

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE PROPOSED LEVY OF ASSESSMENTS RELATED TO THE ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING AND LIGHTING DISTRICT NO. 2, COMMENCING IN FISCAL YEAR 2018/2019

WHEREAS, the City Council of the City of Rialto (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the annexation of territory to Landscaping and Lighting District No. 2 (the "District"), consisting of PPD 2402 (Azure – Route 66 Plaza), PPD 2428 (Renaissance Marketplace), PPD 2453 (Proficiency Building), and PPD 2460 (Alder Warehouse) (hereinafter referred to as the "Annexation Territory") and declared its intention to conduct a protest balloting for the levy of new assessments within the Annexation Territory commencing in Fiscal Year 2018/2019 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, the parcels and developments included in the District (Zones 01, 02, 03, 04, 05 and 06) were originally subject to the City's Street Light Maintenance District No. 1 assessments, but upon the successful inclusion (annexation) of these developments and properties to this District, the City shall concurrently detach these parcels from Street Light Maintenance District No. 1 for the upcoming fiscal year's assessments.

WHEREAS, in accordance with the provisions of the California Constitution, Article XIIID, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new assessments to be levied on properties within the Annexation Territory; and,

WHEREAS, the assessments presented to each property owner of record within the

Annexation Territory reflects each property's proportional special benefit and financial obligation for the costs and expenses related to the maintenance, servicing and operation of local lighting improvements therein as authorized by the Act and the provisions of the California Constitution and the ballots presented clearly identified the total amount balloted to all properties, the proposed assessment rate, the property's proportional annual amount commencing with Fiscal Year 2018/2019 and the inflationary adjustment applicable to future assessments; and

WHEREAS, upon the close of the Public Hearing held on January 9, 2018 the protest ballots returned by the landowners of record within the Annexation Territory, were opened and tabulated, the results of which are illustrated below:

| | Zone 02 PPD 2402 (Azure – Route 66 Plaza) | | Zone 02 PPD 2428 (Renaissance Marketplace) |
|-------------|---|-------------|--|
| Yes: No: | | Yes: No: | |
| | Zone 02 PPD 2453 | | Zone 02 PPD 2460 |
| Yes: No: | (Proficiency Building) | Yes: No: | (Alder Warehouse) |

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

Section 1: The above recitals are true and correct.

<u>Section 2:</u> The protest proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners within the Annexation Territory as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on January 9, 2018.

<u>Section 3:</u> The canvass of the protest ballots cast for the proposed assessments and Annexation Territory, received prior to the close of the public hearing and weighted according to the proportional financial obligation of the affected properties is hereby approved and confirmed.

<u>Section 4:</u> The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.

<u>Section 5:</u> This Resolution shall become effective immediately upon its adoption and the City Clerk shall certify the adoption of this Resolution.

| 1 | PASSED APPROVED AND ADOPTED this | day of | , 2018. |
|----------|--|-----------|-----------------|
| 2 | | | |
| 3 | | | |
| 4 | | DEBORAH R | OBERTSON, Mayor |
| 5 | ATTEST: | | |
| 6 | | | |
| 7 | | | |
| 8 | BARBARA McGEE, City Clerk | | |
| 9 | | | |
| 10 | APPROVED AS TO FORM: | | |
| 11 | | | |
| 12 13 | EDED CALANTE Esq. City Attornoy | | |
| 14 | FRED GALANTE, Esq., City Attorney | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | | | |
| ı | I and the second | | |

| 1 | STATE OF CALIFORNIA) | |
|--|---|--|
| 2 | COUNTY OF SAN BERNARDINO) | SS |
| 3 | CITY OF RIALTO) | |
| 4 | | |
| 5 | I, Barbara McGee, City Clerk of the | e City of Rialto, do hereby certify that the foregoing |
| 6 | Resolution No was duly pa | assed and adopted at a regular meeting of the City |
| 7 | Council of the City of Rialto held on the | , day of, 2018. |
| 8 | Upon motion of Council Member _ | , seconded by Council Member |
| 9 | , the foregoing Resolution | n No was duly passed and adopted. |
| 10 | Vote on the motion: | |
| 11 | AYES: | |
| 12 | NOES: | |
| 13 | ABSENT: | |
| 14 | | |
| 11 | IN WITNESS WHEDEOE I have h | |
| 15 | IN WITHESS WHEREOF, I have in | ereunto set my hand and the Official Seal of the |
| | City of Rialto this day of | • |
| 16 | | • |
| 16 17 | | • |
| 16 17 18 | | • |
| 16 17 18 | | , 2018. |
| 16 17 18 19 | | , 2018. |
| 16 17 18 19 20 21 | | , 2018. |
| 16 17 18 19 20 21 | | , 2018. |
| 16 17 18 19 20 21 222 223 224 | | , 2018. |
| 16 17 18 19 20 21 22 23 24 25 | | , 2018. |
| 16 17 18 19 20 21 222 223 224 225 226 10 10 10 10 10 10 10 1 | | , 2018. |
| 15 16 17 18 19 19 19 19 19 19 19 | | , 2018. |
| 16 17 18 19 20 21 222 223 224 225 226 10 10 10 10 10 10 10 1 | | , 2018. |