

RESOLUTION NO. 09-36

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 DRAINAGE BENEFIT ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Lancaster has previously approved the formation of Lancaster Drainage Benefit Assessment District (hereinafter referred to as "the District") for the continued maintenance, operation, and servicing of the drainage improvements within the District; 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

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 drainage maintenance and improvement purposes to be levied against properties in Lancaster Drainage Benefit Assessment District pursuant to the provisions of the Benefit Assessment Act of 1982 being Chapter 6.1 of Part 1 of Division 2 of the California Government Code (hereinafter referred to as "the Act") and the Proposition.

Section 2. Generally, the proposed improvements are maintenance, servicing, and installation of drainage improvements within the District.

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

Section 4. The amounts to be assessed for the expenses of the continued maintenance, servicing, operating, and installation of the drainage improvements 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, 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. 09-36, 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. 09-37

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 DRAINAGE BENEFIT ASSESSMENT DISTRICT

WHEREAS, the City Council has, by its Resolution No. 09-36, 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 Drainage Benefit Assessment District (hereinafter referred to as the "District"); 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 this 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, the City Council may determine, after public notice and hearing, an annual assessment on each parcel of real property within the District.

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 thereon, 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 said 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 Council Chambers, 44933 Fern Avenue, Lancaster, California, is hereby fixed as the date, time and place for the public hearing on the levy and collection of the proposed assessment.

Section 4. The City Clerk shall cause notice of the filing of said assessment and the setting of the time, date and place for the hearing on the proposed assessment to be published pursuant to Section 6066 of the Government Code and posted in at least three public places within the jurisdiction of the City.

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. 09-37, 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)
