RESOLUTION NO. R-40-12

A RESOLUTION OF THE CITY COUNCIL OF COLTON, CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE COLTON LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2012/2013.

WHEREAS, the City of Colton ("City") is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California; and,

WHEREAS, the City Council of the City of Colton, California, has, by previous Resolutions, initiated proceedings for the Colton Landscape and Lighting Maintenance Assessment District No. 1 ("District"), declared its intention to levy assessments for Fiscal Year 2011/2012, and approved the Engineer's Annual Levy Report ("Engineer's Report") that describes the assessments against parcels of land within for the Fiscal Year commencing July 1, 2012 and ending June 30, 2013 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, (commencing with Section 22500)* ("Act") to pay for the maintenance and services of improvements and facilities related thereto; and,

WHEREAS, the Engineer's Report has been prepared and filed with the City Clerk, and the City Clerk has presented to the City Council said Engineer's Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the District and the City Council did by previous Resolution approve such Engineer's Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2012, and ending June 30, 2013, to pay for the maintenance and services of improvements and facilities related thereto.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

SECTION 1 Following notice duly given, the City Council has held a full and fair public hearing regarding the District, the levy and collection of assessments, the Engineer's Report prepared in connection therewith, and considered oral and written statements, protests and communications made or filed by interested persons regarding these matters.

SECTION 2 Based upon its review of the Engineer's Report (and amendments, as applicable), the City Council hereby finds and determines that:

- The land parcels within the District will be benefited by the operation, maintenance and servicing of the improvements located within the boundaries of the District; and,
- The District includes the parcels of land so benefited; and,
- The net amount to be assessed upon the parcels of land within the District for the Fiscal Year commencing July 1, 2012 and ending June 30, 2013 is apportioned by a formula and method which fairly distributes the net amount among eligible parcels in proportion to the estimated special benefits to be received by each parcel from the improvements and services.

SECTION 3 The Engineer's Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

SECTION 4 The maintenance, operation and servicing of the improvements shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made and maintained as set forth in the Engineer's Report.

SECTION 5 The City Council has maintained Willdan Financial Services for the purpose of assisting with the Annual Levy of the District, and is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

SECTION 6 The County Auditor of the County of San Bernardino shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Engineer's Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected, pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 7 The City Treasurer shall deposit money representing assessments collected by the County for the District to the credit of a fund for the City of Colton Landscape and Lighting Maintenance District No. 1, and such money shall be expended only for the maintenance, operation and servicing of the improvements described in the Engineer's Report.

SECTION 8 The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2012 and ending June 30, 2013.

PASSED, APPROVED AND ADOPTED THIS 7TH DAY OF AUGUST 2012.

SARAH S. ZAMORA
Mayor

ATTEST:

EILEEN C. GOMEZ
City Clerk