

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 2019/2020 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 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 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 XIID (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 2019/2020 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters

1 and has conducted a property owner protest ballot proceeding for the proposed new
2 assessments related thereto, the results of which have been presented and confirmed by
3 this City Council; and,

4 **WHEREAS**, the City Council desires to levy and collect assessments against parcels
5 of land within the Annexation Territory for the fiscal year commencing July 1, 2019 and
6 ending June 30, 2020 (Fiscal Year 2019/2020), to pay the costs and expenses of the
7 ongoing operation, maintenance, and servicing of improvements, appurtenant facilities; and
8 the incidental expenses related thereto that have been determined to be of special benefit
9 to the properties and the development of properties within the Annexation Territory, as
10 described in the Engineer's Report.

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

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

14 **Section 2** Based on testimony given, the results of the property owner protest
15 ballot proceedings and the documents and discussion presented, the City Council has
16 directed and confirmed any necessary modifications or amendments to the Engineer's
17 Report previously presented and filed based on the tabulation of the property owner protest
18 ballots, and said modifications or amendments so reflected by the minutes of this meeting
19 shall by reference be incorporated into the approved Engineer's Report.

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

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

4 4a) The land within the Annexation Territory as approved will receive special
5 benefit from the operation, maintenance and servicing of landscaping and lighting
6 improvements and all appurtenant facilities related thereto, to be provided by the District as
7 described in the approved Engineer's Report.

8 4b) The Annexation Territory as defined by the Assessment Diagrams in the
9 approved Engineer's Report includes all of the lands receiving such special benefit.

10 4c) The net amount to be assessed upon the lands within the Annexation
11 Territory as approved has been apportioned by a formula and method which fairly
12 distributes the net amount among all eligible parcels in proportion to the special benefit to
13 be received by each parcel from the improvements and services to be provided
14 commencing with Fiscal Year 2019/2020.

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

22 **Section 6** The adoption of this Resolution constitutes the annexation of the
23 approved Annexation Territory to the District, the boundaries of which are contained in the
24 Assessment Diagrams; the establishment of the maximum assessment rate and
25 assessment range formula connected therewith; and the assessments for the fiscal year
26 commencing July 1, 2019 and ending June 30, 2020, as described in the approved
27 Engineer's Report and adopted by the City Council, and the County Auditor of San
28 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. After
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 of
7 the Assessment Diagram; and the establishment of the maximum assessment rate(s),
8 assessment range formula and the assessments for Fiscal Year 2019/2020 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 2019/2020 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
15 **PASSED APPROVED AND ADOPTED** this _____ day of _____, 2018.

16
17 _____
18 DEBORAH ROBERTSON, Mayor
19

20 **ATTEST:**

21
22 _____
23 BARBARA McGEE, City Clerk
24

25 **APPROVED AS TO FORM:**

26
27 _____
28 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