City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: November 9, 2004

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer

SUBJECT: Council Bill #R-2004-52 – Ordering Annexation No. 64 to the Landscape Maintenance District

RECOMMENDATION

It is recommended that the City Council adopt Council Bill #R-2004-52, ordering Annexation No. 64 to the Landscape Maintenance District, approving the assessments for Fiscal Year 2004-05 and ordering the assessments and collection of assessments for Fiscal year 2004-05.

BACKGROUND

On October 28, 2003 the City Council approved Tentative Tract Map 16382 (Richmond American Homes) located on the south side of Newport Avenue, South of Barton Road, West of Bryn Mawr Avenue, subject to Conditions of Approval. Annexation to the Landscape Maintenance District is one of the Conditions of Approval.

ANALYSIS

A petition requesting a waiver of the forty-five day notice period and Assessment Ballot, which includes the annual assessment on the subject property including a cost of living adjustment have been submitted by the property owner.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

Cost associated with this annexation will be covered by the assessment.

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AGENDA ITEM 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2004/2005 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO 64, TRACT NO. 16382, AND CONFIRMING THE ENGINEER'S REPORT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972.

WHEREAS, the City Council of the City of Loma Linda did on the 26th day of October 2004 adopt its Resolution No. 2359 which initiated proceedings for the annexation of territory into Landscape Maintenance District No. 1 (the "District") as Annexation No. 64 (the "Annexation") and ordered the preparation of an Engineer's Report (the "Engineer's Report") for fiscal year 2004/2005, which Resolution No. 2359 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Council Bill on file in the office of the City Clerk; and

WHEREAS, a notice of public hearing was mailed to each property owner within the District as required under the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution; and

WHEREAS, said City Council has by its Resolution No. 2359 declared its intention to annex territory into Loma Linda Landscape Maintenance District No. 1 to be known as Annexation No. 64 which has been conditioned as part of their development's approval to enter into the Landscape Maintenance District; and

WHEREAS the Owner of the territory to be included in Annexation No. 64 has submitted an Assessment Ballot in favor of the proposed assessment; and

WHEREAS, said City Council having duly received considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work.

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

1. That the public interest and convenience requires the ordering of the levy and collection of assessment for fiscal year 2004/2005 and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 2359 be done and made; and

2. That the report filed by the Engineer is hereby ordered finally approved; and

3. That this City Council orders the annexation of the property referred to as Annexation No. 64 into the District; and

4. That the assessments for fiscal year 2004/2005 and method of assessment in the Engineer's Report are hereby approved.

PASSED, APPROVED AND ADOPTED this 9th day of November 2004 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Karen Gaio Hansberger, Mayor

ATTEST:

_____
Pamela Byrnes-O'Camb, City Clerk