

RESOLUTION NO. 4367

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
PRELIMINARILY APPROVING THE ENGINEER'S REPORT AND DECLARING ITS  
INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN PARKS  
AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1 AS  
ANNEXATION NO. 1, ORCHARD VILLAS/MIRAVALE II FOR FISCAL YEAR  
2009/2010, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING**

The City Council of the City of Soledad, California (hereinafter referred to as the "City"), does resolve as follows:

**WHEREAS**, the City Council of the City of Soledad has, by previous Resolution number 3868, formed the Parks and Open Space Maintenance Assessment District No. 1 as Annexation No. 1, Orchard Villas/Miravale II (hereinafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act") and as provided by Article XIII D of the California Constitution, to levy and collect assessments against the lots or parcels of land within such district to pay for the costs and expenses of operating, maintaining and servicing improvements and facilities located within public places within the boundaries of the District; and,

**WHEREAS**, the District and the associated assessments are in compliance with the provisions of the Act and California Constitution Article XIII D; and,

**WHEREAS**, staff has prepared and filed with the City Clerk of the City of Soledad the "Engineer's Annual Levy Report, Parks and Open Space Maintenance Assessment District No. 1, Annexation No. 1, Orchard Villas/Miravale II" and recommends approval of such report:

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF SOLEDAD FOR THE PARKS AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1 AS ANNEXATION NO. 1, ORCHARD VILLAS/MIRAVALE II AS FOLLOWS:**

**Section 1** The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the approval for the levy and to collect assessments against the assessable lots and parcels of land within such District for that portion of the fiscal year commencing July 1, 2009 and ending June 30, 2010 to pay the costs and expenses of the improvements described in Section 2. The City Council in subsequent fiscal years may thereafter impose the assessment at any rate or amount that is less than or equal to the amount authorized for each fiscal year, increased each year based upon the Consumer Price Index for the San Francisco-Oakland-San Jose Area ("CPI"), as determined by the United States Department of Labor, or its successor. The Engineer has computed the percentage of difference between the CPI for February of each year and the CPI for the previous February, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index or a comparable system as approved by the City Council for determining fluctuations in the cost of living.

**Section 2** The District provides for maintenance, servicing, including repair, replacement, removal, and operation of landscape improvements, park maintenance, graffiti removal, water for irrigation and fountains, and associated appurtenances located within the public right-of-way and dedicated landscape easements and parks, including retention pond. Improvements within the District are generally parks, parkways and block walls located throughout the Orchard Villas and Miravale II developments. These improvements include turf, ground cover, shrubs and trees, irrigation systems, graffiti removal, and walkways. Services provided include all necessary service, operations, and maintenance required to keep the improvements in a healthy, vigorous condition and in proper working order.

Assessments for the District are also being levied to provide funding for the maintenance, operation, and servicing of local streetlights in close proximity within approximately 90 feet to certain lots and parcels which provide a direct special benefit to such lots or parcels. The maintenance, operation, and servicing of arterial streetlights which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

**Section 3** The general location and boundaries of the District are shown on maps on file in the office of the City Engineer, are incorporated herein by reference, and open to public inspection. The designation of the District is as follows: Parks and Open Space Maintenance Assessment District No. 1 as Annexation No. 1, Orchard Villas/Miravale II.

**Section 4** Reference is hereby made to the Engineer's Report, on file in the office of the City Clerk and the City Engineer and open to public inspection, for a full and detailed description of the improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

**Section 5** Notice is hereby given that Wednesday, the 1st day of July, 2009 at 6:30 p.m. in the Council Chambers of the City Hall of the City of Soledad, 248 Main Street, California, is the time and place fixed for a public hearing by the City Council on the question of the levy and collection of assessments for fiscal year 2009/2010 against lots and parcels of land within the District. At the hearing, all interested persons shall be afforded the opportunity to hear and be heard. After said hearing, the City Council shall adopt the 2009/2010 Final Engineer's Report.

**Section 6** The City Clerk is hereby authorized and directed to give notice of the public hearing as set forth in Section 5 in accordance with law.

**Section 7** The City Council hereby designates the City Engineer, telephone number 831-223-5175 to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

**Section 8** Lots or parcels within the District that are owned or used by any county, city, city and county, special district or any other local or regional governmental agency, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.


PASSED, APPROVED and ADOPTED this 3rd day of June, 2009 by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Martha Camacho, Mayor Richard Ortiz

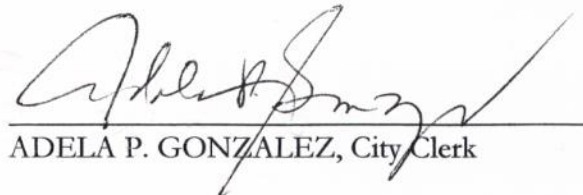
NOES, Councilmembers: None

ABSTAINED, Councilmembers: None

ABSENT, Councilmembers: None

  
RICHARD V. ORTIZ, Mayor

ATTEST:

  
ADELA P. GONZALEZ, City Clerk