

Attachment F  
Resolution No. 23-089

## RESOLUTION NO. 23-089

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE DECLARING ITS INTENTION TO ANNEX TRACT MAP 20280 TO VICTORVILLE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6, TO LEVY ASSESSMENTS ON TRACT MAP 20280 FOR FISCAL YEAR 2024/2025; SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AND ASSESSMENTS; AND ORDERING HEARING NOTICES AND ASSESSMENT BALLOTS TO BE MAILED TO THE PROPERTY OWNERS IN TRACT MAP 20280**

**WHEREAS**, the City Council of the City of Victorville (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 initiate proceedings for the annexation of territory to the Landscape Maintenance Assessment District No. 6 (hereafter referred to as the “LMAD No. 6”), consisting of Assessor Parcel Number book 0395, page 221, parcel 10, page 234, parcels 01, 11 and 12, page 245, parcels 04 and 07, page 246, parcels 07 and 08 and page 254 parcels 02 and 03, Tract Map 20280, and the proposed levy and collection of annual special benefit assessment related thereto commencing in Fiscal Year 2024/2025; and,

**WHEREAS**, the City Council desires to annex Tract Map 20280 into LMAD No. 6, and to levy and collect an annual assessment against the lots and parcels of land within said territory to pay the cost and expenses related to the maintenance, servicing and operation of local landscape improvements that provide special benefits to the parcels of land therein as authorized by the Act and the provisions of the California Constitution Article XIID (hereafter referred to as the “California Constitution”); commencing in Fiscal Year 2024/2025, if no majority protest exist and,

**WHEREAS**, the Assessment Engineer, Willdan has prepared and filed with the City Clerk an Engineer’s Report (hereafter referred to as the “Report”) in connection with such annexation proceedings and the proposed levy of assessment commencing with fiscal year 2024/2025 (said fiscal year beginning July 1, 2024, ending June 30, 2025); in accordance with the Act and the California Constitution; and said Report has been presented to the City Council.

**WHEREAS**, pursuant to Article XIID of the California Constitution, Sections 22605 through 22608 and 22588 of the Act, and Government Code section 53753, the City Council desires to set a public hearing for the proposed annexation of Tract Map 20280 into LMAD No. 6, and to further order the mailing of notices and assessment ballots to the property owners in Tract Map 20280; 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 the definitions set forth therein, are hereby made part of this Resolution by this reference.

**Section 2. Territory.**

The territory of land to be annexed to the District incorporates all of the lots and parcels of land that will receive a special benefit from the improvements to be maintained, operated, and serviced through LMAD No. 6 and those lots and parcels of land are inclusive of Assessor Parcel Number book 0395, page 221, parcel 10, page 234, parcels 01, 11 and 12, page 245, parcels 04 and 07, page 246, parcels 07 and 08 and page 254 parcels 02 and 03, which is planned to develop out to 72 Single-Family Residential lots.

### **Section 3. Improvements.**

That the proposed improvements to be provided, and for which the properties in Tract Map 20280 shall then be assessed following said annexation, are the regular maintenance, servicing, rehabilitation, and irrigation of the landscaping within the LMAD No. 6. Exhibit A outlines a preliminary budget based the overall expenses for LMAD No. 6 for Fiscal Year 2023/2024, complete budget for LMAD no. 6 can be found in the consolidated Landscape Maintenance Assessment District Engineer's Report on file with the City Clerk. Said improvements have been determined to be of special benefit to said properties.

### **Section 4. Intention to Annex and Levy Assessments.**

The City Council hereby declares its intention to annex the territory of land to the LMAD No. 6 designated as Tract Map 20280, and to levy and collect annual assessment against the parcel of land within said territory to fund the ongoing cost and expenses of maintaining, operating, and servicing the improvements determined to be of special benefit to the parcel of land therein as outlined in the Engineer's Report prepared in connection therewith, commencing in fiscal year 2024/2025. The City Council finds that the public's best interest requires such action and levy of assessments

### **Section 5. Public Hearing.**

The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for Tract Map 20280 in accordance with Government Code, Section 54954.6 and California Constitution, Article XIID, Section 4(e); and, notice is hereby given that a public hearing on these matters will be held by the City Council on November 21, 2023, at 6:00 P.M., or as soon thereafter as feasible, in the City Council Chambers located at 14343 Civic Drive, Victorville, California 92392. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

### **Section 6. Assessment Balloting.**

Pursuant to Article XIID of the California Constitution, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessment for Tract Map 20280. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and property owner or owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for these matters.

### **Section 7. Notice and Ballots.**

The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing and property owner protest ballots to the property owners of record regarding the proposed assessment including the assessment range formula as outlined in the Report, for return receipt prior to the date and time of the public hearing set forth in this Resolution; and, the notice of the hearing and ballot shall be distributed by first class mail to the property owner(s) of record for each parcel within Tract Map 20280 subject to an assessment, not less than 45 days before the date of the public hearing pursuant to the California Constitution.

### **Section 8. Protest Proceedings.**

The property owner protest ballot proceeding conducted for Tract Map 20280 shall constitute the property owners' approval or rejection of the annual levy of assessments and assessment range formula described in the Report presented and approved by the City Council. The property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing scheduled for November 21, 2023. After the close of the Public Hearing, pursuant to Section 4 (e) of the California Constitution, the City Clerk or their designee shall open and tabulate the ballots returned to determine if majority protest exists. Only those ballots issued by or on behalf of the City and signed by the property owner of record or authorized representative, shall be considered as valid ballots, and shall be weighted according to the proportional financial obligation of each affected property. Majority protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and, in addition to the ballot proceedings, property owners may also file a separate written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed such protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

**EXHIBIT A**

**DESIGNATED LANDSCAPE MAINTENANCE AREA**

**ESTIMATE OF BUDGET FOR FISCAL YEAR 2023/2024 TRACT MAP 20280  
PROPOSED TO BE ANNEXED INTO LANDSCAPE MAINTENANCE ASSESSMENT  
DISTRICT NO. 6 FOR FISCAL YEAR 2023-2024**

**APN: 0395-221-10, 0395-234-01,11 & 12, 0395-245-04 & 07; 0395-246-07 & 08; and  
0395-254-02 & 03**

<b>FISCAL YEAR 2023/2024 BUDGETS</b>	
<b>DESCRIPTION</b>	<b>Tract 20280</b>
UTILITIES-ELECTRICITY	\$91
UTILITIES-WATER USAGE	1,512
TELEPHONE	125
<b>UTILITIES SUB-TOTAL</b>	<b>\$1,728</b>
CITY ADMINISTRATION	\$106
CONSULTING SERVICES	56
COUNTY FEES	18
<b>ADMINISTRATION SUB-TOTAL</b>	<b>\$180</b>
MAINTENANCE STAFF SALARY AND BENEFITS	\$1,660
CONTRACT SERVICES	4,581
GROUNDS MAINTENANCE	210
IRRIGATION MAINTENANCE	452
INFRASTRUCTURE REPAIRS	17
VEHICLES AND EQUIPMENT	219
TOOLS AND SMALL EQUIPMENT	74
VANDALISM/ACCIDENTS	1,296
<b>MAINTENANCE SUB-TOTAL</b>	<b>\$8,510</b>
<b>EXPENDITURE BUDGET</b>	<b>\$10,418</b>
<b>BALANCE TO LEVY</b>	<b>\$10,418</b>
<b>Equivalent Benefit Units at Build Out</b>	<b>72.00</b>
<b>FY 2023/24 Assessment Rate</b>	<b>\$144.70</b>
<b>FY 2023/24 Assessment Rate Not Built</b>	<b>\$1.00</b>
<b>FY 2023/24 Max. Allowable Assessment per Benefit Unit</b>	<b>\$168.63</b>
<b>FY 2023/24 Max. Allowable Assessment per Benefit Unit- Not Build Out</b>	<b>\$1.00</b>