

STAFF REPORT

City of Lancaster

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07/08/08
MVB

Date: July 8, 2008

To: Mayor Parris and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Public Hearing Relative to Proposed Annexations to Lancaster Drainage Benefit Assessment District and Assessment - Annexation Nos. 06-50, 07-51, 07-59, 08-17, 08-18, and 08-20**

Recommendation:

Adopt **Resolution No. 08-68**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Drainage Benefit Assessment District (Annexation Nos. 06-50, 07-51, 07-59, 08-17, 08-18, and 08-20).

Fiscal Impact:

Estimated first year's 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:

On July 8, 2008, the City Council adopted Resolutions initiating proceedings, approving the Engineer's Report, and setting a public hearing on July 8, 2008, relative to Lancaster Drainage Benefit Assessment District, Annexation Nos. 06-50, 07-51, 07-59, 08-17, 08-18, and 08-20.

In order to maintain drainage improvements and provide for ongoing costs of maintenance, the property is being annexed into the District. Pursuant to the provisions of the Benefit Assessment Act of 1982 (the Act), as set forth in Chapter 6.1 of Part 1 of Division 2 (Section 54710 et seq.) of the Government Code of the State of California, the City may annex territory into an existing maintenance district to provide for the continued maintenance of drainage improvements. This places the cost of maintaining the improvements upon the property owners directly benefiting from them. Annexation of the property is required so that an assessment may be levied to cover maintenance costs for the improvements within the District.

In accordance with State Law, an Engineer's Report, including a diagram and assessment, was prepared indicating the property to be benefited and the amount of the assessment to each individual property. This report is on file with the City Clerk.

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 Drainage Maintenance District to provide for the continued maintenance, operation, and servicing of the drainage improvements. 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 annexation.

JD:cmm

Attachments:

Attachment A

Resolution No. 08-68

Diagrams

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS AND ORDERING THE ANNEXATION OF TERRITORIES INTO LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT AND LEVY OF ASSESSMENTS (ANNEXATION NOS. 06-50, 07-51, 07-59, 08-17, 08-18, AND 08-20)

WHEREAS, this City Council has, by its Resolution No. _____, declared its intention to annex territory in Lancaster Drainage Benefit Assessment District (hereinafter referred to as the "District") pursuant to the provisions of the Benefit Assessment Act of 1982, as set forth in Chapter 6.1 of Part 1 of Division 2 (Section 54710 et seq.) of the Government Code of the State of California (hereinafter referred to as "the Act"); and

WHEREAS, this City Council has directed, by its Resolution No. _____, the City Engineer to prepare a diagram and assessment of the proposed annexations into the District showing the area to be annexed into the District to be benefited and assessed for the improvements, the cost of maintaining and servicing the improvements, and the amount to be assessed to each lot within the proposed annexation to the District; and

WHEREAS, this City Council has examined and considered the diagrams, assessments, and the proceedings prior thereto; and

WHEREAS, the California Civil Code, Section 3513, allows anyone to waive the advantage of law intended solely for his benefit; and

WHEREAS, the Developers as the sole owners of the real property to be benefited by the maintenance, operation, and servicing of the improvements waive all statutory notices of public meeting and public hearing, conducting of a public meeting, and all statutory hearings of objections and protests by interested property owners; and

WHEREAS, the Developers have submitted assessment ballots in favor of the annexation and assessment.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Lancaster, State of California, that:

Section 1. This City Council is satisfied with the correctness of the diagrams and assessments, the proceedings and all matters relating thereto.

Section 2. This City Council orders the annexation of the property into the District and the proposed improvements as indicated in the Resolution of Intention hereinabove referred to.

Section 3. This City Council determines that the amounts to be assessed against the individual lots described in the assessments and shown on the diagrams of the Proposed Annexation Nos. 06-50 (north side of Avenue L-4, approximately 335 feet east of 15th Street West), 07-51 (north side of Avenue L-12, approximately 330 feet east of 5th Street East), 07-59 (south side of Avenue M, approximately 250 feet west of 35th Street West), 08-17 (northeast corner of Avenue H-6 and 30th Street East), 08-18 (513

East Nugent Street), and 08-20 (southeast corner of Avenue K and 6th Street East) are hereby approved and confirmed and are hereby levied by said Council as special assessments against said lots for servicing and maintenance by the City.

Section 4. This City Council determines that the amount of the assessments for the Proposed Annexation shall be paid to the City by the owner of the territory to be annexed prior to the approval of the improvement plans for the territory proposed to be annexed to the District.

Section 5. The original diagrams and assessments are on file in the office of the City Clerk of the City of Lancaster.

Section 6. This City Council determines that all monies received representing assessments collected for the District shall be deposited by the City Treasurer in an improvement fund entitled "Drainage Benefit Assessment District" and shall be expended only for the servicing and maintenance of the improvements authorized for the District.

PASSED, APPROVED, and ADOPTED this ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

Resolution No.

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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. _____, 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)
