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RESOLUTION 25-XXX(B)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
DECLARING ITS INTENTION TO ANNEX TRACT 2790, AS SUB-AREA 120 OF THE EL PASO DE ROBLES
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1; DECLARING ITS INTENTION TO CONDUCT
A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS
AND TO LEVY AND COLLECT ASSESSMENTS RELATED THERETO
COMMENCING WITH FISCAL YEAR 2025/2026**

WHEREAS, the City Council of the City of El Paso de Robles (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 by previous Resolution, initiate proceedings for the annexation of Tract 2790 – Merry Hill Rd and Hilltop Dr (hereinafter referred to as the “Annexation Territory”) as Sub-Area 120 of the El Paso de Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the “District”), and the proposed levy and collection of annual special benefit assessments related thereto commencing in Fiscal Year 2025/2026; and

WHEREAS, the City Council desires to annex to the District the Annexation Territory, and to levy and collect annual assessments against lots and parcels of land within said territory to pay the cost and expenses related to the maintenance, servicing and operation of lighting 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”); and,

WHEREAS, the Assessment Engineer of Work 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 assessments commencing with Fiscal Year 2025/2026 (said fiscal year beginning July 1, 2025 and ending June 30, 2026); in accordance with the Act and the California Constitution; and said Report has been presented to the City Council; and

WHEREAS, the City Council finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Annexation Territory: The territory of land to be annexed to the District is inclusive of San Luis Obispo County Assessor’s Parcel Numbers 009-071-009, 009-071-010, 009-071-011, 009-071-012, 009-071-013, and 009-071-014, which incorporates the lots and parcels of land within the residential development designated as Tract 2790 (Merry Hill Rd and Hilltop Dr).

Section 3. The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the local lighting improvements within the public rights-of-way or easements associated with the properties within the Annexation Territory and subsequently Sub-Area 120 of the District which may include but are not limited to the streetlights and other ornamental

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structures and facilities; facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to electrical facilities all of which can 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. Engineer's Report: The Report as presented consists of the following:

- 4a. A Description of the Improvements (Plans and Specifications); and
- 4b. The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" that provides for an annual inflationary adjustment to the maximum assessment rate; and
- 4c. The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed initial "Maximum Assessment Rate;" and
- 4d. An Assessment Diagram (Boundary Map); and
- 4e. An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the Annexation Territory based on the maximum assessment rate and method of apportionment described therein.

Section 5. The Report presented is hereby approved on a preliminary basis as submitted amended or by direction of this City Council and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 6. The City Council hereby declares its intention to annex the territory of land designated as the Annexation Territory to the District, and to levy and collect annual assessments against parcels 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 parcels of land therein as outlined in the Report prepared in connection therewith, commencing with Fiscal Year 2024/2025; and

- i. The City Council further declares its intention to conduct a public hearing regarding the annexation of the Annexation Territory to the District, and the proposed levy of assessments connected therewith; and calls for a property owner protest balloting proceeding in accordance with the provisions of the California Constitution Article XIID. The City Council finds that the public's best interest requires such action and levy of assessments.

Section 7. The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the Annexation Territory in accordance with Government Code, Section 54954.6 and California Constitution, Article XIID, Section 4(e); and

- i. Notice is hereby given that a public hearing on these matters will be held by the City Council on Tuesday, February 18th, 2025 at 6:00 P.M., or as soon thereafter as feasible in the City Council Chambers, located at 1000 Spring Street, El Paso de Robles, CA 93446. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

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Section 8. Pursuant to Article XIII D of the California Constitution, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessments for the Annexation Territory. 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 9. The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail the notice of the public hearing and property owner protest ballots to the property owners of record regarding the proposed assessments 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

- i. 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 the Annexation Territory subject to an assessment, not less than 45 days before the date of the public hearing pursuant to the California Constitution.

Section 10. The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owner's approval or rejection of the annual levy of assessments and assessment range formula described in the Report presented and previously approved by the City Council. Each 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 Tuesday, March 4th, 2025. 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.

APPROVED this 18th day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk