

RESOLUTION NO. 758

AND ORDER ADOPTING ENGINEER'S REPORT,
CONFIRMING THE ASSESSMENT AND ORDERING
THE WORK

SPRING STREET CURBS AND GUTTERS
PROJECT NO. 51-1

RESOLVED, by the City Council of the City of El Paso de Robles, California, that

WHEREAS, on the 3rd day of December, 1951, said City Council adopted its Resolution of Intention No. 751 to acquire and construct street improvements in said City, and referred the proposed acquisitions and improvements to the City Engineer of said City, he being the officer having charge and control of the construction of street improvements in and for said City of the kind described in said Resolution, and being a competent person appointed by said City Council for that purpose;

WHEREAS, said City Council thereby directed said City Engineer to make and file with the City Clerk of said City a report in writing, in accordance with and pursuant to the Municipal Improvement Act of 1913, as amended;

WHEREAS, said report was duly made and filed with the City Clerk of said City, whereupon said City Clerk presented it to the City Council for consideration;

WHEREAS, said City Council thereupon duly considered said report and each and every part thereof, and found that it contained all the matter and things called for by the provisions of Section 2 of said Act, including (1) plans and specifications of the proposed improvement; (2) maps and descriptions of easements to be acquired; (3) estimate of costs; (4) diagram of district, and (5) an assessment according to benefits, all of which was done in the form and manner required by said Act;

WHEREAS, said City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said City Council, pursuant to the requirements of said Act, appointed Monday, the 7th day of January, 1952, at the hour of eight o'clock P. M. of said day in the Council Chambers in the City Hall in the City of Paso Robles, California, as the time and place for hearing protests in relation to said proposed acquisitions and improvements, and directed the City Clerk of said City to give notice of said hearing as required by said Act;

WHEREAS, it appears that notices of said hearing were duly and regularly posted, mailed and published in the time, form and manner required by said Act, as evidenced by the affidavits on file with said City Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

WHEREAS, three persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions, or to the grades at which said work will be done, or to the City Engineer's estimate of the costs and expenses thereof, filed written protests with the City Clerk of said City at or before the time set for hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said improvements were fully heard and considered by said Council, and were overruled and said City Council has acquired jurisdiction to order said improvements and the confirmation of said diagram and assessment as modified to pay the costs and expenses thereof;

NOW, THEREFORE, said City Council does hereby FIND, DETERMINE, AND ORDER, as follows:

1. That the owners of one-half of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing, file written protests against the said proposed improvements as a whole, or against the said district or the extent thereof to be assessed for the costs and expenses of said improvements as a whole, or as to the City Engineer's estimate of said costs and expenses, or against the diagram or assessment to pay for the costs and expenses thereof.

2. That the district benefited by said improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in Resolution of Intention No. 751 and made a part hereof by reference thereto. That all public streets and highways within said assessment district, the same being in use in the performance of a public function as such, shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said improvements.

3. That the plans and specifications for the proposed improvements, contained in said report, be, and they are hereby, finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution of Intention.

4. That the maps and descriptions of the easements to be acquired, as contained in said report, be, and the same are hereby approved.

5. That the City Engineer's estimate of the itemized and total estimated costs and expenses of said improvements, and of the incidental expenses in connection therewith, contained in said report, be, and it is hereby, finally adopted and approved as the engineer's total and detailed estimate of the costs and expenses of the improvements.

6. That the public interest and convenience require, and said City Council does hereby order the acquisition and improvements to be made as described in, and in accordance with, said Resolution of Intention on file in the office of the City Clerk of said City, reference to which is hereby made for a more particular description of said acquisitions and improvements, and also for further particulars pursuant to the provisions of said Municipal Improvement Act of 1913, as amended.

7. That the diagram showing the assessment district referred to and described in said Resolution of Intention, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of said Resolution of Intention, each of which subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisitions and improvements.

8. That the Assessment of \$38,278.53 of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements to be done, and of the expenses incidental thereto, contained in said report as modifies be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said acquisitions and improvements.

9. That said City Engineer's report be as modified and the same is hereby, finally adopted and approved as a whole.

10. That the City Clerk shall forthwith deliver to the Superintendent of Streets the said assessment, together with said diagram thereto attached and made a part thereof, as confirmed by this City Council, with his certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent

of Streets shall forthwith record said diagram and assessment in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

11. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the City, or on file in the office of the City Clerk of said City, or to both addresses, if said address is not the same, or to the general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued on unpaid assessments pursuant to the Refunding Assessment Bond Act of 1935 as modified in the Municipal Improvement Act of 1913, the last installment of which bonds shall mature nine (9) years from the second day of July next succeeding ten (10) months from their date.

12. That said Superintendent of Streets shall also give notice by publishing a copy of a Notice to Pay Assessments by three successive insertions in the Paso Robles Press, a newspaper published in said City, that said assessment has been recorded in his office, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within sixty (60) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

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I hereby certify that the foregoing resolution was duly passed and adopted by the City Council of the City of El Paso de Robles, California, at a regular meeting thereof held on the 7th day of January, 1952, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmen: Gerst, Smart
Thurlby, Ottoson, Gates

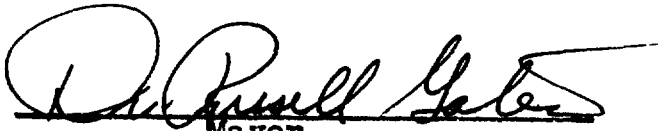
NOES, Councilmen: None

ABSENT, Councilmen: None



City Clerk of the City of El Paso de Robles

APPROVED:



Mayor