

RESOLUTION NO. 4390

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE PARKS AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1, ORCHARD VILLAS/MIRAVALE II FOR FISCAL YEAR 2009/2010

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

WHEREAS, the City Council has by previous Resolutions initiated proceedings and declared its intention to levy assessments for the Parks and Open Space Maintenance Assessment District No. 1, Orchard Villas/Miravale II (hereafter referred to as the "District") for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing improvements and facilities located within the boundaries of the District; and,

WHEREAS, the City Engineer has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, the Preliminary Engineer's Annual Levy Report (hereafter referred to as the "Report") for the District that describes the District and the proposed levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010 to pay the costs and expenses of operating, maintaining, and servicing improvements and facilities located within the boundaries of the District; and,

WHEREAS, this City and its legal counsel have reviewed the provisions of Section XIIIID of the California State Constitution and found that the proposed assessments comply with these provisions.

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

Section 1 Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests, and communications made or filed by interested persons regarding these matters.

Section 2 Based upon its review (and amendments, as applicable) of the Report, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of improvements and facilities located within the boundaries of the District; and,
- ii) the District includes all of the lands so benefited; and,
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

Section 3 The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed and approved by the City Council.

Section 4 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. Improvements within the District are generally 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 5 The County Auditor of the County of Monterey shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6 The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as the "Improvement Fund, City of Soledad, Parks and Open Space Maintenance Assessment District No. 1, as Orchard Villas/Miravale II and such monies shall be expended only for the maintenance, operation, and servicing improvements and facilities as described in Section 4.

Section 7 The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010.

Section 8 The City Clerk or their designate is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

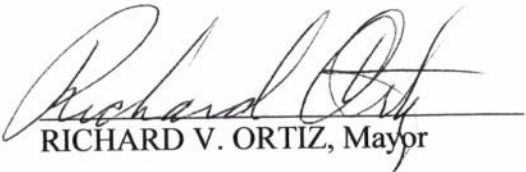
PASSED, APPROVED and ADOPTED this 1st day of July, 2009 by the following vote:

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

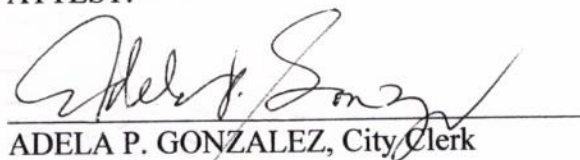
NOES, Councilmembers: None

ABSTAINED, Councilmembers: None

ABSENT, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk