

RESOLUTION NO. 2022-5799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, APPROVING THE ENGINEER'S REPORT REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITH THE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT FOR 2022/2023 FISCAL YEAR

WHEREAS, the City Council of the City of Yorba Linda, California has adopted Resolution No. 2022-5800, pursuant to Chapter 3 of Part 2 of Division 15 of the Streets and Highway Code of the State of California relative to Yorba Linda Street Lighting and Landscaping Maintenance District, initiating proceedings to levy and collect annual assessments and ordering the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of Part 2 of Division 15 of said Code; and

WHEREAS, the City Engineer has prepared and filed with the City Clerk a report, and the City Clerk has presented such report for the City of Yorba Linda Street Lighting and Landscaping Maintenance District for Fiscal Year 2022/2023; and

WHEREAS, City Council has examined and reviewed said report.

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

Section 1. Incorporation of Recitals. The foregoing recitals are incorporated herein by this reference.

Section 2. Approval of Report. The Report, including plans and specifications for the improvements and the estimate of the costs of the improvements, a diagram for the district and an assessment for the costs of the improvements, is hereby approved as filed.

Section 3. Capital Improvement Program. In accordance with Streets and Highways Code Section 22660(a), the City Council has determined that the estimated cost of certain proposed improvements, described in Section 22525, subdivisions (a) through (d), are greater than can conveniently be raised from a single assessment and, as a result, shall be collected in installments over a period not to exceed five fiscal years and held in a reserve account, as noted in the Engineer's Report. General descriptions of these improvements for all Zones and sub-zones in the District, as well as the estimated costs thereof, the number of annual installments and years during which they are to be collected, and the maximum amount of each annual installment, are described in the Engineer's Report or in the City's Capital Improvement Program budget referred to here and on file in the office of the City Clerk. Improvements may generally include, but are not limited to, irrigation/smart controllers, fence rehabilitation, trail surface, landscape renovation/drought tolerant upgrades, drains/drainage, median renovation, and electrical

upgrades. The projects will be adjusted as necessary to avoid deficit spending should the Engineer's Report be approved.

Section 4. Prior Approvals for Fiscal Year 2022/2023 Engineer's Report. To the extent anything herein differs or is otherwise inconsistent with the City's prior action with respect to the approval of the Fiscal Year 2022/2023 Engineer's Report for prior individual Zone proceedings and/or the levy of assessments for prior individual Zone proceedings, this Resolution shall prevail as to any such inconsistencies.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional. Additionally, if any section, subsection, sentence, clause, phrase, portion, zone, or sub-zone of the Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Report and each section, subsection, subdivision, sentence, clause, phrase, portion, zone, or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 17th day of May, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

CITY ATTORNEY

STATE OF CALIFORNIA)

ss.

COUNTY OF ORANGE)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 17th day of May, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA