

RESOLUTION NO. 2022-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONES 1 THROUGH 38 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a Maintenance District pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), which is also governed by Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such Maintenance District is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, there has been established by the City 38 zones within the Maintenance District (each individually referenced as a "Zone"); and

WHEREAS, the City Council ordered the preparation of an Assessment Engineer's Report (the "Assessment Engineer's Report") to provide for the annual levy of assessments for Zones 1 through 38 of the Maintenance District for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements in Zones 1 through 38 of the Maintenance District; and

WHEREAS, there has been presented to the City Council and is on file with the City Clerk, the Assessment Engineer's Report for Zones 1 through 38 of the Maintenance District, attached hereto as

Exhibit “A” and by this reference incorporated herein, as required by the Assessment Law, which Assessment Engineer’s Report provides a full and detailed description of the improvements, boundaries of the Maintenance District and Zones therein, and the proposed assessments on the assessable lots and parcels of land within Zones 1 through 38 of the Maintenance District; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer’s Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zones 1 through 38, and is satisfied that the assessments for Zones 1 through 38, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in the Assessment Engineer’s Report; and

WHEREAS, the proposed annual assessments for Zones 1 through 38 for Fiscal Year 2021-2022 as set forth in the Assessment Engineer’s Report do not exceed the maximum annual assessments as previously authorized to be levied by the previously approved formula for Zones 1 through 38 of the Maintenance District, and therefore in accordance with the Assessment Law, the proposed levy of assessments for Fiscal Year 2022-2023 are not deemed to be “increased” over the maximum authorized annual assessments for such Zones; and

WHEREAS, the City Council desires to preliminarily approve such Assessment Engineer’s Report pertaining to Zones 1 through 38 and intends to conduct the proceedings to authorize the annual levy and collection of the assessments within Zones 1 through 38 of the Maintenance District for Fiscal Year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California:

1. That the above recitations are true.

2. The public interest and convenience requires the levy and collection of assessments within the Maintenance District for Fiscal Year 2022-2023 to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for Zones 1 through 38 of the above-referenced Maintenance District.

3. The existing improvements, which generally consist of landscape improvements located in the public rights-of-way and in dedicated landscape easements, are of special benefit to certain identified properties within the boundaries of Zones 1 through 38 of the Maintenance District.

4. The Assessment Engineer's Report as it pertains to Zones 1 through 38, as presented, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer's Report for (A) a full and detailed description of the existing improvements proposed to be maintained; (B) the boundaries of the Maintenance District and Zones 1 through 38 therein; and (C) the proposed assessments upon assessable lots and parcels of land within Zones 1 through 38 of the Maintenance District. For further particulars, reference is made to the diagram of the Maintenance District as previously approved by this City Council, a copy of which is on file in the Office of the City Clerk of the City of Escondido and open for public inspection, and is designated by the name of the Maintenance District.

5. The public interest and convenience requires, and it is the intention of this City Council to order the annual levy and collection of the assessments for Zones 1 through 38 of the Maintenance District as set forth and described in the Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvements as estimated in the Assessment Engineer's Report. All costs and expenses of the maintenance and incidental expenses have been apportioned and distributed to the

benefiting parcels in Zones 1 through 38 in accordance with the special benefits received from the existing improvements. Assessments are proposed to be levied as follows:

- A. Assessments proposed to be levied on parcels within Zones 1 through 38 of the Maintenance District are not proposed to be increased from those as previously authorized to be levied within such Zones.
- B. The majority of the Zones previously authorized an annual adjustment to the maximum assessment. The maximum assessments authorized to be levied in Zones 1, 4, 6, 7, 9, 10, 11, and 13 through 38 have now been adjusted for inflation by the increase in the Consumer Price Index – All Urban Consumers, San Diego Area, as published by the Bureau of Labor Statistics. Adjustment of the maximum authorized assessments by such formula has been previously approved. No increase in the assessments beyond the maximum authorized assessments, as adjusted for inflation, is proposed for any of these Zones.

6. **NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on April 20, 2022, at 5:00 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the annual levy of assessments within Zones 1 through 38 of the Maintenance District, to the extent of the maintenance, by any interested person and any other matters contained in this Resolution. At such time the City Council will consider and finally determine whether to levy the proposed annual assessments.

The City Council shall consider all objections or protests, if any, to the annual assessments proposed to be levied on all properties located in Zones 1 through 38. Any person interested may file a written protest prior to the close of the public hearing referred to herein or, having filed such a protest, may

file a written withdrawal of that protest prior to the close of such hearing, which shall occur upon the conclusion of public testimony. Any such written protest must state all grounds for objection. A written protest by a property owner must contain a description sufficient to identify the property owned by such person, e.g., assessor's parcel number.

Any interested person may mail a protest to the following address:

City Clerk
City of Escondido
201 North Broadway
Escondido, CA 92025

To be considered by the City Council, all protests must be received prior to the conclusion of the public hearing. **A postmark on an envelope returning a written protest which is postmarked prior to such date and time but not received until after the conclusion of the Public Hearing will not be considered.**

7. The City Clerk is authorized and directed to give notice of the public hearing for the annual levy and collection of the assessments within Zones 1 through 38 as required by law by causing a copy of this Resolution to be published one time in a newspaper of general circulation within the City of Escondido; said publication to be completed not less than ten (10) days prior to the date set for the public hearing.

8. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Allen Yun
Engineering Services
City of Escondido
201 North Broadway
Escondido, CA 92025
(760) 839-4665

9. This Resolution shall take effect immediately upon its adoption.