

RESOLUTION NO. 09-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, GENERALLY DESCRIBING ANY PROPOSED IMPROVEMENTS OR SUBSTANTIAL CHANGES IN EXISTING IMPROVEMENTS AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT FOR LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1 AND FOX FIELD INDUSTRIAL CORRIDOR LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, in June 1983, the City Council of the City of Lancaster approved the formation of Lancaster Landscape Maintenance District No. 1 and in February 2008, approved the formation of Fox Field Industrial Corridor Landscape Maintenance District (hereinafter referred to as the "District") for the purpose of providing funds for the provision of landscape maintenance services located therein pursuant to the provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California (hereinafter referred to as "the Act"); and

WHEREAS, said Act sets forth procedures and requirements that must be followed in establishing an annual assessment to be levied; and

WHEREAS, said procedures require the City Council to adopt a Resolution generally describing any proposed improvements or substantial changes in existing improvements and ordering the Engineer to prepare and file a report in accordance with Section 22565, et seq., of said Act; and

WHEREAS, on November 5, 1996, the California electorate approved Proposition 218, the self-titled "Right to Vote on Taxes Act" (hereinafter referred to as "the Proposition"); and

WHEREAS, said proposition sets forth procedures that must be followed in establishing an annual assessment to be levied; and

WHEREAS, said procedures require the City Council to identify all parcels which will have a special benefit conferred upon them, including property owned by federal, state or local governmental agencies; determine the "proportionate special benefit" to each property in relationship to the entirety of cost of acquiring or constructing an improvement or of "maintaining and operating" such an improvement; order assessment of special benefits only; order the mailing of ballots to each property owner and tabulate ballots at the Public Hearing; and

WHEREAS, the Proposition also exempts assessments imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed, existing on July 1, 1997, from the procedures of the Proposition.

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

Section 1. The City Council of the City of Lancaster proposes to establish an assessment for landscape maintenance purposes to be levied against properties in Lancaster Landscape Maintenance District No. 1 and Fox Field Industrial Corridor Landscape Maintenance District pursuant to the provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California and the Proposition.

Section 2. Generally, the proposed improvements or substantial changes to existing improvements include maintenance of trees, plant material, and appurtenant improvements, including graffiti removal throughout the District.

Section 3. The City Engineer is hereby ordered to prepare and file a report in accordance with said Act and Proposition.

Section 4. The amounts to be assessed for the expenses of such maintenance and operation of the work or improvements described above shall be levied and collected in the same manner and by the same officers as taxes for County purposes are levied and collected and shall be disbursed and expended for maintenance, operation, improvements, and service of the District, all as described in the Engineer's Report and Section 2 above.

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. 09-38, 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. 09-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, FIXING TIME AND PLACE FOR PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENT, AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1 AND FOX FIELD INDUSTRIAL CORRIDOR LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WHEREAS, the City Council has, by its Resolution No. 09-38, generally described any proposed new improvements and substantial changes in the existing improvements, and ordered the City Engineer to prepare a report relative to Lancaster Landscape Maintenance District No. 1 and Fox Field Industrial Corridor Landscape Maintenance District (hereinafter referred to as the "District") 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" (hereinafter referred to as the "Proposition"); 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 a diagram showing the boundaries of the District, and said diagram has been filed with the City Clerk, and the City Clerk has presented said diagram to the City Council for consideration; and

WHEREAS, the Engineer's Report and the diagram 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 the District, the assessments, total costs, and a description of the parcels to be assessed; and

WHEREAS, said Act and Proposition set forth a procedure that must be followed in establishing an annual assessment to be levied; and

WHEREAS, said procedure requires the City Council to adopt a Resolution declaring its intention to levy and collect assessments within the District for each Fiscal Year that an assessment is to be levied after the approval of the Engineer's Report.

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 preliminarily approved including the recommendations made therein, 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 diagram be and the same is hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said diagram and to file said diagram in the office of the City Clerk.

Section 3. June 23, 2009, at 6:00 p.m. in the City Council Chambers, City of Lancaster, 44933 Fern Avenue, Lancaster, California, is hereby established as the time and place for the hearing on the levy and collection of the proposed assessment.

Section 4. This Council hereby declares its intention pursuant to and in accordance with the provisions of said Act 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 Fiscal Year 2009-2010, pursuant to and in accordance with the provisions of said Act and Proposition.

Section 5. Generally, the proposed improvements or substantial changes to existing improvements include maintenance of trees, plant material, appurtenant improvements, and graffiti removal throughout the District.

Section 6. The City Council hereby determines the total operating cost of the District for Fiscal Year 2009-2010 is \$1,453,240 which will be paid from assessments received and a carry-over balance. The City Council further determines that for Fiscal Year 2009-2010, the total cost of the District will be paid from the District Fund. The City Council reserves the right to levy the full assessment in future years, subject to the provisions of Article XIII D of the California Constitution. The assessment for Fiscal Year 2009-2010 is \$80.00. Annexations after July 1, 2005, shall reflect the appropriate Consumer Price Index adjustments; for the FY 2009-2010 period the adjusted rate will be \$96.39 per unit or lot in the Lancaster Landscape Maintenance District and the adjusted rate will be \$0.32 per benefit unit in the Fox Field Industrial Corridor Landscape Maintenance District.

Section 7. The diagram, which indicates by boundary lines the extent of the territory of the District, is hereby declared to describe the boundaries of the District and shall govern for all details as to the extent and location of said District.

Section 8. The City Clerk shall cause a notice of hearing by causing this Resolution to be published in accordance with Section 22626 of said Act and Section 6061 of the Government Code of the State of California.

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. 09-39, 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)

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