

**RESOLUTION NO. 4008**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD, COUNTY OF MONTEREY, STATE OF CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN DIAMOND RIDGE PARKS AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (MIRAVALE I, PHASE I) FOR FISCAL YEAR 2007/2008, 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 3221, formed the Diamond Ridge Parks and Open Space Maintenance Assessment District No. 1 (Miravale, Phase I) (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 XIID; and

**WHEREAS**, the Engineer, MuniFinancial has prepared and filed with the City Clerk of the City of Soledad and the City Clerk has presented to the City Council such report entitled "Engineer's Final Annual Levy Report, Diamond Ridge Parks and Open Space Maintenance Assessment District No. 1 (Miravale, Phase I)".

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF SOLEDAD FOR THE DIAMOND RIDGE PARKS AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (MIRAVALE, PHASE I) 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, 2007 and ending June 30, 2008 to pay the costs and expenses of the improvements described in Section 2. Since the assessments proposed by this resolution have been approved by the property owners pursuant to a mailed ballot election conducted in accordance with Article XIII D of the California Constitution, 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 fiscal year 2007/2008, 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 without conducting another mailed ballot election. The Engineer has computed the percentage of difference between the CPI for April of

each year and the CPI for the previous April, 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 improvements within the District include: the maintenance and operation of street lights and any or all public landscaping and irrigation improvements of a local nature on landscaped strips of land adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, appurtenant irrigation systems; ornamental plantings including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal, and any and all other items of work necessary and incidental for the proper maintenance and operation thereof.

They also include: the maintenance and operation of any and all public landscaping and irrigation improvements, of a local nature, on landscaped strips of land adjacent to the following described areas, including retention pond, appurtenant irrigation systems; ornamental plantings including lawns, shrubs and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal, and any and all 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: Diamond Ridge Parks and Open Space Maintenance Assessment District No. 1 (Miravale, Phase I).

**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 18th day of July, 2007 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 2007/2008 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 2007/2008 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 Brad Mills at MuniFinancial, telephone number 800-755-6864 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.

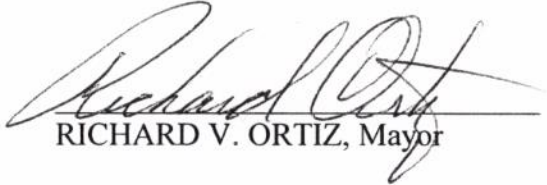
**PASSED, APPROVED and ADOPTED** this 6th day of June, 2007 by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

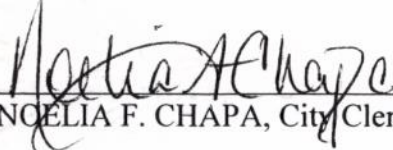
NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmember: None

  
RICHARD V. ORTIZ, Mayor

ATTEST:

  
NOELIA F. CHAPA, City Clerk