

RESOLUTION NO. 19-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT AND DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR (FY) 2019-20 FOR THE BAYWOOD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2004-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, in accordance with the City Council's direction, the Engineer of Work for the Baywood Landscaping and Lighting Assessment District No. 2004-1 ("Assessment District No. 2004-1") has filed with the City Clerk the Engineer's Report required by the Landscaping and Lighting Act of 1972; and

WHEREAS, the Baywood Landscaping and Lighting Assessment District No. 2004-1 was formed on April 13, 2004 by Resolution No. 04-034 of the City Council pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 et. Seq. and State Law); and

WHEREAS, said Resolution No. 04-034 established a maximum amount of individual maintenance assessments which may be levied in future fiscal years and the proposed index by which the stated maximum assessments may be increased by the City Council in future fiscal years, without the need for an assessment ballot procedure otherwise required by Section 4 of Article XIID of the State Constitution for an "increased" assessment; and

WHEREAS, Assessment District No. 2004-1 provides for the maintenance and servicing of landscaping, lighting, park and recreation facilities on public streets and in public parks and places; and

WHEREAS, Landscape and Lighting districts provide maintenance for our City's street lights, parks, landscape and open space areas; and

WHEREAS, Landscape and Lighting districts help maintain safety, well-maintained neighborhoods, and property values; and

WHEREAS, Landscape and Lighting districts maintain street lights that keep our streets safe for drivers, bicyclists and pedestrians alike. At night or in bad weather, drivers and pedestrians can better see one another, traffic signs, and bicyclists – avoiding serious injuries; and

WHEREAS, properly functioning street lights allow our first responders to easily locate a Hercules resident's home in an emergency and safe access to one's home and property; and

WHEREAS, the availability of these improvements varies across neighborhoods and Landscape and Lighting districts provide a fair and equitable way to allocate the expenses to the properties that benefit from them; and

WHEREAS, the City wants to ensure Hercules is a safe, well maintained place to live, and its residents are financially healthy and property values are maintained; and

WHEREAS, the law requires that the City Council afford the public an opportunity to comment on the proposed assessments at a public hearing.

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

1. That the above recitals are true and correct and material to the adoption of this Resolution;
2. That the City Council hereby declares that it intends to levy and collect assessments within Assessment District No. 2004-1 for FY 2019-20 in accordance with the Landscaping and Lighting Act of 1972. The proposed assessments and rates are outlined in the Engineer's Report, which is attached hereto and incorporated by this reference; and
3. That the City Council has reviewed the Engineer's Report and is preliminarily satisfied that the assessments have been spread in compliance with the provisions of Claifornia Constitution Article XIID. The Engineer's Report is hereby accepted and preliminarily approved; and
4. That all interested persons are referred to the Engineer's Report on file with the City Clerk for a full and detailed description of the improvements, boundaries and proposed assessments upon assessable lots and parcels of land within Assessment District No. 2004-1; and
5. That on Tuesday, the **9th day of July, 2019 at 7:00 P.M.**, or as soon thereafter as may be heard, the City Council will conduct a public hearing held at the meeting place of the City Council located in the Council Chambers of City Hall at 111 Civic Drive, Hercules, California; and
6. That the City Clerk is directed to give notice of the public hearing by publishing this Resolution once at least ten (10) days prior to the date set for the public hearing in a newspaper of general circulation.

The foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Hercules held on the 14th day of May 2019, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Romero, Mayor

ATTEST:

Lori Martin
Administrative Services Director/City Clerk