



RESOLUTION NO. 2009- 160

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CONFIRMING DIAGRAM AND ASSESSMENT AND LEVY OF ANNUAL ASSESSMENT, 2009-2010, 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 1, 2009, on file with the City Clerk ("Engineer's Report"); and

WHEREAS, the Council approved the Engineer's Report in 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

WHEREAS, July 16, 2009, 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.

Adopted _____
Approved 7/16/09
Effective _____

2009-160



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 2009-2010.
4. The adoption of this resolution shall constitute the levy of the assessment for the fiscal year 2009-2010 that is 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, July 24, 2009.



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

I, REBECCA E. KLISCH, 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 16th day of July, 2009.

AYES: Brand, Dages, Westerlund, Xiong, Sterling

NOES: None

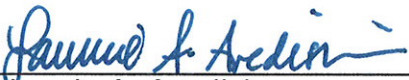
ABSENT: Borgeas, Perea

ABSTAIN: None

REBECCA E. KLISCH, City Clerk

By: 

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By 
Laurie A. Avedisian
Deputy City Attorney