

RESOLUTION NUMBER 4206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2009-2010 IN CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING JUNE 9, 2009 AS THE TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, the City Council of the City of Perris, County of Riverside, California ("this City Council"), has previously determined that the public interest, convenience and necessity, requires the installation, construction and maintenance of traffic signals and public lighting and appurtenant facilities as set forth in Section 22525, of the Streets and Highways Code, State of California, within the incorporated boundaries of the City of Perris, California; and

WHEREAS, this City Council wished to levy and collect annual special assessments within those areas presently designated City of Perris Maintenance District Number 84-1 (hereinafter referred to as "District") pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code Section 22500, et seq.; and

WHEREAS, the Engineer of Work has prepared and filed with the City Clerk a report containing the matters specified in Section 22567, et seq., of the California Streets and Highways Code; and

WHEREAS, the City Council has read, reviewed and approved the Engineer of Work's Report as filed; and

WHEREAS, the public interest and convenience require the installation, construction, maintenance, servicing and operation of traffic signals and public lighting and appurtenant facilities within the City of Perris Maintenance District Number 84-1.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, as follows:

Section 1. That this City Council hereby declares its intention to levy and collect special assessments within the boundaries of the City of Perris Maintenance District Number 84-1 (the "District") for Fiscal Year 2009-2010 pursuant to the Landscaping and Lighting Act of 1972 to pay the costs of installation or construction of traffic signals and public lighting and facilities and the ordinary and usual maintenance, operation and servicing of certain

traffic signals and public lighting within roadway right-of-way and public utility easements within the incorporated boundaries of the City of Perris as they existed on July 1, 2008, more particularly described on a map which is on file in the City Clerk's office entitled "Diagram of City of Perris Maintenance District Number 84-1."

Section 2. That the existing improvements consist generally of traffic signal and public lighting facilities including the furnishing of electric current and this City Council does contemplate the improvement of proposed new traffic signal and public lighting facilities and including:

- A. The installation or construction of traffic signal and public lighting facilities;
- B. The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities; and
- C. The maintenance or servicing, or both, of any of the foregoing.

Section 3. That the maintenance proposed to be performed consists of the ordinary and usual maintenance, operation and servicing of traffic signal and public lighting facilities, including:

- A. The installation or construction of traffic signal and public lighting facilities;
- B. The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
- C. Repair, removal or replacement of all or any part of the improvements thereon;
- D. Furnishing of electric current or energy, gas, or other illuminating agency for any public lighting and traffic signal facilities or for the lighting operation of any other improvements;

- E. Required electrical operation, repair and replacement of traffic signal and public street lighting facilities; and
- F. The furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of all works of improvement used or useful for the lighting and signalization of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.

Section 4. That the contemplated work, in the opinion of this City Council, is of more than local or ordinary public benefit, and this City Council hereby makes expense of the said work chargeable upon the District, which District is assessed to pay the costs and expenses thereof.

Section 5. That the maximum annual assessment reflecting the reasonable cost of providing for the maintenance, servicing and operation of the traffic signals and public lights and appurtenant facilities is equal to \$45.76 per assessment unit, plus an inflation factor not to exceed the Southern California Edison rate increase(s) effective in subsequent years as approved by the California State Public Utilities Commission. That the annual assessment reflecting the costs for Fiscal Year 2009-2010 is equal to \$45.76 per assessment unit.

Section 6. Reference is hereby made to the Engineer's Report on file with the City Clerk for a full and detailed description of the existing improvements and maintenance, the boundaries of the proposed District, and the proposed assessments upon assessable lots and parcels of land within the District.

Section 7. That this City Council has approved the report of the Engineer of Work which report indicates the amount of the proposed assessment, the District boundary, assessment zones, detailed description of improvements, and the method of assessment. The report titled "City of Perris, Maintenance District Number 84-1, Annual Engineer's Report, Fiscal Year 2009-2010" the "Engineer Report" is on file in the office of the City Clerk. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

Section 8. The assessments shall be collected at the same time and in the same manner as taxes for the County of Riverside are collected. The Engineer of Work shall file a report annually with this City Council of said District and this City Council will annually conduct a hearing upon said report at their regular meeting before August 10th, at which time assessments for the next Fiscal Year will be determined.

Section 9. Notice is hereby given that June 9, 2009, at 6:00 p.m., in the City Council Chambers of the City Council of the City of Perris, California, 101 North "D" Street, in the City of Perris, State of California, is hereby fixed as the time and place for a hearing by this City Council on the question of the levying and collection of the proposed special assessments for Fiscal Year 2009-2010, and that any interested persons may file a written protest with the City Clerk prior to the conclusion of the hearing, which protest must state all grounds of objection and described the property within the District owned by them.

Section 10. The City Clerk shall give notice of the hearing as follows:

- A. The City Clerk shall cause this Resolution of Intention to be published three times as required by Section 22626 and 22552 of the California Streets and Highways Code, with the first publication occurring no later than 45 days prior to the public hearing at which the City Council will consider levying the proposed special assessments. The published notices will encompass one-eighth of a newspaper page. The Perris City News is hereby designated as the newspaper in which the City Clerk shall publish this Resolution of Intention. Upon completion of giving notice, the City Clerk is further directed to file in her office a proof of publication setting forth compliance with the requirements for publishing.
- B. The City Clerk shall also give notice by a first-class mailing of notice to all owners of property subject to any new or increased assessments. The notice shall be mailed no later than 45 days prior to the public hearing at which the City Council will consider levying the new or increased assessment and shall be at least in 10 point type. The mailed notice shall also include the estimated amount of the proposed assessment per parcel along with the amount of the existing assessment and the proposed increase, a general description of the purpose or improvements that the assessment will fund, the address to which property owners may mail a protest against the assessment, the phone number and address of an individual, office or organization that the interested person may contact to receive additional information about the assessment; a statement that a majority protest will cause the proposed increase in assessment to be abandoned, the date, time and location of the public hearing held on the proposed assessments.

Section 11. That this City Council does hereby designate, Habib Motlagh, City Engineer, (951) 943-6504 as the person to answer inquiries regarding the District and the levying and collection of the proposed special assessments for Fiscal Year 2009-2010.

ADOPTED, SIGNED and **APPROVED** this 14th day of April, 2009.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4206 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14th day of April, 2009, by the following called vote:

AYES: Evans, Rogers, Landers, Yarbrough
NOES: None
ABSENT: Busch
ABSTAIN: None

City Clerk, Judy L. Haughney