

Attachment A

Resolution No. 21-028

## **RESOLUTION NO. 21-028**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE INITIATING PROCEEDINGS TO ANNEX TRACT NO. 16774 TO VICTORVILLE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NUMBER 5 (LMAD 5)**

**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**, following the formation of LMAD 5, the City of Victorville (the “City”) has levied and collected annual assessments for the costs of maintenance and servicing of public landscaping improvements within its boundaries; and

**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**, the California Legislature subsequently adopted the Proposition 218 Omnibus Implementation Act of 1997 (the “Omnibus Act”), including Government Code section 53753, which section together with the California Constitution, clarified the procedures applicable to levying new or increased assessments, including those imposed under the Act; and

**WHEREAS**, on August 5, 2003, the City Council adopted Resolution No. 03-053 ordering the formation of Landscape Maintenance Assessment District No. 5 (“LMAD 5”) pursuant to the Act, the provisions of the California Constitution, and Government Code section 53753; and

**WHEREAS**, following the formation of LMAD 5, the City has levied and collected annual assessments for the costs of maintenance and servicing of public landscaping improvements within its boundaries and has annexed and or detached various tracts from the boundaries of LMAD 5 in accordance with the provisions of the Act, the California Constitution, and related laws; and

**WHEREAS**, Tract No. 16774 contains public landscaping areas and related improvements which are similar in nature and type to those of tracts within the boundaries of LMAD 5; and

**WHEREAS**, the City Council finds that Tract No. 16774 should be considered for annexation to LMAD 5, 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 No. 16774 to LMAD 5.

**Section 3. Designation of Annexation Area.**

That the proposed area to be annexed to LMAD 5 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 No. 16774").

**Section 4. Proposed Improvements.**

That the proposed improvements to be provided, and for which the properties in the Tract No. 16774 shall be assessed, are the regular maintenance, servicing, rehabilitation, and irrigation of the landscaping within the designated "Tract 16774 Landscape Maintenance Area" as shown on the attached **Exhibit A**, including the incidental expenses associated with same.

**Section 5. Designation of Engineer; Engineer's Report.**

That the City Engineer is appointed as the Engineer of Work for this proposed annexation proceeding, and is further ordered to prepare and file with the City Clerk for City Council consideration an Engineer's Report concerning the proposed annexation of Tract No. 16774, containing the matters required by Article 4 (commencing with section 22565) of the Act and the California Constitution, as amplified by Government Code section 53753.

**Section 6. Effective Date.**

That this Resolution shall be effective immediately upon its adoption.

**Section 7.    Certification.**

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which the Resolution is passed and adopted.

## **EXHIBIT A**

# BOUNDARY MAP

## OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 5-16774

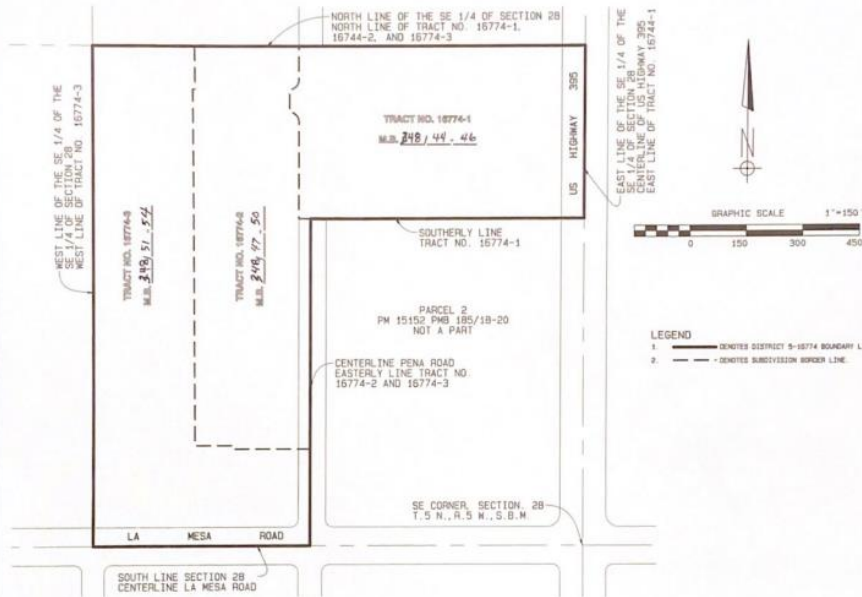
SHEET 1 OF 1 SHEETS

IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

BEING THE BOUNDARY CONTAINING THE SUBDIVISIONS OF  
 TRACT MAP NO. 16774-1 FILED IN MAP BOOK 348 AT PAGES 44 THROUGH 46  
 TRACT MAP NO. 16774-2 FILED IN MAP BOOK 348 AT PAGES 47 THROUGH 50  
 TRACT MAP NO. 16774-3 FILED IN MAP BOOK 348 AT PAGES 51 THROUGH 54  
 ALL OF THE RECORDS OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY  
 WITHIN SECTION 28, TOWNSHIP 5 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN

LUDWIG ENGINEERING

AUGUST, 2017



### CITY COUNCIL'S APPROVAL CERTIFICATE

I HEREBY CERTIFY THAT THIS MAP SHOWING THE BOUNDARY OF  
 LANDSCAPE MAINTENANCE FACILITIES ASSESSMENT DISTRICT NO. 5-16774  
 IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF  
 CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF  
 VICTORVILLE AT A REGULAR MEETING THEREOF, HELD ON THE  
12 DAY OF November, 2017, BY  
 RESOLUTION NO. \_\_\_\_\_

Carol Bates  
 CAROL BATES  
 CITY CLERK OF THE CITY OF VICTORVILLE  
 STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY

### CITY CLERK'S NOTICE OF FILING

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF VICTORVILLE  
 THIS 15 DAY OF November, 2017

Carol Bates  
 CAROL BATES  
 CITY CLERK OF THE CITY OF VICTORVILLE  
 STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY

### ENGINEER'S CERTIFICATE

PREPARED BY:

Glenn L. Ludwig  
 GLENN L. LUDWIG  
 RCE 13191  
 LUDWIG ENGINEERING  
 109 E. 3RD ST.  
 SAN BERNARDINO, CA 92410



10-12-17

DATE

### SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE

THIS DIAGRAM HAS BEEN FILED UNDER DOCUMENT NUMBER \_\_\_\_\_ O. R.  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_  
 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_  
 IN THE AMOUNT OF \$ \_\_\_\_\_  
 IN THE AMOUNT OF \$ \_\_\_\_\_

BOB DUTTON  
 ASSESSOR-RECORDER  
 COUNTY OF SAN BERNARDINO

BY: \_\_\_\_\_ DEPUTY RECORDER

# ASSESSMENT DIAGRAM

## FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 5-16774

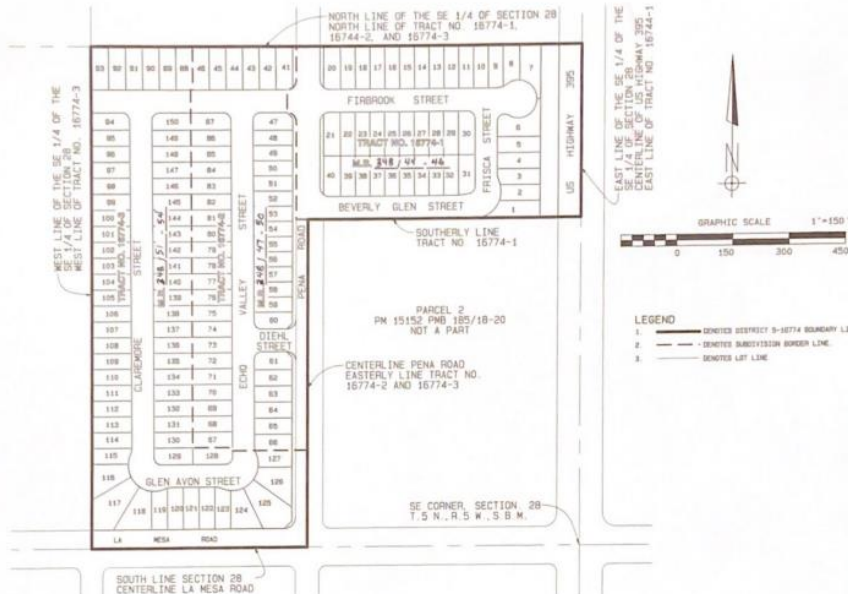
SHEET 1 OF 1 SHEETS

IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

COMPRISED OF LOTS 1 THROUGH 40 OF TRACT MAP NO. 16774-1 FILED IN MAP BOOK 248 AT PAGES 44 THROUGH 46  
AND LOTS 41 THROUGH 87 OF TRACT MAP NO. 16774-2 FILED IN MAP BOOK 248 AT PAGES 47 THROUGH 54  
AND LOTS 88 THROUGH 127 OF TRACT MAP NO. 16774-3 FILED IN MAP BOOK 248 AT PAGES 51 THROUGH 54  
OF THE RECORDS OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY,  
WITHIN THE BOUNDARY AS SHOWN BY THE BOUNDARY MAP OF THIS ASSESSMENT DISTRICT FILED IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENTS  
AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ RECORDS OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY

LUDWIG ENGINEERING

AUGUST, 2017



### CITY COUNCIL'S ASSESSMENT NOTICE

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS  
PIECES AND PARCELS SHOWN ON THIS ASSESSMENT DIAGRAM. THE  
ASSESSMENT WAS LEVIED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_. THE ASSESSMENT DIAGRAM AND THE ASSESSMENT  
ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDANT OF  
STREETS OF THE CITY OF VICTORVILLE ON THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_\_\_. REFERENCE IS MADE TO THE ASSESSMENT  
ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDANT OF STREETS  
FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH  
PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM

*Carol Bates*  
CAROL BATES  
CITY CLERK OF THE CITY OF VICTORVILLE,  
STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY

### CITY CLERK'S NOTICE OF FILING

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF VICTORVILLE  
THIS 18th DAY OF November, 2017

*Carol Bates*  
CAROL BATES  
CITY CLERK OF THE CITY OF VICTORVILLE,  
STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY

### ENGINEER'S NOTICE OF FILING

FILED IN THE ENGINEER'S OFFICE OF WORK ON THIS 18th DAY OF  
October, 2017

DATED 10-12-17

*Alan Ludwig*  
ALAN LUDWIG, INC. 33191  
EXPIRES 3/31/18  
LUDWIG ENGINEERING  
1075 E. 3RD ST.  
SAN BERNARDINO, CA 92410  
(909) 884-0217



### SUPERINTENDANT OF STREETS NOTICE OF FILING

FILED IN THE OFFICE OF THE SUPERINTENDANT OF STREETS OF THE CITY  
OF VICTORVILLE THIS 28th DAY OF October, 2017

*Brittan M. Gendler*  
BRITTAN M. GENDLER  
SUPERINTENDENT OF STREETS  
CITY OF VICTORVILLE, CALIFORNIA

### SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE

THIS DIAGRAM HAS BEEN FILED UNDER DOCUMENT NUMBER \_\_\_\_\_ D.R.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_  
OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_  
AT THE REQUEST OF \_\_\_\_\_  
IN THE AMOUNT OF \$ \_\_\_\_\_

BOB CUTTON  
ASSESSOR-RECORDER  
COUNTY OF SAN BERNARDINO

BY: \_\_\_\_\_ DEPUTY RECORDER