

RESOLUTION NO. 09-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER MAKING DETERMINATIONS, CONFIRMING ASSESSMENTS AND PROCEEDINGS AND DESIGNATING THE DIRECTOR OF FINANCE TO COLLECT AND RECEIVE ASSESSMENTS AND TO ESTABLISH A SPECIAL FUND FOR ASSESSMENT DISTRICT NO. 08-01 (STILLMEADOW LANE SEWER PROJECT)

WHEREAS, this City Council has heretofore adopted Resolution No. 08-93 (the "Resolution of Intention") declaring its intention to order the construction of the improvements described in the Resolution of Intention (the "Improvements") and to form Assessment District No. 08-01 (Stillmeadow Lane Sewer Project) (the "Assessment District") under the provisions of the Municipal Improvement Act of 1913 (Division 12 of the California Streets and Highways Code, "the Act"); and

WHEREAS, this City Council has heretofore preliminarily approved a report prepared under and pursuant to the Act and, in particular, Section 10204 of the California Streets and Highways Code (the "Engineer's Report"); and

WHEREAS, this City Council fixed March 10, 2009, at the hour of 5:00 p.m. at the regular meeting place of the City Council, City Hall, 44933 N. Fern Avenue, Lancaster, California, as the time and place of hearing protests and objections to the improvements proposed in the Engineer's Report to be made, the extent of the Assessment District proposed to be created, and/or to the proposed assessment; and

WHEREAS, the City Clerk has caused notice to be given of the passage of the Resolution of Intention, the filing of the Engineer's Report and the time and place and purpose of said hearing, all as required by the Act and by Section 53753(c) of the California Government Code and Article XIID, Section 4 of the California Constitution ("Article XIID"); and

WHEREAS, at the time and place stated in the aforesaid notice, a hearing was duly held by this City Council and, during the course of said hearing, the Final Report was duly presented and considered, all written protests and objections received, if any, were duly presented, read, heard and considered and all persons appearing at said hearing and desiring to be heard in the matter of said Final Report were heard, and a full, fair and complete hearing has been conducted; and

WHEREAS, this City Council has received all ballots filed with the City Clerk prior to the conclusion of the hearing, and the Assessment Engineer, on behalf of the City Clerk, has counted all ballots for and against the formation of the Assessment District as provided in Article XIID; and

WHEREAS, this City Council has considered the assessment proposed in the Final Report and the evidence presented at said hearing; and

WHEREAS, it appears that the Director of Finance is covered by a blanket fidelity bond covering the faithful performance of the duties imposed by law in an amount deemed by this City Council to be adequate; and

WHEREAS, under the provisions of Section 10424 of the California Streets and Highways Code, funds collected by the Director of Finance pursuant to an assessment under the Municipal Improvement Act of 1913 are required to be placed in a special improvement fund designated by the name of the assessment proceeding; and

BE IT RESOLVED by the City Council of the City of Lancaster that it does hereby find, determine, resolve and order as follows:

Section 1. The public hearing referred to in the recitals hereof has been duly held, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken. This City Council is satisfied with the correctness of the Final Report, including the assessment and diagram and the maximum annual assessment for administrative expenses, the proceedings and all matters relating thereto.

Section 2. The property within the Assessment District to be assessed as shown in the Final Report will be benefited by the Improvements.

Section 3. City Council overrules and denies any and all protests, objections and appeals made in regard to these proceedings; and it finds and determines that a majority of the ballots received are in favor of the assessment. In tabulating the ballots, the ballots were weighted according to the proportional financial obligation of the affected property.

Section 4. The amount of the assessments shown in the Final Report and the proposed maximum annual assessment per parcel for administrative expenses shown are confirmed and are fixed in said amounts.

Section 5. The amounts to be assessed against the individual parcels shown on the assessment diagram contained in the Final Report are hereby approved and confirmed; and the City Council is authorized and directed to endorse the fact and date of such approval on the Final Report.

Section 6. The assessment diagram and assessment is to be placed on file in the office of the Superintendent of Streets, and the City Clerk is authorized and directed to record, or cause to be recorded, the assessment diagram and assessment in the office of the County Recorder of the County of Los Angeles as required by Sections 3114, 10401 and 10402 of the California Streets and Highways Code; and the City Clerk shall record, or cause to be recorded, a Notice of Assessment as required by Section 3114 of said Code.

Section 7. The Superintendent of Streets is authorized and directed to give notice of the recordation of the assessment, as provided in Section 10404 of said Code.

Section 8. The Director of Finance is designated to receive the assessments paid during the 30 day cash payment period, which shall commence on the date of recording the assessment diagram with the County Recorder.

Section 9. The City Council hereby finds that the fidelity bond presently held by the City of Lancaster covering the faithful performance by the Director of Finance of the duties imposed by law is adequate.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2009, 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

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. 09-12, 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)
