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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 2434 (Tamarind Warehouse), PPD 2435 (Persimmon Warehouse), PPD 2018-0019 (Margarita Homes), and PPD 2017-0077 (Wheeler Trucking) (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 2019/2020 for the special benefits received by properties therein from the improvements related thereto; and,

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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 2019/2020 and the inflationary adjustment applicable to future assessments; and

WHEREAS, upon the close of the Public Hearing held on November 27, 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 01
PPD 2018-0019
(Margarita Homes)**

Yes: _____
No: _____

**Zone 02
PPD 2434
(Tamarind Warehouse)**

Yes: _____
No: _____

**Zone 02
PPD 2435
(Persimmon Warehouse)**

Yes: _____
No: _____

**Zone 02
PPD 2017-0077
(Wheeler Trucking)**

Yes: _____
No: _____

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

3 **Section 1:** The above recitals are true and correct.

4 **Section 2:** The protest proceedings were conducted with the notices and ballots of
5 the proposed new assessments presented to the qualified property owners within the
6 Annexation Territory as required by law, with a required receipt of the returned ballots to
7 the City Clerk prior to the close of the Public Hearing on November 27, 2018.

8 **Section 3:** The canvass of the protest ballots cast for the proposed assessments
9 and Annexation Territory, received prior to the close of the public hearing and weighted
10 according to the proportional financial obligation of the affected properties is hereby
11 approved and confirmed.

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

15 **Section 5:** This Resolution shall become effective immediately upon its adoption
16 and the City Clerk shall certify the adoption of this Resolution.

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PASSED APPROVED AND ADOPTED this _____ day of _____, 2018.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

FRED GALANTE, Esq., City Attorney

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 _____ day of _____, 2018.

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 _____, 2018.

BARBARA McGEE, CITY CLERK