

Annexation No.	Project	Location	Developer	Estimated Annual Maintenance Cost
415	Permit No. MISC09-0291	Southwest corner of Mall Loop Road and Double Play Way (commercial)	K Partners Lancaster I LP, a Texas limited partnership	\$14,483.59

RESOLUTION NO. 09-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORIES INTO THE LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1, AN ASSESSMENT DISTRICT ESTABLISHED PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND CALIFORNIA CONSTITUTION ARTICLE XIID (ANNEXATION NO. 415)

WHEREAS, the petitioners (hereinafter referred to as the "Developers"), are the sole owners of that certain real property located in the City of Lancaster, County of Los Angeles, State of California, more particularly described in the petitions on file in the City Clerk's Office (hereinafter referred to as the "Property"); and

WHEREAS, the Developers are developing the Property as described in the petitions on file in the City Clerk's Office (hereinafter referred to as the "Projects"); and

WHEREAS, as a condition to its approval of the Projects, the City of Lancaster (hereinafter referred to as the "City") has required that those certain areas within the Projects, as more particularly indicated as Landscape Improvement Areas (hereinafter referred to as the "Improvement Areas") be improved with landscape and related improvements to a standard acceptable to the City, and that the Developers provide a means satisfactory to the City for assuring the continued maintenance, operation, and servicing of the Improvement Areas and the improvements thereon; and

WHEREAS, 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 (hereinafter referred to as the "District") to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereon. Copies of the petitions are on file in the City Clerk's Office; and

WHEREAS, the City desires to initiate proceedings for the annexations pursuant to and in accordance with the provisions of the "Landscaping and Lighting Act of 1972" as set forth in Part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California and Article XIID of the California Constitution, to annex the Property into the District in order to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereto, and for the payment of all costs and expenses incurred for same; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexations and assessment can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the public hearing, and a ballot for voting purposes; 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 improvement areas waive all statutory notices of public meeting and public hearing, conducting 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 annexations and assessment. Copies of the ballots are on file in the City Clerk's Office.

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

Section 1. Pursuant to Section 22585 and 22605 of the Streets and Highways Code of the State of California, the City hereby proposes to annex, and does initiate proceedings for the annexation of the Properties into the District, to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all landscape improvements thereon as defined in Section 2 below, and for the payment of all costs and expenses incurred for such maintenance, operation, and servicing.

Section 2. The improvements to the Improvement Areas shall include such ground cover, shrubbery, trees and other landscaping, irrigation and equipment, slough wall, and separate water meters (hereinafter referred to as the "Landscape Improvements") as have been required by the City. All costs of constructing or otherwise installing the Landscape Improvements shall be borne by the Developers.

Section 3. To ensure that the costs and expenses of maintaining, operating, and servicing the Improvement Areas and the Landscape Improvements thereon, are borne by the owners of the property to be benefited thereby, the City resolves that the proposed annexations shall consist of the Property referenced in the recitals hereinabove.

Section 4. The improvements shall consist of the costs and expenses of maintaining, operating, and servicing the Improvement Areas and the Landscape Improvements thereon.

Section 5. The City hereby directs the City Engineer to prepare a report pursuant to State Law to include diagrams for the District and assessments showing the areas to be annexed, benefited, and assessed for the improvements. The City Engineer is further directed to file the report with the City Clerk.

Section 6. The distinctive designation for the proposed annexations to the assessment district pursuant to this Resolution shall be "Lancaster Landscape Maintenance District No. 1, Annexation No. 415 (southwest corner of Mall Loop Road and Double Play Way)."

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. 09-21, 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)

RESOLUTION NO. 09-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, 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 (ANNEXATION NO. 415)

WHEREAS, the City Council has, by Resolution No. 09-21, initiated proceedings for the annexation of territories into Lancaster Landscape Maintenance District No. 1, generally described any proposed new improvements, and ordered the City Engineer to prepare a report relative to Lancaster Landscape Maintenance District No. 1 (Annexation No. 415) (hereinafter referred to as "the District") pursuant to the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (hereinafter referred to as "the Act"); and

WHEREAS, the City Engineer has prepared said Engineer's Report and filed the same with the City Clerk, and said City Clerk has presented said Engineer's Report to this City Council for consideration; and

WHEREAS, the City Engineer has prepared diagrams (Exhibit "A") showing the boundaries of Annexation No. 415 (southwest corner of Mall Loop Road and Double Play Way) and said diagrams have been filed with the City Clerk, and the City Clerk has presented said diagrams to this City Council for consideration; and

WHEREAS, the Engineer's Report and the diagrams have been filed with the City Clerk and are open to the public for inspection and may be referred to for all details regarding the improvements, the boundary of Annexation No. 415, the assessments, total costs, and a description of the parcels to be assessed; and

WHEREAS, the property proposed to be annexed shall be assessed for the first time (i.e., a new assessment); and

WHEREAS, State Law sets forth a procedure that must be followed in order to levy a new assessment; and

WHEREAS, said procedure requires the City Council to adopt a resolution declaring its intention to levy and collect assessments within the District including Annexation No. 415 for each Fiscal Year that an assessment is to be levied after the approval of the Engineer's Report; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexation and assessment can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the public hearing, and a ballot for voting purposes; and

WHEREAS, notices have been prepared in accordance with State Law for notification and are on file in the City Clerk's Office; 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 improvement areas waive all statutory notices of public meeting and public hearing, conducting 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. Said Engineer's Report be and the same is hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said Engineer's Report and to file said Engineer's Report in the office of the City Clerk.

Section 2. Said diagrams be and the same are hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said diagrams and to file said diagrams in the office of the City Clerk.

Section 3. Said notices are hereby approved.

Section 4. April 14, 2009 at 5:00 p.m. in the City Council Chambers, City of Lancaster is hereby fixed as the time and place of said public hearing for approval of Annexation No. 415 into, and enactment of the proposed assessment for, Lancaster Landscape Maintenance District No. 1.

Section 5. This Council hereby declares its intention pursuant to and in accordance with the provisions of State Law to annex territories into the District and to provide for the servicing and maintenance of all landscape improvements within the District. Further this Council hereby declares its intention to levy and collect assessments to pay all the costs and expenses incurred for the Fiscal Year 2008-2009, pursuant to and in accordance with the provisions of State Law. The proposed assessments are more particularly described in the Engineer's Report on file with the City Clerk.

Section 6. Generally, the proposed improvements are maintenance, servicing, and energy costs for landscape improvements within the District.

Section 7. The City Clerk shall notice the hearing in accordance with Section 22626 of said Act and Section 6061 and 54954.6 of the Government Code of the State of California and Article XIID of the California Constitution.

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. 09-22, 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)

DIAGRAM FOR
PROPOSED ANNEXATION NO. 415
LANCASTER LANDSCAPE MAINTENANCE DISTRICT
CITY OF LANCASTER
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

DIAGRAM PREPARED IN THE OFFICE OF PUBLIC WORKS DIRECTOR
CITY OF LANCASTER

PREPARED BY:

CARLYLE S. WORKMAN, CITY ENGINEER
R.C.E. C45024, EXPIRES 3/31/10

FILED IN THE OFFICE OF CITY CLERK OF THE CITY OF LANCASTER THIS
____ DAY OF _____, 2009

GERI K. BRYAN, CITY CLERK
CITY OF LANCASTER

LEGEND

_____ BOUNDARY OF PROPOSED ANNEXATION

A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF THE
PARCELS SHALL BE AS SHOWN ON LOS ANGELES COUNTY ASSESSORS
MAPS FOR FISCAL YEAR 07-08 AS INDICATED BELOW AND SHALL
GOVERN FOR ALL DETAILS.

ASSESSOR MAP, PAGE, AND PARCELS 3153-015-041 AND 3153-015-042.

THIS DIAGRAM IS BEING FILED IN THE CITY CLERK'S OFFICE AT THE
REQUEST OF THE DIRECTOR OF PUBLIC WORKS.

THE 2 LOTS WITHIN PMT MISC09-029 ARE SUBJECT TO ANNUAL
ASSESSMENTS BY THE CITY OF LANCASTER FOR THE MAINTENANCE OF THE
LANDSCAPE IMPROVEMENTS WITHIN THE LANDSCAPE MAINTENANCE DISTRICT.

THE AREA OF THESE ASSESSORS PARCELS WAS SUBSEQUENTLY APPROVED
FOR DEVELOPMENT, KNOWN AS PMT NO, MISC09-029.

THE CITY COUNCIL APPROVED ANNEXATION OF THESE PARCELS ON
APRIL 14, 2009.

OWNERS: K PARTNERS LANCASTER I LP, A TEXAS LIMITED PARTNERSHIP.

