

RESOLUTION NO. 16-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING MODIFICATIONS TO THE ENGINEER'S REPORT RELATING TO THE LANCASTER LIGHTING MAINTENANCE DISTRICT, AND APPROVING AND RECONFIRMING THE LEVY OF ASSESSMENTS FOR SAID ASSESSMENT DISTRICT PURSUANT TO PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WHEREAS, the City Council has, (a) by its Resolution No. 16-25, generally described any proposed new improvements and substantial changes in the existing improvements, and ordered the Public Works Manager to prepare a report (the "Original Engineer's Report") relative to Lancaster Lighting Maintenance District (hereinafter referred to as the "District"); (b) by its Resolution No. 16-26 preliminarily approved the Original Engineer's Report; (c) on June 14, 2016, held a public hearing relating to the Original Engineer's Report and related assessment levy; and (d) by its Resolution No. 16-30 confirmed the Original Engineer's Report and ordered the levy of assessments for the District, all pursuant to the Landscaping and Lighting Act of 1972 (hereinafter referred to as the "Act") and pursuant to the provisions of Proposition 218, the self-titled "Right to Vote on Taxes Act" (hereafter referred to as the "Proposition"); and

WHEREAS, the City Council has by its Resolution No. 16-43 preliminarily approved modifications to the Original Engineer's Report (the "Amended Engineer's Report") to amend the narrative portion related to financing the acquisition of the streetlight improvements and to clarify that the total estimated cost of the improvements is greater than can be conveniently raised from a single annual assessment and that the estimated cost shall be collected in installments, and appointed a time and place for a public hearing on the Amended Engineer's Report; and

WHEREAS, the description of the improvements and substantial changes to the work to be performed by the District, the methodology to levy the assessments, the individual parcels to be assessed, the amount of the assessment and the assessment diagram are included within the Amended Engineer's Report and have not been modified from what was approved by Resolution No. 16-30; and

WHEREAS, the Amended Engineer's Report has been filed with the City Clerk and is open to public inspection, and may be referred to for all details regarding improvements, the boundary of the district, the assessments, total costs, and description of the parcels to be assessed;

WHEREAS, following notice duly given in accordance with the law, the City Council held a full and fair public hearing at the time and place appointed therefor regarding the proposed Amended Engineer's Report; and

WHEREAS, the City Council considered all oral written statements, protests and communications made or filed by any interested persons;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. The City approves the Amended Engineer's Report and the Amended Engineer's Report shall stand as the final annual Engineer's Report for the District for fiscal year 2016/2017.

Section 2. It is hereby determined that the cost of the acquisition of the street lights and retrofit thereof is greater than can be conveniently raised from a single annual assessment. The estimated cost plus related debt service and financing costs, shall be collected as described in the Amended Engineer's Report, over twenty (20) annual installments, commencing Fiscal Year 2016-2017, with a maximum annual installment of not to exceed \$1,000,000, as a component within the maximum amount of the current and future approved annual assessments. Pursuant to section 22662 of the Act, the annual installments shall be pledged to make installment payments to finance all or a portion of the costs of the improvements and shall be included in all future annual engineer's report through Fiscal Year 2036-2037.

Section 3. The District diagrams, the description of the improvements and services, the assessment methodology and the estimated total amount of assessments to be levied within the District for Fiscal Year 2016-2017 (\$4,325,972 - each lot or parcel within the District will be assessed a full unit assessment of \$95.84 (\$45.00 in zones that voted "No" during the 2003 election)) are hereby re-confirmed and are deemed to be final as approved by Resolution No. 16-30, and this Resolution, all as described in the Amended Engineer's Report. The adoption of Resolution No. 16-30 and this Resolution shall constitute the levy of said assessments by the City Council against said parcels for Fiscal Year 2016-2017.

Section 4. The amounts to be assessed as described in the Amended Engineer's Report shall be collected at the same time and in the same manner as County taxes are collected and shall be disbursed and expended as provided in the Amended Engineer's Report.

Section 5. The City Clerk is hereby ordered and directed to file a certified copy of Resolution No. 16-30 and this Resolution, upon adoption, with the County Auditor.

PASSED, APPROVED, and ADOPTED this 9th day of August 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 16-46, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
