

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9139-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT
FOR 2012-2013 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING
DISTRICT NO. 99-1

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District No. 99-1 (Resolution No. 9118-12) for FY 2012-2013 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code.

B. At its meeting of May 22, 2012, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code.

C. Said report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of said improvements in relation to special benefits that parcels receive from said improvements.

D. The City Council by Resolution No. 9122-12 fixed July 10, 2012, at 6:30 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment.

E. The City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9122-12 and of the time and place and purpose of said hearing.

F. The City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code.

G. At the time and place stated in said notice, the hearing was opened by the City Council and said report was considered, and all persons appearing and desiring to be heard were heard.

H. The City Council has examined the evidence presented at said hearing.

I. Whereas, protests were not made by the owners of more than one-half of the area of the property to be assessed for the improvements proposed; and

J. Whereas, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. Said Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protest, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented to it, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the report; (ii) the District includes all of the lands so benefited; (iii) the net amount to be assessed upon the lands within the District for the 2012-2013 fiscal year in accordance with the report described above, is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for fiscal year 2012-2013. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the fiscal year commencing July 1, 2012, and ending June 30, 2013.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with said report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the County Auditor's office.

SECTION 7. The City Clerk is hereby directed to file diagram and assessment, or a certified copy thereof, with the County Auditor, for collection of the assessment on the tax roll.

Adopted this 10th day of July 2012.

ATTEST:

/s/ WILLIAM J. DALTON
MAYOR

/s/ KATHLEEN BAILOR, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 10th day of July 2012, by the following vote:

AYES: COUNCIL MEMBERS: (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ KATHLEEN BAILOR, CMC
CITY CLERK