

STAFF REPORT
City of Lancaster

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02/12/08
MVB

Date: February 12, 2008

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Proposed Annexations to Lancaster Landscape Maintenance District No. 1
Annexation Nos. 404 and 405**

Recommendation:

- a. Adopt Resolution No. 08-13, initiating proceedings for the annexation of territories into Lancaster Landscape Maintenance District No. 1, an Assessment District established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIIIID (Annexation Nos. 404 and 405);
- b. Adopt Resolution No. 08-14, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Landscape Maintenance District No. 1 and to levy and collect assessments pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California and California Constitution Article XIIIID (Annexation Nos. 404 and 405).

Fiscal Impact:

Estimated annual maintenance cost for each project is shown on Attachment A and has been paid by the Developers, subsequent costs will be assessed against the benefiting properties.

Background:

Annexation of the property is required to provide for the costs of maintenance of the improvements within the District.

Pursuant to the provisions of the Landscaping and Lighting Act of 1972 of the California Streets and Highways Code (the Act), Section 22500 et seq.; the City may annex territory into an existing maintenance district to provide for the continued maintenance of landscape improvements. This places the cost of maintaining the improvements upon the property owners directly benefiting from them.

In accordance with State Law, an Engineer's Report, including diagrams and assessments has been prepared indicating the property to be benefited and the amount of the assessment to each individual property. Annual assessments may be levied by the City for each succeeding fiscal year.

State Law requires that the property owners within the area to be annexed and assessed be noticed 45 days in advance of the public hearing scheduled for February 12, 2008.

In response to the City's conditions of its approval of the Projects, the Developers have executed and filed petitions with the City Council wherein the Developers have, among other things, proposed to improve the Improvement Areas and have requested the annexation of the Property into the Lancaster Landscape Maintenance District No. 1 to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereon. The Developers are the sole owners of the properties being annexed. By signing the petitions, the Developers have waived the 45-day advance notice of public hearing, conducting a public meeting, noticing, and the right to majority protests at the public hearing. Additionally, the Developers have submitted assessment ballots in favor of the annexations.