

**RESOLUTION NUMBER 3453**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO AUTHORIZE LEVYING ASSESSMENTS UPON CERTAIN PARCELS OF REAL PROPERTY, TO ORDER ANNEXATION OF TRACT 33227 AND AMENDED TRACTS 22832 AND 22833 TO BENEFIT ZONE 35, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO***

**WHEREAS**, the City Council of the City of Perris, County of Riverside, California ("this City Council"), wishes to provide continued financing for necessary maintenance of certain flood control improvements, drainage, and interior streets within Tract 33227 and Amended Tracts 22832 and 22833 through the levy of benefit assessments pursuant to the provisions of Chapter 6.4 (commencing with Section 54703) of Part 1 of Division 2 of Title 5 of the California Government Code commonly known as the "Benefit Assessment Act of 1982", (the "Act"); and

**WHEREAS**, Barrett American, the property owner of Tract 33227 and Amended Tracts 22832 and 22833 (the "Owners") have presented signed petitions to the City Council requesting the annexation of Tract 33227 and Amended Tracts 22832 and 22833 to a benefit assessment district to finance the maintenance of those certain street, drainage, and flood control improvements permitted pursuant to Sections 54710 and 54710.5 of the Act (the "Improvements") which benefit properties within Tract 33227 and Amended Tracts 22832 and 22833; and

**WHEREAS**, the City Council now proposes to levy benefit assessments under the provisions of the Act to insure continued financing to maintain the Improvements pursuant to the Act, all for the benefit of parcels within Tract 33227 and Amended Tracts 22832 and 22833; and

**WHEREAS**, to accomplish such purposes, the City Council proposes to annex Tract 33227 and Amended Tracts 22832 and 22833 to Benefit Zone 35, Flood Control Maintenance District No. 1;

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

**Section 1.** The public interest, convenience, and necessity require, and it is the intention of the City Council, pursuant to the provisions of the Act, to maintain the Improvements for the benefit of the properties within the area of benefit.

**Section 2.** Maintenance of the improvements will be of direct benefit to parcels within Tract 33227 and Amended Tracts 22832 and 22833 which are hereby declared to be the properties benefited by the Improvements and to be assessed to pay the cost and expenses thereof. The area of benefit shall be all that part of the City within the boundaries shown on the map entitled "Diagram of Annexation of Tract 33227 and Amended Tracts 22832 and 22833 to Benefit Zone 35, Flood Control Maintenance District Number 1" on file in the office of the City Clerk of the City of Perris, California.

**Section 3.** At least forty-five (45) days prior to the date set for the hearing on the proposed assessment, the Assessment Engineer is hereby directed to file with the City Clerk a written report (the "Engineer's Report") pursuant to the Act, Government Code Section 53753 and Article XIID of the Constitution of the State of California, containing the following:

- A. A description of the service proposed to be financed through the revenue derived from the benefit assessments.
- B. A description of each lot or parcel of property proposed to be subject to the benefit assessments. The assessor's parcel number or Tract Map number shall be a sufficient description of the parcel.
- C. The amount of the proposed assessment for each parcel.
- D. The basis and schedule of the assessments.
- E. Other such matters as the Assessment Engineer shall deem appropriate.

**Section 4.** On the 30th day of August, 2005, 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, the City Council will conduct a Protest Hearing at which time any and all persons having any objections to the work or extent of the annexation to the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

**Section 5.** The City Clerk is hereby directed to publish notice of the hearing on the proposed assessment and notice of the filing of the Engineer's Report once a week for two successive weeks, with at least five days intervening between the respective publication dates, not counting such publication dates, in the Perris City News, a newspaper of general circulation within the area of benefit. The notice shall be 1/8 of a page in size and contain the following information:

- A. The amount of the assessment.
- B. The purpose of the assessment.
- C. The total estimated assessments expected to be generated annually.
- D. The method and frequency for collecting the assessment.
- E. The date, time, and location of the public hearing.
- F. The phone number and address of an individual that interested persons may contact to receive additional information about the assessment.

The notice shall be published at least forty-five (45) days prior to the public hearing.

**Section 6.** The City Clerk is also hereby instructed to give additional notice of the hearing and notice of the filing of the Engineer's Report by posting a copy of this resolution in three public places within the City of Perris.

**Section 7.** Said notice shall be posted and first published at least forty-five (45) days before the date set for the public hearing.

**Section 8.** The City Clerk shall also give notice by a first-class mailing to all owners of property subject to any new or increased assessments, including the Owners. 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 assessments and shall be at least in 10 point type. The form of said notice shall conform in all respects with the requirements of subdivision (b) of Section 53753 of the Government Code and pursuant to subdivision (c) of that section, each notice shall contain an assessment ballot whereon the property owner may indicate support or opposition to the proposed assessment.

**Section 9.** Waiver of Notice and Publication: The time periods and certain procedural requirements regarding publishing and posting of notices, and the date for the public hearing, set forth here may be waived in writing by one hundred percent (100%) of the owners of Tracts 33227 and Amended Tracts 22832 and 22833, in which event the public hearing shall be held on July 12, 2005. A copy of the waiver shall be attached to this Resolution.

**Section 10.** That this City Council does hereby designate Habib Motlagh, City Engineer of the City of Perris, (951) 943-6504, as the person to answer inquiries regarding the District and the proposed annexation thereto.

**ADOPTED, SIGNED** and **APPROVED** this 12<sup>th</sup> day of July, 2005.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3453 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 12<sup>th</sup> day of July, 2005, and that it was so adopted by the following called vote:

AYES: Landers, Rogers, Busch

NOES:

ABSENT: Motte

ABSTAIN: Yarbrough

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City Clerk, Margaret Rey