

**RESOLUTION NO. 24-52
OF THE**

CITY COUNCIL OF THE CITY OF ANGELS, COUNTY OF CALAVERAS, STATE OF CALIFORNIA, APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND DIRECTING AUDITOR OF CALAVERAS COUNTY TO CONTINUE AND TO COLLECT ASSESSMENTS FOR FISCAL YEAR 2024-25 FOR THE LANDSCAPING AND LIGHTING DISTRICT NO. 2 – GREENHORN CREEK

WHEREAS, on August 2, 2022, after receiving a weighted majority of 84.62% of returned ballots in support of the proposed assessment, this Council by its Resolution No. 22-41 ordered the formation of and levied the first assessment of the “The Landscape and Lighting District No. 2 – Greenhorn Creek” (the "District"), pursuant to the provisions of Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); and

WHEREAS, the purpose of the Assessment District is for the installation, maintenance and servicing of improvements within the Landscaping and Lighting District No. 2 – Greenhorn Creek, as described in the annual Engineer’s Report; and

WHEREAS, by Resolution No. 24-24, the City Council ordered the preparation of an Engineer's Report for the Landscaping and Lighting District for fiscal year 2024-25; and

WHEREAS, pursuant to said Resolution, the Engineer's Report was prepared by SCI Consulting Group, Engineer of Work, in accordance with Section 22565, et. seq., of the Streets and Highways Code (the "Report") and Article XIID of the California Constitution; and

WHEREAS, by Resolution No. 24-38, the City Council preliminarily approved the Preliminary Engineer’s Report for said Assessment District and set a date for a Public Hearing; and

WHEREAS, said report was duly made and filed with the City Administrator and duly considered by this City Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer’s Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 18, 2024, at the hour of 6:00 p.m., at the Angels Camp Firehouse, 1404 Vallecito Road, Angels Camp, CA 95222, were appointed as the time and place for a hearing by this City Council on the question of the continuation of the proposed assessment, notice of which hearing was given as required by law.

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation were fully heard and considered by the City Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this City Council thereby acquired jurisdiction to order the continuation of the assessments and the confirmation of the diagram and assessment prepared by and made a part of the Engineer’s Report to pay the costs and expenses

thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANGELS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest, convenience and necessity require that the continuation be made.

SECTION 2. The Assessment District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Administrator, which map is made a part hereof by reference thereto.

SECTION 3. The assessment is levied without regard to property valuation.

SECTION 4. The Engineer's Report as a whole and each part thereof, to wit:

- (a) The Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
- (b) The diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
- (c) The assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto are finally approved and confirmed.

SECTION 5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessments, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this City Council.

SECTION 6. Those assessments for fiscal year 2024-25 shall be continued at the rate of SIX HUNDRED AND FIFTY DOLLARS (\$650.00) per single family equivalent as specified in the Engineer's Report for fiscal year 2024-25 with estimated total annual assessment revenues as set forth in the Engineer's Report; and

SECTION 7. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2024-25 is hereby continued. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing

Preparation of Engineer's Report.

SECTION 8. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this City Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 9. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Administrator shall file a certified copy of this resolution with the Auditor of the County of Calaveras. Upon such filing, the County Auditor shall enter the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, after collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Angels Landscaping and Lighting District No. 2 – Greenhorn Creek.

SECTION 10. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement funds previously established under the distinctive designation of the Assessment District. Moneys in the improvement funds shall be expended only for the maintenance, servicing, construction, or installation of the improvements.

SECTION 11. The City Administrator shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Angels, State of California this 18th day of June 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Caytlyn Schaner, Deputy City Clerk

Jennifer Davis-Herndon,
Mayor