

RESOLUTION NO. 2022-5802

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, ORDERING THAT THE COSTS FOR CERTAIN IMPROVEMENTS IN THE CITYWIDE YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT SHALL BE RAISED THROUGH INSTALLMENTS OVER A PERIOD OF YEARS, CONFIRMING THE ENGINEER'S REPORT DIAGRAM BOUNDARIES AND ASSESSMENTS FOR FISCAL YEAR 2022/23 FOR THE CITYWIDE YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT, OVERRULING ALL PROTESTS CONCERNING THE ASSESSMENTS, AND LEVYING THE ASSESSMENTS CONFIRMED HEREIN

WHEREAS, Resolution No. 2022-5790 of the City Council of the City of Yorba Linda initiated proceedings to levy the annual assessments for the Yorba Linda Lighting and Landscaping Maintenance District (the "District"); and

WHEREAS, Resolution No. 2022-5790 also ordered the City Engineer to prepare the report required by Streets and Highways Code Section 22622; and

WHEREAS, the City Council approved the Fiscal Year 2022/23 Engineer's Report by adopting Resolution No. 2022-5799 on May 17, 2022; and

WHEREAS, by Resolution No. 2022-5800, the City Council declared its intention to levy and collect assessments within the District for Fiscal Year 2022/23, and provide notice pursuant to applicable law of a Public Hearing of the City Council on the matter; and

WHEREAS, in Resolution No. 2022-5800, the City Council also set the Public Hearing for June 7, 2021, at 7:00 p.m.; and

WHEREAS, the City Clerk caused Notice of the Public Hearing to be given in the manner provided by applicable law; and

WHEREAS, on June 7, 2022, the City Council held a duly noticed Public Hearing to consider the updated engineer's report, all oral statements and all written protests and communication made or filed by any interested person concerning the proposed assessments in the District for Fiscal Year 2022/23; and

WHEREAS, the City Council considered all public testimony presented at the Public Hearing and received and considered all written protests and evidence presented or filed at said Hearing.

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

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

Section 2. Pursuant to Streets and Highways Code Section 22631, the City Council hereby confirms the diagram boundaries and assessments for the Yorba Linda Lighting and Landscaping Maintenance Assessment District for Fiscal Year 2022/23. Pursuant to Streets and Highway Code section 22630, the City Council approves of the changes and updated financial information, if any, in the Annual Engineer's Report.

Section 3. 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 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 City's LMAD Capital Improvement Program approved by the City Council on June 7, 2022 and incorporated into this Resolution by this reference.

Section 4. 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 subzone 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 5. The City Council hereby overrules all protests presented concerning the annual assessments for the District for Fiscal Year 2022/23.

Section 6. Passage of this Resolution shall constitute a levy of assessments for Fiscal Year 2022/23. A copy of the assessments which specifies the amounts levied is on file in the Office of the City Clerk and is incorporated herein and made a part hereof as though fully set forth.

Section 7. The City Council finds that the assessment is in compliance with the provision of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution,

and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

Section 8. The City Council orders the proposed District improvements to be made in accordance with said Annual Engineer's Report and these proceedings.

Section 9. The City Council finds that the Southern California Edison Company is the practical contractor capable of furnishing street lighting improvements, and authorization is hereby granted to continue with said contractor.

Section 10. The City Engineer is hereby authorized to update the Annual Engineer's Report and assessments to the most current available parcel listings as provided by the County Auditor's office.

Section 11. Pursuant to applicable law, the City Clerk is hereby authorized and directed to file a certified copy of this Resolution, and the diagrams (boundaries) and assessments confirmed by this Resolution of a certified copy thereof, with the County Auditor/Assessor/Tax Collector of the County of Orange.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 7th day of June, 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 7th day of June, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA