

RESOLUTION NO. 2006-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ACCEPTING IMPROVEMENTS IN ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT, AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS, AND ORDERING THE MAINTENANCE, OPERATING AND/OR SERVICING OF IMPROVEMENTS [Landscaping and Lighting Act of 1972]

Valle Vista Landscaping and Lighting Maintenance Assessment District No. 1

WHEREAS, a petition for the formation of Valle Vista Landscaping and Lighting Maintenance Assessment District No. 1 has heretofore been filed with the City, and signed by all of the owners of land to be assessed within the boundaries of the proposed District as shown on the last equalized County of San Benito assessment roll, said territory being hereinafter more particularly described, all pursuant to the Landscaping and Lighting Act of 1972 (the "Act"), being Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code; and

WHEREAS, said Petition consented, among other things, to the City Council conducting proceedings and waived the application, if any, of the provisions of the Special Assessment Investigation, Limitation, and Majority Protest Act of 1931, being Division 4 of the California Streets and Highways Code; and

WHEREAS, all of the aforesaid property owners of the land included within the District have heretofore filed with the City Clerk an executed written consent to the levy of assessments against the aforesaid land as shown in an Engineer's Report for the purpose of maintaining, operating and/or servicing the improvements referenced in an Engineer's Report for Fiscal Year 2003-2004; and

WHEREAS, on February 18, 2003, the San Juan Bautista City Council adopted its Resolution No. 2003-03 initiating proceedings to maintain, operate and/or service certain improvements in said City, and referred the proposed maintenance, operating and/or servicing of said improvements to the Engineer of Work, being a competent person appointed by said Council for that purpose; and

WHEREAS, said Council thereby directed said Engineer to make and file with the City Clerk a Report in writing in accordance with and pursuant to the provisions of the Act; and

WHEREAS, said Report was duly made and filed with the Clerk, whereupon said Clerk presented it to the Council for consideration; and

WHEREAS, said Council thereupon duly considered said Report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act, including (1) a boundary map of the area included within the proposed assessment district; (2) a description of work and improvements to be maintained, operated and/or serviced for Fiscal Year 2003-2004; (3) itemized and total costs of said maintenance, operating and/or servicing for Fiscal Year 2003-2004; (4) a diagram of the proposed district; and (5) a maximum Fiscal Year 2003-2004 assessment according to benefits, all of which was done in the form and manner required by said Act; and

WHEREAS, on March 18, 2003, the Council adopted Resolution No. 2003-06 by which it found that said Report and each and every part thereof was sufficient in every particular and determined that it should stand as the Report for all subsequent proceedings under said Act; and by a separate Resolution of Intention appointed Tuesday, May 20, 2003, at the hour of 7:00 p.m., in the regular meeting place of said Council, Council Chambers, City Hall, 311 2d Street, San Juan Bautista, California, as the public hearing and time and place for hearing protests in relation to said proposed maintenance, operation and/or servicing of improvements for fiscal year 2003-2004 and when and where it would further consider and finally act upon the Report (and the establishment of the maximum assessment and of the Fiscal Year 2003-2004 assessment contained therein that are proposed to be levied) under the previously referenced Resolution Initiating Proceedings, and directed the City Clerk to give notice of said meeting and hearing and to mail ballots concerning protests as required by said Act and other law; and

WHEREAS, it appears that all notices of said meeting and hearings were duly and regularly mailed and/or hand delivered and published in the time, form and manner required by said Act and by Government Code Section 53753(c), as evidenced by the documents on file with said Clerk, whereupon said meeting and hearing were duly and regularly held at the time and place stated in said notices; and

WHEREAS, no person(s) interested, objecting to the formation of said assessment district, or to the maintenance, operating and/or servicing of improvements for Fiscal Year 2003-2004, or to the extent of the assessment district, or to the proposed maximum of Fiscal Year 2003-2004 assessment or diagram for Fiscal Year 2003-2004, or to the boundary map, or to the Engineer's estimate of the costs and expenses thereof for Fiscal Year 2003-2004, filed written protests with the Clerk at or before the time set for the public hearing, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the formation of the assessment district, the proposed assessments, or to the maintenance, operating and/or servicing of said improvements for Fiscal Year 2003-2004 were fully heard and considered by said Council, and said Council has acquired jurisdiction to order the formation of said assessment district and the maintenance, operating and/or servicing of said improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof for Fiscal Year 2003-2004 and subsequent fiscal years; and

WHEREAS, on June 17, 2003, the San Juan Bautista City Council passed and adopted Resolution No. 2003-16, which adopted the engineer's report, confirmed the assessment, authorized the levy and collection of assessments, ordered formation of a landscaping and lighting maintenance assessment district and ordered the maintenance, operation and/or servicing of improvements; and

WHEREAS, no properties were assessed to pay for costs and expenses related to the improvements in the Engineer's Report in Fiscal Year 2003-2004 due to a dispute between the City and the Creekbridge Homes, LLC. Now that the dispute has been resolved, the City now wishes to accept the improvements and levy assessments for the fiscal year 2005-2006; and

WHEREAS, it is in the best interest of this assessment district to maintain, operate and/or service said improvements and levy said assessments for Fiscal Year 2005-2006.

NOW THEREFORE, BE IT HEREBY RESOLVED, FOUND, DIRECTED AND ORDERED by the City Council of the City of San Juan Bautista as follows:

1. All recitals above are true and correct and are incorporated herein by reference as findings and determinations.

2. That the general description of work for the proposed maintenance, operation and/or servicing of improvements for Fiscal Year 2003-2004, contained in the Engineer's Report, is hereby approved as the general description of work for Fiscal Year 2005-2006.
3. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in the Engineer's Report for Fiscal Year 2003-2004, is hereby approved as the Engineer's total and detailed estimate of the costs and expenses of said maintenance, operation and/or servicing of improvements for Fiscal Year 2005-2006.
4. The improvements contained in the Engineer's report for Fiscal Year 2003-2004 are hereby accepted.
5. That the public interest and convenience require and said Council does hereby order the maintenance, operation and/or servicing of improvements to be made for Fiscal Year 2005-2006 as described in and in accordance with the afore-referenced Resolution of Intention on file in the office of the Clerk, reference to which is hereby made for a more particular description of said work and for further particulars pursuant to the provisions of the Act.
6. That the Clerk shall forthwith deliver to the Superintendent of Streets the assessment and diagram with his certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and append thereto his certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.
7. Upon the recordation of said diagram and assessment with the Superintendent of Streets, the Clerk shall file the diagram and assessment, or a certified copy thereof, with the County Auditor of San Benito County and shall record the diagram with the County Recorder of San Benito County, by no later than _____.
8. After the filing of the diagram and assessment, the County Auditor of San Benito County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.
9. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes, including without limitation, those pertaining to penalties and interest after delinquency, shall apply to the collection and enforcement of the assessments, and the assessments shall have the same priority of lien as general property taxes.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista held on the 21st day of November, 2006, by the following vote:

Ayes:	Medina, Hill, Dias
Noes:	None
Absent:	Geiger
Abstain:	None

Mayor Arturo Medina

Attest:

Trish Paetz, Deputy City Clerk