

## RESOLUTION NO. 4368

### **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 BENEFIT ASSESSMENT DISTRICT NO. 2, 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 3867, formed the Benefit Assessment District No. 2, Orchard Villas/Miravale II (hereinafter referred to as the "District"), pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of Part 1 of Division 2, Article 4 of the Government Code of California, beginning with Section 54703* (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 XIID; and,

**WHEREAS**, staff has prepared and filed with the City Clerk of the City of Soledad the "Engineer's Annual Levy Report, Benefit Assessment District No. 2, 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 BENEFIT ASSESSMENT DISTRICT NO. 2, 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 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** Maintenance and operation includes street sweeping, storm drain lines, including storm retention pond silt removal, bank stabilization and restoring percolation, including necessary cleaning, repairs, replacement, electric current, supervision, debris removal, engineering and inspection, and any other items of work necessary and incidental for the proper maintenance and operation thereof.

**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: Benefit Assessment District No. 2, 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 2008/2009 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