

RESOLUTION NO. 2022-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING CONDUCTED FOR THE LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 40 (MARIPOSA POINTE-TRACT 32074, 32074-1 & 32074-2), COMMENCING IN FISCAL YEAR 2022/2023

WHEREAS, the City Council of the City of Coachella (the “City”) pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the “Act”), did by previous resolutions, initiate proceedings for the formation of the Landscaping and Lighting District NO. 40 (Mariposa Pointe -Tract 32074, 32074-1 & 32074-2) (the “District”) and declared its intention to conduct a protest balloting to establish maximum assessments for the Districts commencing in Fiscal Year 2022/2023 for the special benefits received by properties therein for the operation, maintenance and servicing of landscaping and lighting improvements, and all appurtenant facilities related thereto; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIIIID, the City Council has caused and conducted a property owner protest ballot proceeding for the formation of the District and the proposed annual levy off assessments; and,

WHEREAS, the assessment presented to the property owner of record within the District reflects the special benefit and financial obligation for the costs and expenses related to the maintenance, servicing and operation of local landscaping and lighting improvements therein as authorized by the Act and the provisions of the California Constitution and the ballot presented clearly identified the total amount balloted on the property, the proposed assessment rate, the property’s annual amount commencing with Fiscal Year 2022/2023 and the inflationary adjustment applicable to future assessments; and

WHEREAS, upon the close of the Public Hearing held on April 27, 2022, the protest ballots returned by the landowner of record within the District, was opened and tabulated, the results of which are illustrated below:

Yes \$ _____

No \$ _____

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

SECTION 1. That the foregoing recitals are true and correct.

SECTION 2. The protest proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners within the District as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on April 27, 2022.

SECTION 3. The canvass of the protest ballot cast for the proposed assessment and formation of the District, received prior to the close of the public hearing and weighted according to the proportional financial obligation of the affected properties is hereby approved and confirmed.

SECTION 4. The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.

SECTION 5. This Resolution shall become effective immediately upon its adoption and the City Clerk shall certify the adoption of this Resolution

PASSED, APPROVED and ADOPTED this 27th day of April 2022.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2022-42 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 27th day of April 2022, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk