

RESOLUTION NO. 2022-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA APPROVING THE FORMATION OF THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 40 (MARIPOSA POINTE-TRACT 32074, 32074-1 & 32074-2), CONFIRMING THE ENGINEER'S REPORT, THE ASSESSMENT DIAGRAM AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS COMMENCING IN FISCAL YEAR 2022/2023

WHEREAS, the City Council of the City of Coachella (“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 (“Act”), did by previous resolutions, initiate proceedings for the formation of an assessment District within the City to be known and designated as the Landscaping and Lighting Maintenance District No. 40 (Mariposa Pointe-Tract 32074, 32074-1 & 32074-2) (“District”) and to conduct a protest balloting for the levy of new or increased assessments 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 in accordance with the provisions of the California Constitution Article XIID (the “Constitution”); and,

WHEREAS, an Engineer’s Report containing an Assessment Diagram has been prepared, filed and presented to the City Council in connection with the proceedings for the formation of the District and the annual levy of assessments related thereto commencing on Fiscal Year 2022/2023 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters and has conducted a property owner protest ballot proceeding for the proposed new assessments related thereto, the results of which have been presented and confirmed by this City Council; and,

WHEREAS, the City Council desires to levy and collect an assessment against the parcel of land within the District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 (Fiscal Year 2022/2023), to pay the costs and expenses of the ongoing operation, maintenance, and servicing of local landscaping and lighting improvements, appurtenant facilities; and the incidental expenses related thereto that have been determined to be of special benefit to the property and the development of property, as described in the Engineer’s Report.

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 Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer’s Report previously presented and filed based on the tabulation of the property owner protest ballots, and said

modifications or amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.

SECTION 3. The Engineer's Report and Assessment Diagram connected therewith as approved, shall constitute the territory and properties within the District, and confirm and establish the method of apportionment and the maximum assessment rate including the assessment range formula as presented to the property owners of record in the ballot proceeding. Said assessments as described in the Engineer's Report as submitted or amended, including the assessment range formula described therein, are hereby confirmed and adopted by the City Council.

SECTION 4. Based upon its review (and amendments, as applicable) of the Engineer's Report, which has been filed with the City Clerk, the City Council hereby finds and determines that:

- a. The land within the District as approved will receive special benefit from the operation, maintenance and servicing of landscaping and lighting improvements and all appurtenant facilities related thereto, to be provided by the District as described in the approved Engineer's Report.
- b. The District defined by the Assessment Diagrams in the approved Engineer's Report includes all the lands receiving such special benefit.
- c. The net amount to be assessed upon the land within the District as approved has been applied based on the formula and method which fairly applies the net amount on the parcel based on the special benefit to be received by the parcel from the improvements and services to be provided commencing with Fiscal Year 2022/2023.

SECTION 5. The City Council hereby orders the proposed improvements as described within the approved Engineer's Report to be made. The improvements so described generally include, but are not limited to, the maintenance, operation and servicing of the local landscaping and lighting improvements established or installed in connection with the development of properties within the approved District or directly associated with the properties within District and shall be maintained by the City for the special benefit of the properties therein pursuant to the Act.

SECTION 6. The adoption of this Resolution constitutes the formation of the District, proposed assessments, the boundaries of which are contained in the Assessment Diagram; the establishment of the maximum assessment rate and assessment range formula connected therewith; and the assessment for the fiscal year commencing July 1, 2022 and ending June 30, 2023, as described in the approved Engineer's Report and adopted by the City Council, and the County Auditor of Riverside shall enter on the County Assessment Roll opposite each parcel of land the amount of levy so described in the approved Engineer's Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the City Council’s approval of the formation of the District, proposed assessments, the adoption and confirmation of the Assessment Diagram, and the establishment of the maximum assessment rate(s), assessment range formula and the assessments for Fiscal Year 2022/2023 as described in the approved Engineer’s Report as submitted or amended herein.

SECTION 8. The City Clerk or their designee is hereby authorized and directed to file the levy of assessments for Fiscal Year 2022/2023 as approved, with the County Auditor of Riverside upon adoption of the annual Resolution confirming the annual assessments for all parcels in the District.

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. 2022-43 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