

RESOLUTION NO. 4391

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ORDERING
THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE BENEFIT
ASSESSMENT DISTRICT NO. 2, 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 Benefit Assessment District No. 2, 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 *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* (hereafter referred to as the "Act") to pay 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 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 BENEFIT ASSESSMENT DISTRICT NO. 2, 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 in public places 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 Maintenance and operation includes street sweeping, storm drain lines, 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 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. 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, Benefit Assessment District No. 2, 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.

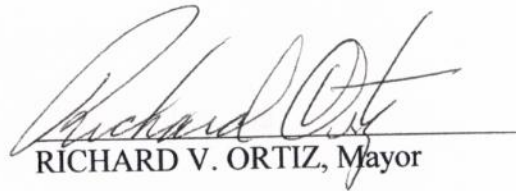
PASSED, APPROVED and ADOPTED this 1st day of July, 2009 by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

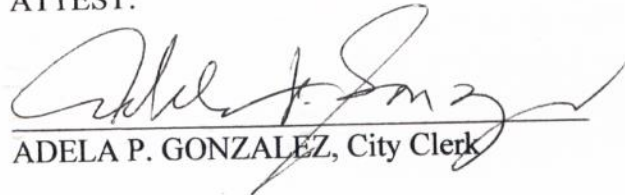
ABSTAINED, Councilmembers:

ABSENT, Councilmembers:



RICHARD V. ORTIZ, Mayor

ATTEST:



ADELA P. GONZALEZ, City Clerk