



RESOLUTION NO. 2016-140

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CONFIRMING DIAGRAM AND ASSESSMENT AND LEVY OF ANNUAL ASSESSMENT, 2016-2017, FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

WHEREAS, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972 (the "Act"), the Council of the City of Fresno ("Council") adopted a Resolution of Intention to Levy and Collect the Annual Assessment for Landscaping and Lighting Maintenance District No. 1 ("Resolution of Intention"); and

WHEREAS, the boundaries of City of Fresno Landscaping and Lighting Maintenance District No. 1 ("LLMD No. 1"), are set forth in the Engineer's Report, dated June 9, 2016, on file with the City Clerk ("Engineer's Report"); and

WHEREAS, the Council approved the Engineer's Report by adopting the Resolution Initiating Proceedings for the Annual Assessment; and

WHEREAS, the territory within LLMD No. 1 will benefit from the maintenance and service of the improvements described in the Engineer's Report; and

WHEREAS, in the Resolution of Intention, the Council declared its intention to levy and collect the annual assessment for maintaining and operating the landscaping facilities in City of Fresno Landscaping and Lighting Maintenance District No. 1 ("LLMD No. 1"); and

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Date Adopted: 07/28/2016
Date Approved: 08/05/2016
Effective Date: 08/05/2016

Resolution No. 2016-140



WHEREAS, On July 28, 2016, the Council held a hearing on the annual levy of assessment, in accordance with the law, and all persons desiring to speak were heard; and

WHEREAS, all interested persons had an opportunity before Council concluded the hearing, to file a written protest against the annual assessment levy with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED by the Council of the City of Fresno, that:

1. A majority protest has not been filed against the levy of the annual assessment.

2. The assessment diagram in the Engineer's Report that shows the boundaries of the assessment district that is referred to in the Resolution of Intention, and the subdivisions of land within LLMD No. 1, is finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements and maintenance.

3. The total and the individual assessments set forth in the Engineer's Report and the Resolution of Intention, upon the subdivisions of land within LLMD No. 1, are finally approved and confirmed as the assessment for the fiscal year 2016-2017.

4. The adoption of this resolution shall constitute the levy of the assessment for the fiscal year 2016-2017 that are described in the Resolution of Intention and the Engineer's Report.



5. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Auditor of the County of Fresno immediately after adoption and not later than Friday, August 5, 2016.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 28th day of July, 2016.

AYES: Brand, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES: None
ABSENT: Baines
ABSTAIN: None

Mayor Approval: August 5th, 2016
Mayor Approval/No Return: N/A, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

By: *Yvonne Spence*
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: *R Singh* 8.8.16
Raj Singh Badhesha, Deputy City Attorney



August 1, 2016

RECEIVED

Council Adoption: 7/28/2016
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

WAS AUG 5 PM 4 17

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 7/28/16, Council adopted the attached Resolution No. 2016-140, entitled, **RESOLUTION – Confirming the diagram and assessment and levy of annual assessment, 2016-17 for Landscaping and Lighting District No. 1** Item No. 10:15 #2, ID#16-837, by the following vote:

Ayes : Brand, Brandau Caprioglio, Olivier, Quintero, Soria
Noes : None
Absent : Baines
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 8, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: 8/5/16

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :