

RESOLUTION NUMBER 3521

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO BENEFIT ZONE 60, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO BENEFIT ZONE 60, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF TRACTS 30773 AND 31416 TO BENEFIT ZONE 60, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Perris, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

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

Section 1. Description of Work. That the public interest and convenience requires and it is the intention of the City Council of the City of Perris to order the following work be done, to wit:

- A. Installation, construction, maintenance, and servicing of landscaping as authorized by Section 22525 of the Streets and Highways Code, State of California.
- B. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

Section 2. Location of Work. There are two categories of improvements. Parks is the first category of improvements, identified as follows:

- Frank Evans Park
- 15-acre Morgan Street Park
- Linear Park extending from Ramona Expressway to Evans Road
- 3-acre park at the northeast corner of Rider Street and Old Evans Road (Lot A, Tract 30490)
- 6.9-acre park along Walnut Avenue (Lot C, Tract 32249)
- 11.9-acre park at the intersection of Evans Road and Old Evans Road
- Perris Valley Storm Drain Trail, a 12-foot-wide pedestrian/bicycle trail within a 25-foot-wide right-of-way, along the east boundary of the Perris Valley Storm Drain, from Ramona Expressway to Placentia Avenue

It is noted that, until park improvements are made and made available to the public, the 3-, 6.9- and 11.9-acre parks serve as detention basins.

The second category of improvements to be maintained consists of public landscape improvements that encompass the irrigation system, landscaping and sidewalks located within the public medians and parkways, further identified as follows:

- Rider Street adjacent to Tract 30773
- Old Evans Road adjacent to Tract 30773
- Evans Road and medians from Rider Street to Old Evans Road
- Lots I, J, K and L, Tract 30773
- Lot R Tract 31416-1
- Entrances into Kestral Gate, Whimbrel Way and Sparrow Way from Evans Road
- Entrance into Bunting Way from Old Evans Road

Section 3. Description of Assessment District. That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and this City Council hereby makes the expense of said work chargeable upon a District, which said District is assessed to pay the costs and expenses thereof, and which District is described as follows:

All that certain territory of the City of Perris included within the exterior boundary lines shown upon that certain “Diagram of Annexation of Tracts 30773 and 31416 to Benefit Zone 60, Landscape Maintenance District Number 1” heretofore approved by the City Council of said City by Resolution No 3519, indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the office of the City Clerk of said City.

Reference is hereby made to said map for a further, full, and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district.

Section 4. Report of Engineer. The City Council of said City by Resolution Number 3520 has preliminarily approved the report of the Engineer of Work, which report indicated the amount of the proposed assessment, the district boundaries, assessment zones, detailed description of improvements, and the method of assessment. The report, titled "Engineer's Report for Annexation of Tracts 30773 and 31416 to Benefit Zone 60, Landscape Maintenance District Number 1", is on file in the office of the City Clerk of said City. 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 5. Collection of Assessments. The assessment 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 the City Council of said City, and said 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. That the annual assessment reflecting the reasonable cost of providing for the maintenance, servicing and operation of the public parks and street landscaping and appurtenant facilities is \$387.90 per Benefit Unit (single family home), plus an inflation factor not to exceed 1) the "Common Labor, Construction Cost Index", as published by Engineering News Record in subsequent years, 2) the Southern California Edison rate increase(s) effective in subsequent years, and 3) the Eastern Municipal Water District rate increase(s) effective in subsequent years.

Section 6. Time and Place of Public Hearing. Notice is hereby given that December 13, 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, 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 assessments. That any and all persons having any objections to the work or the extent of the annexation to the assessment district may appear and show cause why said work should not be done or carried out or why said annexation to the district should not be confirmed in accordance with this Resolution of Intention. City Council will consider all oral and written protests.

Section 7. Landscaping and Lighting Act of 1972. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

Section 8. Publication of Resolution of Intention. The City Clerk shall cause this Resolution of Intention to be published three times as required by Sections 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 notice 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.

Section 9. Mailing of Notice. The City Clerk shall also give notice by a first-class mailing 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 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 54953 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 10. 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 30773 and 31416, in which event the public hearing shall be held on October 11, 2005. A copy of the waiver shall be attached to this Resolution.

Section 11. Designation of Contact Person. 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.

Section 12. Certification. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and ***APPROVED*** this 11th day of October, 2005.

Mayor, Daryl R. Busch

ATTEST:

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 3521 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 11th day of October, 2005, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey