

Recording Requested by:  
City of Paso Robles

Doc No: 1997-029704

Rec No: 00038629

When Recorded Return to:

City of Paso Robles  
Attn: City Clerk  
1000 Spring Street  
Paso Robles, CA 93446

Official Records  
San Luis Obispo Co.  
Julie L. Rodewald  
Recorder  
Jun 11, 1997  
Time: 11:28

[ 4 ]

NF 0.00

TOTAL 0.00

**RESOLUTION NO. 97-77**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1, FISCAL YEAR 1997/98**

CITY OF EL PASO DE ROBLES

RESOLUTION NO. 97-77

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The City Council of the City of El Paso De Robles, California (hereafter referred to as the "City Council") does resolve as follows:

**WHEREAS**, the City Council has by previous Resolutions initiated proceedings, declared its intention to levy assessments, and approved the Final Engineer's Annual Levy Report (hereafter referred to as the "Report") that describes the assessments against parcels of land within the El Paso De Robles Landscape and Lighting Assessment District No. 1 (hereafter referred to as "District") for the Fiscal Year commencing July 1, 1997 and ending June 30, 1998 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining and servicing landscaping, lighting and appurtenant facilities located within the District and SubAreas; and,

**WHEREAS**, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, a Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within 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, 1997 and ending June 30, 1998, to pay the costs and expenses of operating, maintaining and servicing landscaping, lighting and appurtenant facilities located within public places in the City; and,

**WHEREAS**, this City and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of Section XIII D of the California State Constitution; and,

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, 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, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within District will receive special benefit by the operation, maintenance and servicing of improvements, located in public places within the boundaries of 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, 1997 and ending June 30, 1998 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.

**Section 4** The maintenance, operation and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, detention basins, open space areas, landscaping, irrigation systems, public pedestrian paths, slope maintenance, entry monuments; landscaping includes trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems, and drainage devices, within the District. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

**Section 5** The County Auditor of the County of San Luis Obispo 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, pursuant to *Chapter 4, Article 2, Section 22646* of the Act. 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 "Improvement Fund, City of El Paso De Robles Landscape and Lighting Assessment District No. 1" and such money shall be expended only for the maintenance, operation and servicing of the landscaping, lighting and appurtenant facilities as described in Section 4.

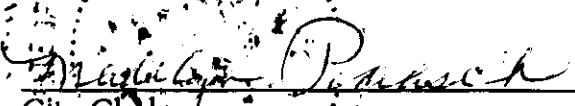
**Section 7** The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 1997 and ending June 30, 1998.

**Section 8** The City Clerk, or their designate, is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

RESOLUTION NO. 97-77

PASSED, APPROVED, AND ADOPTED THIS 3rd day of June, 1997

  
\_\_\_\_\_  
Mayor  
City of El Paso de Robles

  
\_\_\_\_\_  
City Clerk  
City of El Paso de Robles

STATE OF CALIFORNIA )

COUNTY OF SAN LUIS OBISPO)

ss.

CITY OF EL PASO DE ROBLES)

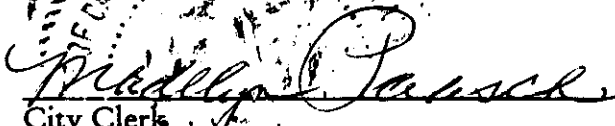
I, Madelyn Paasch, City Clerk of the City of El Paso de Robles, County of San Luis Obispo, State of California do hereby certify that the foregoing Resolution No. 97-77 was regularly adopted by the City Council of said City of El Paso de Robles at a regular meeting of said council held on the 3rd day of June, 1997 by the following vote:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco

NOES: None

ABSENT: None

ABSTAINED: None

  
\_\_\_\_\_  
City Clerk  
City of El Paso de Robles

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