RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA CONFIRMING THE ENGINEER'S REPORT REGARDING THE ANNEXATION OF TERRITORY TO THE RIALTO LANDSCAPING AND LIGHTING DISTRICT NO. 2; THE LEVY OF ANNUAL ASSESSMENTS DESCRIBED THEREIN; AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH; AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS COMMENCING IN FISCAL YEAR 2018/2019 FOR SAID ANNEXATION

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 2017-0066 (Renaissance East) (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 for the operation, maintenance and servicing of lighting improvements, and all appurtenant facilities related thereto in accordance with the provisions of the California Constitution Article XIIID (the "Constitution"); and,

WHEREAS, an Engineer's Report containing an Assessment Diagram has been prepared, filed and presented to the City Council in connection with the proceedings for the annexation of properties within the Annexation Territory and the annual levy of assessments related thereto commencing on Fiscal Year 2018/2019 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters and has conducted a property owner protest ballot proceeding for the proposed new assessments related thereto, the results of which have been presented and confirmed by this City Council; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the Annexation Territory for the fiscal year commencing July 1, 2018 and ending June 30, 2019 (Fiscal Year 2018/2019), to pay the costs and expenses of the ongoing operation, maintenance, and servicing of improvements, appurtenant facilities; and the incidental expenses related thereto that have been determined to be of special benefit to the properties and the development of properties within the Annexation Territory, as described in the Engineer's Report.

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> Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer's Report previously presented and filed based on the tabulation of the property owner protest ballots, and said modifications or amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.

Section 3 The Engineer's Report and Assessment Diagram connected therewith as approved, shall constitute the territory and properties within the Annexation Territory, and confirm and establish the method of apportionment and the maximum assessment rate including the assessment range formula as presented to the property owners of record in the ballot proceeding. Said assessments as described in the Engineer's Report as submitted or amended, including the assessment range formula described therein, are herby confirmed and adopted by the City Council.

<u>Section 4</u> Based upon its review (and amendments, as applicable) of the Engineer's Report, which has been filed with the City Clerk, the City Council hereby finds and determines that:

- 4a) The land within the Annexation Territory as approved will receive special benefit from the operation, maintenance and servicing of landscaping and lighting improvements and all appurtenant facilities related thereto, to be provided by the District as described in the approved Engineer's Report.
- 4b) The Annexation Territory as defined by the Assessment Diagrams in the approved Engineer's Report includes all of the lands receiving such special benefit.
- 4c) The net amount to be assessed upon the lands within the Annexation Territory as approved has been apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services to be provided commencing with Fiscal Year 2018/2019.

<u>Section 5</u> The City Council hereby orders the proposed improvements as described within the approved Engineer's Report to be made. The improvements so described generally include, but are not limited to, the maintenance, operation and servicing of the local landscaping and lighting improvements established or installed in connection with the development of properties within the approved Annexation Territory or directly associated with the properties within those Annexation Territories and shall be maintained by the City for the special benefit of the properties therein pursuant to the Act.

<u>Section 6</u> The adoption of this Resolution constitutes the annexation of the approved Annexation Territory to the District, the boundaries of which are contained in the Assessment Diagrams; the establishment of the maximum assessment rate and assessment range formula connected therewith; and the assessments for the fiscal year commencing July 1, 2018 and ending June 30, 2019, as described in the approved Engineer's Report and adopted by the City Council, and the County Auditor of San Bernardino shall enter on the County Assessment Roll opposite each parcel of land the

1	amount of levy so described in the approved Engineer's Report, and such levies shall be		
2	collected at the same time and in the same manner as the County taxes are collected. Afte		
3	collection by the County, the net amount of the levy shall be paid to the City Treasurer.		
4	Section 7 The City Clerk shall certify to the passage and adoption of this		
5	Resolution, and the minutes of this meeting shall so reflect the City Council's approval of		
6	the annexation of the Annexation Territory to the District; the adoption and confirmation		
7	the Assessment Diagram; and the establishment of the maximum assessment rate(s),		
8	assessment range formula and the assessments for Fiscal Year 2018/2019 as described in		
9	the approved Engineer's Report as submitted or amended herein.		
10	Section 8 The City Clerk or their designee is hereby authorized and directed to file		
11	the levy of assessments for Fiscal Year 2018/2019 as approved, with the County Auditor of		
12	San Bernardino upon adoption of the Resolution confirming the annual assessments for all		
13	Zones and parcels in the District.		
14			
14			
15	PASSED APPROVED AND ADOPTED this day of, 2018.		
	PASSED APPROVED AND ADOPTED this day of, 2018.		
15	PASSED APPROVED AND ADOPTED this day of, 2018.		
15 16	PASSED APPROVED AND ADOPTED this day of, 2018. DEBORAH ROBERTSON, Mayor		
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15 16 17 18 19 20 21 22	DEBORAH ROBERTSON, Mayor ATTEST:		
15 16 17 18 19 20 21 22 23	DEBORAH ROBERTSON, Mayor ATTEST:		
15 16 17 18 19 20 21 22 23 24	DEBORAH ROBERTSON, Mayor ATTEST: BARBARA McGEE, City Clerk		

FRED GALANTE, Esq., City Attorney

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- 11	STATE OF CALIFORNIA	,
2	COUNTY OF SAN BERNARDINO) ss
3	CITY OF RIALTO)
4		
5	I, Barbara McGee, City Clerk of th	ne City of Rialto, do hereby certify that the foregoing
6	Resolution No was duly բ	passed and adopted at a regular meeting of the City
7	Council of the City of Rialto held on the	e, day of, 2018.
8	Upon motion of Council Member _	, seconded by Council Member
9	, the foregoing Resolution	on No was duly passed and adopted.
0	Vote on the motion:	
$1 \parallel$	AYES:	
2	NOES:	
3	ABSENT:	
4		
5	IN WITNESS WHEREOF, I have	hereunto set my hand and the Official Seal of the
6	City of Rialto this day of	, 2018.
7	City of Rialto this day of	, 2018.
7	City of Rialto this day of	, 2018.
7 8	City of Rialto this day of	, 2018. BARBARA McGEE, CITY CLERK
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