

RESOLUTION NO. 2017-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY
AND COLLECTION OF ASSESSMENTS FOR MAINTENANCE IN
LANDSCAPING AND LIGHTING DISTRICT NO. 1, AND SETTING A
TIME AND PLACE FOR A PUBLIC HEARING THEREON

WHEREAS, the CITY COUNCIL of the CITY OF SAN MARCOS, CALIFORNIA, on June 9, 1981 by Resolution No. 81-1592, previously formed a street lighting district pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, in what is known and designated as LANDSCAPING AND LIGHTING DISTRICT NO. 1 (hereinafter referred to as the "District"); and,

WHEREAS, since the formation of the District in 1981, the District has levied annual assessments and was expanded in 1986 to include landscaping maintenance; and,

WHEREAS, the annual assessments have been based on a method of spread approved yearly within the Engineer's Report; and

WHEREAS, at this time, the City Council is desirous of taking the necessary proceedings to provide for the annual levy of assessments for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of landscaping and lighting improvements within said District; and,

WHEREAS, at this time there has been presented and approved by this City Council, the Preliminary Engineer's Report as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

PUBLIC INTEREST

SECTION 2. That the public interest and convenience requires, and it is the intention of the City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain landscaping and lighting improvements, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are as set forth in the Preliminary Engineer's Report, incorporated herein as a part hereof.

REPORT

SECTION 3. That the Preliminary Engineer's Report regarding the annual levy for said District, which Report is for maintenance for the fiscal year 2017-2018, is hereby approved and is directed to be filed in the Office of the City Clerk.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said Report. This year's assessment is proposed to be \$530,526.20. There has not been an increase in the assessments.

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments levied and collected shall be for the maintenance of certain landscaped areas, including but not limited to, medians, parkways, open space areas, and lighting improvements for residential, commercial and industrial development within the

City's jurisdictional boundaries. Reference is made to the Preliminary Engineer's Report, incorporated by reference, which contains a full and detailed description of the improvements, boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

FUTURE ASSESSMENTS

SECTION 6. That the public interest and convenience requires, and it is the intention of this City Council to consider and adopt an assessment formula for future assessments. Said future assessments shall not exceed the assessment formula so adopted.

COUNTY AUDITOR

SECTION 7. The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the treasurer for purposes of paying the costs and expenses of said District.

SPECIAL FUND

SECTION 8. That all monies collected shall be deposited in a SPECIAL FUND designated by the name of this District. Payment shall be made out of said Fund only for the purpose provided for in the Resolution. In order to expedite the making of this maintenance and improvement, the City Council may transfer into said Special Fund, from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds so transferred shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 9. Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a district, which district said City Council hereby declares to be the district benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

PUBLIC PROPERTY

SECTION 10. Any lots or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2 of the Streets and Highways Code of the State of California, which are included within the boundaries of the District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said improvement and maintenance work.

PUBLIC HEARING

SECTION 11. NOTICE IS HEREBY GIVEN THAT TUESDAY, THE 25th DAY OF JULY, 2017, AT THE HOUR OF 6:00 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING THE COUNCIL CHAMBERS, IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD

FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 12. That the City Clerk is hereby authorized and directed to publish a copy of this Resolution in The Paper, a newspaper of general circulation within said City, said publication to be not less than ten (10) days before the date set for the Public Hearing described above.

EFFECTIVE DATE

SECTION 13. That this Resolution shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 14. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the person designated below:

PROCEDURAL INQUIRIES:

Phillip Scollick, City Clerk
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069
Telephone: 760-744-1050

TECHNICAL INQUIRIES:

Peter Kuey, Principal Civil Engineer
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069
Telephone: 760-744-1050, x3210

PASSED, APPROVED, and ADOPTED by the City Council of the City San Marcos this 11th day of July 2017, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos