

RESOLUTION NO. 2022-036

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA
APPROVING THE ENGINEER'S REPORT FOR THE CITY ASSESSMENT DISTRICT
NO. 93-01 AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH
DISTRICT FOR FISCAL YEAR 2022/2023 AND CONFIRMING DIAGRAMS AND
ASSESSMENTS PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF
THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION**

WHEREAS, the City Council by its Resolution No. 2022-029 initiated proceedings, and by its Resolution No. 2022-031 declared its intention to levy annual assessments for the City Assessment District No. 93-01 (hereinafter referred to as the "District"), and to levy and collect assessments against lots and parcels of land within such District pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereinafter referred to as the "Act"), to pay for the costs and expenses of operating, maintaining and servicing ornamental structures, landscaping and appurtenant facilities located within public places within the boundaries of the District; and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a report in connection with the annual levy of assessments against lots and parcels of land within the District, and the City Council did by previous resolution approve such report (hereinafter referred to as the "Engineer's Report"); and

WHEREAS, the City Council desires to levy and collect assessments against lots and parcels of land within the District for the fiscal year commencing July 1, 2022 and ending June 30, 2023, to pay for the costs and expenses of operating, maintaining and servicing turf, ground cover, shrubs, trees, irrigation, lighting systems, entry monuments, walls, drainage systems, park facilities, and associated appurtenances, located in public places within the boundaries of the District; and

WHEREAS, a mailed ballot election in connection with the levy of assessments within the District was not required in accordance with Article XIII D of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KINGSBURG DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Following notice duly given, the City Council has held a full and fair public hearing regarding its Resolution No. 2022-036, the Engineer's Report prepared in connection with the District and the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons.

Section 2. The City Council hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIII D of the California Constitution with respect to the District. All oral and written protests and objections to the annual levy of assessments for the District and the proposed collection of assessments are hereby overruled by the City Council.

Section 3. Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information, the City Council hereby finds and determines with respect to the District included in the Engineer's Report, that:

- (i) the land within the District will be specially benefited by the operation, maintenance and servicing of turf, ground cover, shrubs, trees, irrigation, lighting systems, entry monuments, walls, drainage systems, park facilities, and associated appurtenances, located in public places within the boundaries of the District; and
- (ii) the District include all lands so specially benefited; and
- (iii) the net amount to be assessed upon the lots and parcels within the District in accordance with the assessment for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated special benefits to be received by each lot or parcel from the improvements; and
- (iv) only special benefits are assessed and no assessment is imposed on any parcel, which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Section 4. The City Council hereby orders the proposed improvements to be made as set forth in the Engineer's Report, which improvements are briefly described as follows: the operation, maintenance and servicing of turf, ground cover, shrubs, trees, irrigation, lighting systems, entry monuments, walls, drainage systems, park facilities, and associated appurtenances, located in public places within the boundaries of the District. These improvements include all necessary service, operations, administration, and maintenance required to keep the above-mentioned improvements in a healthy, vigorous, and satisfactory condition.

Section 5. The City Council hereby confirms the diagrams and assessments set forth in the Engineer's Report. The maintenance, operation and servicing of the ornamental structures, landscaping and appurtenant facilities shall be performed pursuant to law. Commencing with fiscal year 2022/2023, the County Auditor of Fresno County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessment after deduction of any compensation due the County for collection shall be paid to the City Treasurer. For fiscal year 2022/2023, the City's representative is hereby authorized and directed to collect such assessments.

Section 6. The assessments are in compliance with the provisions of the Act and Article XIII D of the California Constitution, and the City Council has complied with all laws pertaining to the levy of annual assessments pursuant to the Act and Article XIII D of the California Constitution.

Section 7. The assessments are levied for the purpose of paying the costs and expenses of the improvements described in Section 4, above, for fiscal year 2022/2023.


Section 8. The City Treasurer shall deposit all money representing assessments collected for the Districts to the credit of a special fund known as "Improvement Fund, City of Kingsburg Assessment Districts No. 93-01" and such money shall be expended only for the maintenance, operation and servicing of the ornamental structures, landscaping and appurtenant facilities as described in Section 4 above.

Section 9. The adoption of this resolution constitutes the levy of assessments for the fiscal year commencing July 1, 2022 and ending June 30, 2023.

Section 10. A certified copy of the diagrams and assessments shall be filed in the office of the City Clerk and shall be open for public inspection.

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 15th day of June 2022, by the following vote:

Ayes:	Councilmembers: Hurtado, Palomar, Pursell, Jr., Roman and Mayor North.
Noes:	Councilmembers: None.
Absent:	Councilmembers: None.
Abstain:	Councilmembers: None.



Abigail Palsgaard, City Clerk
City of Kingsburg

**CLERK'S CERTIFICATION TO COUNTY AUDITOR
ASSESSMENT DISTRICT NO. 93-01
FOR FISCAL YEAR 2022/2023**

(Pursuant to Landscaping and Lighting Act of 1972)

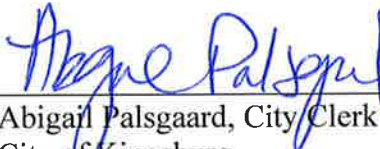
Pheasant Grove, Phases 1 and 2, Tracts 4210 and 4635
Goldcreek Estates, Tract 4659
Pheasant Grove, Phases 3 and 4, Tracts 4751 and 4769
Kingsburg Country Estates, Phases 1 and 2, Tracts 4900 and 5005
Sierra Ranch West, Phase 1, Tract 4950
Kingsburg Country Estates, Phase 3, Tract 5068
Sierra Ranch West, Phase 2, Tract 5089
Sierra Ranch, Unit No. 6, Tract 5151
Sierra Annexation, No. 9, Tract 5177
Annexation No. 10, Tract 5087
Annexation No. 11, Tract 5610
Annexation No. 12
Annexation No. 13
Annexation No. 14, Tract 6094

TO THE COUNTY AUDITOR OF THE COUNTY OF FRESNO:

I, Abigail Palsgaard, hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessment and assessment diagram, for the City Assessment District No. 93-01, City of Kingsburg, confirmed by the City Council of the City of Kingsburg on the 15th day of June, 2022, by its Resolution No. 2022-036.

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

Dated: June 15, 2022



Abigail Palsgaard, City Clerk
City of Kingsburg