upon its review (and amendments, as applicable) of the Engineer's Report, which has been filed with the City Clerk, the City Council hereby finds and determines that:

- 3a) The land within the District will receive special benefit from the operation, maintenance and servicing of the local landscaping and lighting improvements and appurtenant facilities related thereto, to be provided by the District as described in the Engineer's Report.
- 3b) The District as defined by the Assessment Diagram contained in the Engineer's Report, includes all of the lands receiving such special benefit.
- 3c) The net amount to be assessed upon the lands within the District has been apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services to be provided commencing with fiscal year 2012/2013.

SECTION 4. The City Council hereby approves the formation of the District and orders the improvements as described in the Engineer's Report to be made. The improvements so described may include, but are not limited to the materials, equipment, utilities, labor, contract services and incidental expenses necessary for the operation, maintenance and servicing of local landscaping and lighting improvements and appurtenant facilities within the District that provide special benefits to properties therein.

SECTION 5. The maintenance, operation and servicing of improvements shall be performed pursuant to the Act, and for fiscal year 2012/2013 the amount of levy established by the Engineer's Report shall be submitted to the County Auditor of Kern and the County Auditor shall enter on the County Assessment Roll opposite each parcel of land the amount of levy established by the Engineer's Report, and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 6. The adoption of this Resolution constitutes the formation of the District, the boundaries of which is identified by the Assessment Diagram; the establishment of the maximum assessment rate and assessment range formula connected therewith; and the assessments to be levied for the fiscal year commencing July 1, 2012 and ending June 30, 2013, as described in the Engineer's Report and adopted by the City Council.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the City Council's approval of the formation of the District; the adoption and confirmation of the Assessment Diagram; and the establishment of the maximum assessment rate, assessment range formula and the assessments for Fiscal Year 2012/2013 as contained in the Engineer's Report.

SECTION 8. City staff or their designee is hereby authorized and directed to file the levy of assessments for fiscal year 2012/2013 as approved, with the County Auditor of Kern.

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

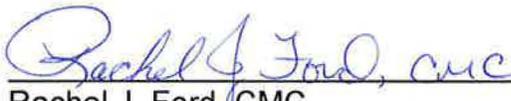
ABSENT: None

ABSTAIN: None



Ronald Carter, Mayor

ATTEST:



Rachel J. Ford, CMC

City Clerk