

### RESOLUTION R20XX-XX

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY'S SPECIAL MAINTENANCE ASSESSMENT DISTRICTS FOR FISCAL YEAR 2019/20

WHEREAS, the City Council of the City of Manteca ("City Council"), pursuant to the terms of the Landscaping and Lighting Act of 1972, Division 15, Part 2 of the California Streets and Highways Code (commencing with Section 22500), previously formed the Special Maintenance Assessment Districts known and designated as follows:

- Villa Ticino Landscape Maintenance District ("LMD") No. 00-1
- Villa Ticino LMD No. 00-1, Annexation No. 1 – Villa Ticino Units 5, 6 and Vila Tuscany
- Mission Gardens LMD No. 00-2
- Woodward Park LMD No. 00-3
- Bianchi Ranch LMD No. 00-4
- Bianchi Ranch LMD No. 00-4, Annexation No. 1 – Bianchi Ranch Unit 3
- Bianchi Ranch LMD No. 00-4, Annexation No. 2 – Bianchi Ranch Unit 4 and Paseo
- Sierra Creek LMD No. 00-5
- Dutra Farms LMD No. 00-6
- Dutra Farms LMD No. 00-6, Annexation No. 1 – Dutra Farms Southeast Units 1, 2 and 3
- Spring Meadows LMD No. 00-7
- Westbrook Estates Unit No. 3 LMD No. 00-9
- Westbrook Estates Unit No. 3 LMD No. 00-9, Annexation No. 1 – Westport Plaza
- Dutra Farms Northeast LMD No. 03-1
- Woodward West LMD No. 04-1
- Jasmine Hollow LMD No. 04-2
- Antigua LMD No. 05-1
- Terra Bella LMD No. 05-2
- Paseo West Units 1 and 2 LMD No. 05-3
- Dutra Estates LMD No. 05-4
- Tesoro LMD No. 06-1
- Rodoni Estates LMD No. 06-2
- Ken Hill Estates LMD No. 06-3
- Union Ranch East LMD No. 06-4
- Union Ranch LMD No. 06-5
- Chadwick Square LMD No. 94-1

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- Chadwick Square LMD No. 94-1, Annexation No. 1 – Passante Estates
- Chadwick Square LMD No. 94-1, Annexation No. 2 – Portafina Estates
- Gonsalves LMD No. 94-2
- Diamond Oaks LMD No. 95-1
- Diamond Oaks LMD No. 95-1, Annexation No. 1 – Almond Crest; and

WHEREAS, the City Council, pursuant to the terms of the Benefit Assessment Act of 1982, Division 2, Part 1 of the California Streets and Highways Code (commencing with Section 54703), previously formed the Special Maintenance Assessment Districts known and designated as follows:

- Bella Vista/Dutra Farms Benefit Assessment District (“BAD”) No. 00-8
- Bella Vista/Dutra Farms BAD No. 00-8, Annexation No. 1 – Dutra Farms Southeast Units 2 and 3
- Bella Vista/Dutra Farms BAD No. 00-8, Annexation No. 2 – Bella Vista Units 4 and 5
- Dutra Estates BAD No. 05-1; and

WHEREAS, the City retained NBS for the purpose of assisting with the annual levy of the Special Maintenance Assessment Districts, and the preparation and filing of the Annual Reports; and

WHEREAS, NBS has prepared, and filed with the City Clerk, the Annual Reports concerning the assessments within the Special Maintenance Assessment Districts for Fiscal Year 2018/19. Reference is made to such Annual Reports, which presents, for each Special Maintenance Assessment District, the plans and specifications for the improvements to be maintained, serviced and operated, an estimate of the costs for the maintenance, service and operation of the improvements, and an assessment of the estimated costs; and

WHEREAS, the Fiscal Year 2019/20 assessments are not proposed to increase above the amount previously approved by affected property owners (“increased assessment” as defined in Section 54954.6 of the California Government Code); and

WHEREAS, the assessments are not based upon the assessed value of property within each Special Maintenance Assessment District, but are based upon the special benefit received from the improvements therein; and

WHEREAS, the LMD assessments are in compliance with all laws pertaining to LMD assessments levied pursuant to the Landscape and Lighting Act of 1972, Division 15, Part 2 of the California Streets and Highways Code (commencing with Section 22500) and the LMD assessments are in compliance with the provisions of Proposition 218; and

WHEREAS, the BAD assessments are in compliance with all laws pertaining to BAD assessments levied pursuant to the Benefit Assessment Act of 1982, Division 2,

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Part 1 of the California Streets and Highways Code (commencing with Section 54703) and the BAD assessments are in compliance with the provisions of Proposition 218.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. Following notice duly given, the City Council has held a full and fair Public Hearing regarding the Fiscal Year 2019/20 assessments for the City's Special Maintenance Assessment Districts, and considered all oral and written statements, protests and communications made or filed by interested persons.
3. Based upon the City Council's review (and amendments, as applicable) of the Annual Reports, which have been filed with the City Clerk, the City Council hereby finds and determines that:
  - a. The land within the Special Maintenance Assessment Districts will receive special benefit from the maintenance, service and operation of the authorized improvements therein.
  - b. The Special Maintenance Assessment Districts include all of the lands receiving such special benefit.
  - c. The net amounts to be assessed upon the lands within the Special Maintenance Assessment Districts are apportioned by a formula which fairly distributes the net amount among all assessable parcels in proportion to the estimated benefits to be received by each such parcel from the maintenance, service and operation of the authorized improvements therein.
4. The assessments for Fiscal Year 2019/20, as detailed within the Annual Reports, are hereby confirmed as filed.
5. The adoption of this Resolution constitutes the levy of assessments for the Special Maintenance Assessment Districts for the Fiscal Year commencing July 1, 2019 and ending June 30, 2020.
6. The City Council hereby orders NBS to submit the assessments to the San Joaquin County Auditor's Office for placement on the Fiscal Year 2019/20 secured property tax roll.
7. This Resolution shall take effect immediately upon its adoption.

## ATTACHMENT 2

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 18<sup>th</sup> day of June, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: \_\_\_\_\_  
BENJAMIN J. CANTU  
Mayor

ATTEST: \_\_\_\_\_  
LISA BLACKMON  
City Clerk