

RESOLUTION NO. 19552

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION AND CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN BAY BOULEVARD LANDSCAPING AND LIGHTING DISTRICT

WHEREAS, the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, has initiated proceedings for the levy of the annual assessment in a special maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Landscaping Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.) (the "Implementation Act") (the Landscaping Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as Bay Boulevard Landscaping and Lighting District (hereinafter referred to as the "District"); and

WHEREAS, at this time all notice and public hearing requirements have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council previously received and preliminarily approved a report from the Assessment Engineer (the "Assessment Engineer's Report") and this City Council is now satisfied with the assessment and diagram and all other matters as contained in the Assessment Engineer's Report as now submitted for final consideration and approval.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RECITALS

SECTION 1. The above recitals are all true and correct.

PROCEDURES

SECTION 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the assessments have been undertaken in accordance with the Assessment Law.

ASSESSMENT BALLOT PROCEDURES

SECTION 3. Assessment ballots were mailed as required by Assessment Law to the record owners of all properties within the District which are proposed to be assessed. The assessment ballots that were completed and received by the City Clerk prior to the close of the public hearing have been tabulated in accordance with the procedures established by Assessment Law and the results of such tabulation have been submitted to this City Council.

This City Council hereby finds that the assessment ballots submitted in favor of the levy of assessments as shown in the Assessment Engineer's Report as weighted in accordance with

Assessment Law exceed the assessment ballots submitted in opposition to such levy also as weighted in accordance with Assessment Law. Therefore, no majority protest to the levy of assessments within the District has been found to exist.

DETERMINATION AND CONFIRMATION

SECTION 4. The final assessment and diagram for the proceedings, as contained in the Assessment Engineer's Report, is hereby approved and confirmed.

Based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for Fiscal Year 1999-2000:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

There are no parcels within the District that are owned or used by a local government, the State of California or the United States.

The assessments for the District contained in the Assessment Engineer's Report for the next fiscal year are hereby confirmed and levied upon the respective lots or parcels in the District in the amounts as set forth in such Assessment Engineer's Report. Assessments may be levied in next Fiscal Year and each Fiscal Year thereafter without further compliance with the assessment ballot procedures required under the Assessment Law at rates not to exceed the amounts levied in the preceding Fiscal Year subject to adjustment annually by the lesser of the January to January San Diego Metropolitan Area All Urban Consumer Price Index (CPI) or the change in the estimated fourth quarter per capita personal income as contained in the Governor's published in January of the preceding Fiscal Year.

ORDERING OF MAINTENANCE

SECTION 5. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Assessment Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

SECTION 6. The above-referenced diagram and assessment shall be filed in the Office of the City Clerk. Said diagram and assessment, and the certified copy thereof, shall be open for public inspection.

FILING WITH THE COUNTY AUDITOR

SECTION 7. The City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram and assessment with the County Auditor. Said filing to be made no later than the 3rd Monday in August.

ENTRY UPON THE ASSESSMENT ROLL

SECTION 8. After the filing of the diagram and assessment, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

COLLECTION AND PAYMENT

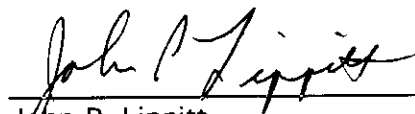
SECTION 9. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR 1999-2000

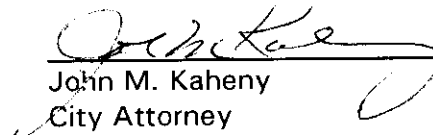
SECTION 10. The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 1999 and ending June 30, 2000.

Presented by

Approved as to form by



John P. Lippitt
Public Works Director



John M. Kaheny
City Attorney

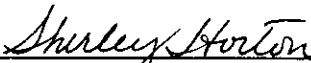
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 27th day of July, 1999, by the following vote:

AYES: Councilmembers: Davis, Moot, Padilla, Salas and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 19552 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 27th day of July, 1999.

Executed this 27th day of July, 1999.



Susan Bigelow, City Clerk