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2022/2023 and the proposed levy and collection of assessments commencing with Fiscal Year 2022/2023, in accordance with the Act and the California Constitution, and said Report has been presented to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 1: The territory of land to be annexed to the District incorporates all of the lots and parcels of land within the Annexation Territory as described in the Assessment Roll (**Exhibit A**).

Section 2: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to, the regular maintenance, operation and incidental expenses related to the local landscaping and/or street lighting improvements within the public rights-of-way or easements associated with the development of properties within the Annexation Territory, which may include but are not limited to, landscaped parkways, medians, slopes, or other public areas, and/or street lighting improvements which shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report prepared in connection with these proceedings provides a more detailed description of the improvements and associated costs.

Section 3: The Engineer's Report as presented consists of the following:

- a) A Description of the Improvements (Plans and Specifications).
- b) The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" that provides for an annual inflationary adjustment to the maximum assessment rate.
- c) The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed initial "Maximum Assessment Rate".
- d) An Assessment Diagram (Boundary Map).
- e) An Assessment Roll containing the proposed assessment to be levied for each Assessor Parcel Number within the Annexation Territory based on the maximum

1 assessment rate and method of apportionment described therein.

2 **Section 4:** The Engineer's Report presented is hereby approved on a preliminary basis as
3 submitted or amended by direction of this City Council and is hereby ordered to be filed in
4 the Office of the City Clerk as a permanent record and remain open to public inspection.

5 **Section 5:** The City Council hereby declares its intention to annex the territory of land to
6 the District designated as the Annexation Territory commencing in Fiscal Year 2022/2023,
7 and to levy and collect annual assessments against parcels of land within said territory to
8 fund the ongoing cost and expenses of maintaining, operating and servicing the
9 improvements determined to be of special benefit to the parcels of land therein as outlined
10 in the Report prepared in connection therewith, commencing with Fiscal Year 2022/2023;
11 and, the City Council further declares its intention to conduct a public hearing regarding the
12 annexation of the Annexation Territory to the District, and the proposed levy of
13 assessments connected therewith; and calls for a property owner protest balloting
14 proceeding in accordance with the provisions of Article XIID of the California Constitution
15 (Proposition 218). The City Council finds that the public's best interest requires such action
16 and levy of assessments.

17 **Section 6:** The City Council hereby declares its intention to conduct a public hearing
18 concerning the levy of assessments for the Annexation Territory in accordance with
19 Government Code, Section 54954.6 and Section 4(e) of Article XIID of the California
20 Constitution; and, notice is hereby given that a public hearing on these matters will be held
21 by the City Council on Tuesday, September 27, 2022 at 6:30 P.M., or as soon thereafter
22 as feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
23 California. At the Public Hearing, all interested persons shall be afforded the opportunity
24 to hear and be heard.

25 **Section 7:** Pursuant to Article XIID of the California Constitution, an assessment ballot
26 proceeding is hereby called on the matter of confirming the proposed assessments for the
27 Annexation Territory. The ballots and notices so authorized shall be distributed by first
28 class mail to the property owners of record as of the last County equalized tax roll, and

1 property owner or owners of each affected parcel may return the ballot by mail or in person
2 to the City Clerk not later than the conclusion of the public hearing for these matters.

3 **Section 8:** The City Council hereby authorizes and directs the Engineer of Record, on
4 behalf of the City Clerk, to prepare and mail notice of the Public Hearing and property owner
5 protest ballots to the property owners of record regarding the proposed assessments,
6 including the assessment range formula as outlined in the Report, for return receipt prior to
7 the date and time of the public hearing set forth in this Resolution; and, the notice of the
8 hearing and ballot shall be distributed by first class mail to the property owner(s) of record
9 for each parcel within the Annexation Territory subject to an assessment. The owner of
10 100% of the property to be annexed has waived his right to receive the notice and ballot
11 not less than 45 days before the date of the public hearing pursuant to the California
12 Constitution.

13 **Section 9:** The property owner protest ballot proceeding conducted for the Annexation
14 Territory shall constitute the property owners' approval or rejection of the annual levy of
15 assessments and assessment range formula described in the Report presented and
16 previously approved by the City Council. Each property owner may return the ballot by mail
17 or in person to the City Clerk no later than the conclusion of the public hearing scheduled
18 for Tuesday, September 27, 2022. After the close of the Public Hearing, pursuant to
19 Section 4 (e) of Article XIID of the California Constitution, the City Clerk shall open and
20 tabulate the ballots returned to determine if a majority protest exists. Only those ballots
21 issued by or on behalf of the City and signed by the property owner of record or authorized
22 representative, shall be considered as valid ballots and shall be weighted according to the
23 proportional financial obligation of each affected property. A majority protest exists if, upon
24 the conclusion of the hearing, valid ballots submitted in opposition to the assessment
25 exceed the ballots submitted in favor of the assessment; and, in addition to the ballot
26 proceedings, property owners may also file a separate written protest with the City Clerk
27 prior to the conclusion of the hearing, or having previously filed such protest, may file a
28 written withdrawal of that protest. A written protest shall state all grounds of objection and

1 shall contain a description sufficient to identify the property owned by such property owner.
2 At the public hearing, all interested persons shall be afforded the opportunity to hear and
3 be heard.
4

5 **PASSED, APPROVED AND ADOPTED** this 13th day of September 2022.
6

7 _____
8 DEBORAH ROBERTSON, Mayor
9

10 **ATTEST:**
11
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13 _____
14 BARBARA A. McGEE, City Clerk
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16 **APPROVED AS TO FORM:**
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19 _____
20 ERIC S. VAIL, City Attorney
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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 13th day of September, 2022.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
of Rialto this _____ day of _____, 2022.

BARBARA A. McGEE, CITY CLERK

Exhibit A

APN	Project ID	Owner	Landscape Zone	Lighting Zone
0128571250000	PPD 2018-0105	PROPERTY PLUS MOBIL, LLC	26	L
0258011010000	PPD 2020-0026	DP LILAC, LLC	27	L
0258011090000	PPD 2020-0026	DP LILAC, LLC	27	L
0258011100000	PPD 2020-0026	DP LILAC, LLC	27	L
0131111050000	PPD 2021-0011	RICHMOND AMERICAN HOMES OF MARYLAND INC	28	L
0131111070000	PPD 2021-0011	RICHMOND AMERICAN HOMES OF MARYLAND INC	28	L
0131111750000	PPD 2021-0011	RICHMOND AMERICAN HOMES OF MARYLAND INC	28	L
0131111760000	PPD 2021-0011	RICHMOND AMERICAN HOMES OF MARYLAND INC	28	L
1119241280000	PPD 2021-0013	TRAVEL CENTER REALTY, LLC	29	L