

RESOLUTION NO. 6826

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 2009-2010
FISCAL YEAR IN CONNECTION WITH STREET LIGHTING
MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE LANDSCAPING
AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE
CALIFORNIA STREETS AND HIGHWAYS CODE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS
AS FOLLOWS:

Section 1. Pursuant to prior resolution, the City Council of the City of Redlands initiated proceedings and declared its intention to levy an assessment against the assessable lots and parcels of property within an existing assessment district designated "Street Lighting Maintenance District No. 1" (the "District") pursuant to the provision of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") for the fiscal year commencing July 1, 2009 and ending June 30, 2010, and order the Engineer, Willdan Financial Services, to prepare and file a written report in accordance with Article 4 of Chapter 1 of the Act. The City Council, by prior resolution, approved such Engineer's Report.

Section 2. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the Engineer's Report and the levy and collection of the proposed assessment within the District for fiscal year 2009-2010 to pay for the costs and expenses of the improvements described in the Engineer's Report pursuant to the terms and provisions of the Act. All interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessment against lots or parcels of property within the District. The City Council considered all oral and written statements, protests and communications made or filed by interested persons.

Section 3. Based upon its review of the Engineer's Report and other reports and information, the City Council hereby finds and determines that (i) the land within the District will be benefited by the improvements described in the Engineers' Report (ii) the District includes all of the lands so benefited, and (iii) the net amount to be assessed upon the lands within the District for the 2009-2010 fiscal year in accordance with the Engineer's Report is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements. Any and all oral and written protests and objections are hereby overruled by the City Council.

Section 4. The City Council declares that the diagram and assessment in the Engineer's Report are hereby confirmed as filed.

Section 5. The City Council hereby orders the improvements described in the Engineer's Report to be made.

Section 6. The assessment is in compliance with the provisions of the Act and the City Council has complied with all law pertaining to the levy of an annual assessment pursuant to the Act.

Section 7. The assessment to be levied and collected against the assessable lots and parcels of property within the District for fiscal year 2009-2010 are not proposed to increase from the assessment levied and collected for fiscal year 1997-1998.

Section 8. The assessment is levied without regard to property valuation.

Section 9. Public property owned by any public agency and in use in the performance of a public function which is included within the boundaries of the District shall not be subject to assessment to be made under these proceedings to pay for any of the costs and expenses of the improvements.

Section 10. The assessment is levied for the purpose of paying the costs and expenses of the improvements described in the Engineer's Report for fiscal year 2009-2010.

Section 11. The improvements described in the Engineer's Report shall be performed pursuant to law.

Section 12. The County Auditor of San Bernardino County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessments shall then 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 assessments shall be paid to the City Treasurer.

Section 13. The City Treasurer shall deposit all monies representing assessments collected by the County to the credit of a special fund for Street Lighting Maintenance District No. 1.

Section 14. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

Section 15. The City Clerk is hereby authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor, together with a certified copy of this Resolution upon its adoption.

Section 16. A certified copy of the assessment and diagram shall be filed in the City's Public works Department, with a duplicate copy on file in the office of the City Clerk and open for public inspection.

ADOPTED, SIGNED AND APPROVED this 21st day of July, 2009.

Mayor of the City of Redlands

ATTEST:

Lorrie Poyzer, City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 21st day of July, 2009, by the following vote:

AYES:

NOES:

ABSENT

ABSTAIN:

City Clerk