

RESOLUTION NO. 19489

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE INTENT TO FORM THE TOWN CENTRE AND BAY BOULEVARD LANDSCAPING AND LIGHTING DISTRICTS, APPROVING THE PRELIMINARY ENGINEER'S REPORT, SETTING JULY 27, 1999, AT 6:00 P.M. AS THE DATE AND TIME OF THE PUBLIC HEARING AND ORDERING THE INITIATION OF BALLOT PROCEDURES

WHEREAS, the City Council has previously formed special maintenance districts 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 "1972 Act"), such districts known and designated as TOWN CENTRE LANDSCAPING AND LIGHTING DISTRICT ("Towne Centre District") and BAY BOULEVARD LANDSCAPING AND LIGHTING DISTRICT ("Bay Boulevard District") (Town Centre District and Bay Boulevard District may be referred to collectively as the "Districts"); and

WHEREAS, at this time the City Council desires to take proceedings pursuant to the 1972 Act, Article XIII D of the Constitution of the State of California ("Article XIII D") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIII D and the Implementation Act are referred to collectively as the "Assessment Law") to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance of the existing improvements and proposed additional improvements in such Districts; and

WHEREAS, there has been presented to this City Council the Assessment Engineer's Report, as required by the Assessment Law, and this City Council desires to continue with the proceedings for said annual levy; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in the Assessment Engineer's Report and this City Council desires to preliminarily approve such report.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

SECTION 2. Declaration of Intention. The public interest and convenience requires, and it is the intention of this legislative body, to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of the existing improvements and proposed additional improvements for the Districts. The improvements proposed to be maintained in each respective District are generally described as follows:

Town Centre District

Improvements on Third Avenue between "E" and "G" Streets: Various improvements located between the curb and building fronts, including enhanced stamped concrete sidewalks and walkways, raised planters, container planters, shade structures with vines, supplemental tree plantings, landscaped covered bus stops, park benches, decorative street lamps, ornamental accent lighting in shade structures, decorative litter containers, ashtrays and an outdoor decorative clock.

The level of maintenance to be financed is proposed to be provided in one of two alternative levels: "As Is" and "Enhanced." The As Is maintenance level includes, but is not limited to, the furnishing of services and materials necessary to maintain the plantings and other amenities, including irrigation, trimming, spraying, fertilizing and treating the plantings for disease and injury; the furnishing of water for irrigation and electricity for lighting, the irrigation system and the clock; steam cleaning the sidewalks; and repairing the lighting and irrigation system. The Enhanced maintenance level includes the As Is maintenance level plus seasonal plantings, additional labor for cleanup and litter control, additional painting of street lights and planters, additional signage, a contract for maintenance of accent lighting, streetlamp lens replacement, replacement of concrete litter containers and repair of trellises.

Bay Boulevard District

The improvements include (a) the shrubs and trees located in the parkway on the west side of Bay Boulevard between from just south of the Nature Interpretive Center entrance at "E" Street to Lagoon Drive/"F" Street and street lighting and (b) the park located at the northwest corner of Bay Boulevard and Lagoon Drive/"F" Street including lawn areas, picnic tables and trees, shrubs and ground plantings and area lighting.

The maintenance work to be financed shall include, but not be limited to, the furnishing of services and materials needed to maintain the landscaping and lighting, including irrigation, trimming, spraying, fertilizing and treating the landscaping for disease and injury; the removal of solid waste; the furnishing of water for irrigation and electricity for the lighting and irrigation systems; and the repairing of the lighting and landscaping improvements.

**SECTION 3. Boundaries of the Districts** The existing improvements and the proposed additional improvements are of special benefit to certain properties within the boundaries of each respective District. For particulars, reference is made to the boundary maps of each respective District, a copies of which is on file in the Office of the Clerk of the City Council and open for public inspection, and are designated by the name of each respective District.

**SECTION 4. Report of Assessment Engineer.** The Assessment Engineer's Report, as presented, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection.

Reference is made to said Assessment Engineer's Report for a full and detailed description of the existing improvements and the additional improvements proposed to be maintained, the boundaries of each respective District, and the proposed assessments upon assessable lots and parcels of land within each respective District.

SECTION 5. Assessments All costs and expenses of the maintenance and incidental expenses have been apportioned and distributed to the benefitting parcels in accordance with the special benefits received from the existing and/or proposed additional improvements.

SECTION 6. Public Hearing Notice is hereby given that public hearings for each District are hereby scheduled in the regular meeting place of this legislative body located at 276 Fourth Avenue, Chula Vista, California 91910 on the following date and time:

July 27, 1999 at 6:00 p.m.

At such times the legislative body will consider and finally determine whether to levy the proposed annual assessment within each of the Districts.

All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written communications made or filed by any interested persons. The City Council shall also determine whether assessment ballots submitted pursuant to the Assessment Law in opposition to the proposed assessments within each respective District exceed assessment ballots submitted in favor of such proposed assessments.

Pursuant to the provisions of the Assessment Law, each record owner of property located within each respective District proposed to be assessed has the right to submit an assessment ballot in favor of or in opposition to the proposed assessment.

Assessment ballots will be mailed to the record owner of each parcel located within each respective District and subject to a proposed assessment. Each such owner may complete such assessment ballot and thereby indicate their support for or opposition to the proposed assessment. All such assessment ballots may be delivered by mail or personal delivery to the City Clerk at the following address at or before 5:00 pm on July 27, 1999:

City Clerk  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, Ca 91910

After 5:00 pm on July 27, 1999, assessment ballots may be delivered prior to the close of the public hearing for the District for which the assessment ballot is being submitted to the City Clerk at the location of the public hearing given above.

All assessments ballots for each District must be received by the City Clerk prior to the close of the public hearing for such District on July 27, 1999. **A postmark on an envelop returning an assessment ballot by mail which is postmarked prior to such date and time will not be sufficient.**

At the conclusion of the public hearing on July 27, 1999, for each respective District, the City Council shall cause the assessment ballots for such District which are timely received to be tabulated. If a majority protest exists within a District, the City Council shall not impose an assessment within that District. A majority protest exists if, upon the conclusion of such public hearing, assessment ballots submitted in opposition to the assessments within a District exceed the assessment ballots submitted in favor of such assessments. In tabulating the assessment ballots, the assessment ballots shall be weighted according to the proportional financial obligation of the affected property.

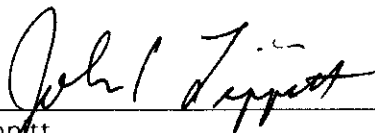
SECTION 7. Notice of Public Hearing The City Clerk is hereby directed to mail notice pursuant to the Assessment Law of the public hearings and assessment ballot proceedings and the adoption of the Resolution of Intention and of the filing of the Assessment Engineer's Report, together with the assessment ballot materials, to the record owners of all real property located within each respective District proposed to be assessed.

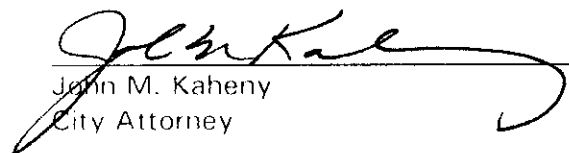
SECTION 8. Proceedings Inquiries For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Elizabeth Chopp  
Engineering Department  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, Ca 91910  
(619)691-5258

Presented by

Approved as to form by

  
\_\_\_\_\_  
John P. Lippitt  
Public Works Director

  
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John M. Kaheny  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 8<sup>th</sup> day of June, 1999, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Padilla
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. 19489 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 8<sup>th</sup> day of June, 1999.

Executed this 8<sup>th</sup> day of June, 1999.

  
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Susan Bigelow, City Clerk