

Attachment B
Resolution No. 23-085

RESOLUTION NO. 23-085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY, TRACT MAP 20280 TO VICTORVILLE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6 (LMAD NO. 6) AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2024/2025

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, *Streets and Highways Code section 22500 et seq.*, (hereinafter the “Act”) to provide for the continued maintenance, operation and servicing of the public landscaping improvements installed within its boundaries; and

WHEREAS, the City Council has by previous resolutions established and levied annual assessments for the LMAD No. 6 (hereinafter referred to as the “District”), 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) (hereinafter referred to as the “Act”) that provides for the collection of assessments by the County of San Bernardino on behalf of the City to pay for the annual maintenance and servicing of local landscaping and lighting improvements and facilities related thereto; and

WHEREAS, the City Council desires to initiate proceedings for the annexation of territory to the District consisting of Assessor Parcel Numbers book 0395, page 221, parcel 10; book 0395, page 234, parcels 01, 11 and 12; book 0395, page 245, parcel 04 and 07; book 0395, page 246, parcels 07 and 08; and book 0395 page 254, parcels 02 and 03, Tract Map 20280 and to levy and collect an annual assessment against the lot and parcel of land within Tract Map 20280 commencing in fiscal year 2024/2025 to pay for the operation, maintenance and servicing of local landscaping improvements, and appurtenant facilities related thereto that will provide special benefits to the property pursuant to the Act and the provisions of the California Constitution Article XIID (hereafter referred to as the “California Constitution”); and,

WHEREAS, the City has retained Willdan Financial Services as the Assessment Engineer, for the purpose of assisting with the annexation of territory designated as Tract Map 20280, the establishment of an annual assessment, and to prepare and file an Engineer’s Report with the City Clerk in accordance with Chapter 4 Article 2 of the Act and the provisions of the California Constitution.

WHEREAS, Section 22605 of the Act permits the City Council to make changes in the organization of an assessment district, including the detachment of territory from an existing assessment district under Act Section 22609 and annexation of territory to an existing assessment under Act Section 22608; and

WHEREAS, in November of 1996, California voters adopted Proposition 218, which among other things, added Article XIID to the California Constitution (hereinafter

the "California Constitution") to impose additional procedures that local agencies must follow prior to adopting new or increasing existing assessments; and

WHEREAS, Tract Map 20280 contains public landscaping areas and related improvements which are similar in nature and type to those of tracts within the boundaries of LMAD No. 6; and

WHEREAS, the City Council finds that Tract Map 20280 should be considered for annexation to LMAD No. 6, based upon requests by property owners for said annexation, the similarity of existing improvements to be serviced, and a need to better provide for the ongoing maintenance of landscape and irrigation improvements in the designated areas of said tract; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals.

That the recitals set forth above are true and correct, and together with definitions set forth therein, are hereby made part of this Resolution by this reference.

Section 2. Proposed Annexation/Detachment Initiated.

That the City Council hereby initiates proceedings in accordance with the provisions of the Act, the California Constitution, and Government Code section 53753 for the proposed annexation of Tract Map 20280 to LMAD No. 6.

Section 3. Designation of Annexation Area.

That the proposed area to be annexed to LMAD No. 6 is designated as all the territory within the boundaries described in the map attached hereto as **Exhibit A** and made a part of this Resolution by this reference ("Tract Map 20280").

Section 3: Proposed Improvements.

The proposed improvements and services to be provided and for which the property shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the landscaping and irrigation improvements within the public right-of-ways or easements associated with the properties within LMAD No. 6 that shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

Section 4: Annual Special Benefit Assessment

The City Council hereby determines that in order to provide an appropriate level of maintenance and related services and activities for the improvements within LMAD No. 6

as generally described in Section 3 of this resolution, it is necessary to levy an annual special benefit assessment on the lot and parcel within LMAD No. 6, Tract Map 20280 identified in this resolution, commencing in fiscal year 2024/2025.

Section 5: Designation of Engineer; Engineer's Report

The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk an Engineer's Report concerning the proposed annexation of Tract Map 20280 into LMAD No. 6, and the proposed levy of special benefit assessment for the property beginning the fiscal year commencing July 1, 2024, and ending June 30, 2025, in accordance with Chapter 3 Section 22622 of the Act. Said Engineer's Report shall establish the estimated budget of anticipated expenses and the resulting proposed maximum assessment including an annual inflationary adjustment, which will be necessary to provide ongoing funding for the maintenance and servicing of the improvements being proposed; and the assessment so described may only be imposed pursuant to the provisions of the Act and the California Constitution, Article XIID.

Section 6. Effective Date.

That this Resolution shall be effective immediately upon its adoption.

Exhibit A

ANNEXATION OF TRACT 20280 TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6 CITY OF VICTORVILLE

