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1 Constitution, and said Report has been presented to the City Council.

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

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

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

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

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

28 **Section 4:** The Engineer's Report presented is hereby approved on a preliminary

1 basis as submitted or amended by direction of this City Council, and is hereby ordered to
2 be filed in the Office of the City Clerk as a permanent record and remain open to public
3 inspection.

4 **Section 5:** The City Council hereby declares its intention to annex the territory of
5 land to the District designated as the Annexation Territory, and to levy and collect annual
6 assessments against parcels of land within said territory to fund the ongoing cost and
7 expenses of maintaining, operating and servicing the improvements determined to be of
8 special benefit to the parcels of land therein as outlined in the Report prepared in
9 connection therewith, commencing with Fiscal Year 2018/2019; and, the City Council
10 further declares its intention to conduct a public hearing regarding the annexation of the
11 Annexation Territory to the District, and the proposed levy of assessments connected
12 therewith; and calls for a property owner protest balloting proceeding in accordance with
13 the provisions of Article XIID of the California Constitution (Proposition 218). The City
14 Council finds that the public's best interest requires such action and levy of assessments.

15 **Section 6:** The City Council hereby declares its intention to conduct a public
16 hearing concerning the levy of assessments for the Annexation Territory in accordance
17 with Government Code, Section 54954.6 and Section 4(e) of Article XIID of the California
18 Constitution; and, notice is hereby given that a public hearing on these matters will be
19 held by the City Council on Tuesday, January 9, 2018 at 6:00 P.M., or as soon thereafter
20 as feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto,
21 California. At the Public Hearing, all interested persons shall be afforded the opportunity
22 to hear and be heard.

23 **Section 7:** Pursuant to Article XIID of the California Constitution, an assessment
24 ballot proceeding is hereby called on the matter of confirming the proposed assessments
25 for the Annexation Territory. The ballots and notices so authorized shall be distributed by
26 first class mail to the property owners of record as of the last County equalized tax roll,
27 and property owner or owners of each affected parcel may return the ballot by mail or in
28 person to the City Clerk not later than the conclusion of the public hearing for these

1 matters.

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

12 **Section 9:** The property owner protest ballot proceeding conducted for the
13 Annexation Territory shall constitute the property owners' approval or rejection of the
14 annual levy of assessments and assessment range formula described in the Report
15 presented and previously approved by the City Council. Each property owner may return
16 the ballot by mail or in person to the City Clerk no later than the conclusion of the public
17 hearing scheduled for Tuesday, January 9, 2018. After the close of the Public Hearing,
18 pursuant to Section 4 (e) of Article XIID of the California Constitution, the City Clerk shall
19 open and tabulate the ballots returned to determine if a majority protest exists. Only
20 those ballots issued by or on behalf of the City and signed by the property owner of
21 record or authorized representative, shall be considered as valid ballots and shall be
22 weighted according to the proportional financial obligation of each affected property. A
23 majority protest exists if, upon the conclusion of the hearing, valid ballots submitted in
24 opposition to the assessment exceed the ballots submitted in favor of the assessment;
25 and, in addition to the ballot proceedings, property owners may also file a separate written
26 protest with the City Clerk prior to the conclusion of the hearing, or having previously filed
27 such protest, may file a written withdrawal of that protest. A written protest shall state all
28 grounds of objection and shall contain a description sufficient to identify the property

1 owned by such property owner. At the public hearing, all interested persons shall be
2 afforded the opportunity to hear and be heard.

3
4 **PASSED, APPROVED AND ADOPTED** this 14th day of November 2017.

5
6 _____
7 DEBORAH ROBERTSON, Mayor
8

9 **ATTEST:**

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12 _____
13 BARBARA A. McGEE, City Clerk
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15 **APPROVED AS TO FORM:**

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18 _____
19 FRED GALANTE, Esq., 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 14th day of November, 2017.

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 _____, 2017.

BARBARA A. McGEE, CITY CLERK

Exhibit A

APN	Project ID	Landowner	ZONE
0133-171-07	PPD 2402	Azure Route 66 Plaza Partners LLC	02
0133-171-08	PPD 2402	Azure Route 66 Plaza Partners LLC	02
0133-171-09	PPD 2402	Azure Route 66 Plaza Partners LLC	02
0133-171-20	PPD 2402	Azure Route 66 Plaza Partners LLC	02
0133-171-31	PPD 2402	Azure Route 66 Plaza Partners LLC	02
0264-151-87	PPD 2428	City of Rialto	02
0264-151-89	PPD 2428	LHR Renaissance Marketplace LLC	02
0264-151-90	PPD 2428	LHR Renaissance Marketplace LLC	02
0264-151-91	PPD 2428	LHR Renaissance Marketplace LLC	02
0240-171-33	PPD 2453	MP Rialto LLC	02
0240-221-02	PPD 2460	Walnut Opportunity LLC	02
0240-221-03	PPD 2460	Walnut Opportunity LLC	02
0240-221-15	PPD 2460	Walnut Opportunity LLC	02
0240-221-16	PPD 2460	Walnut Opportunity LLC	02
0240-221-17	PPD 2460	Walnut Opportunity LLC	02
0240-221-18	PPD 2460	Walnut Opportunity LLC	02
0240-221-19	PPD 2460	Walnut Opportunity LLC	02
0240-221-21	PPD 2460	Walnut Opportunity LLC	02
0240-221-24	PPD 2460	Walnut Opportunity LLC	02
0240-221-26	PPD 2460	Walnut Opportunity LLC	02
0240-221-27	PPD 2460	Walnut Opportunity LLC	02
0240-221-28	PPD 2460	Walnut Opportunity LLC	02
0240-231-37	PPD 2460	Walnut Opportunity LLC	02