

RESOLUTION NO. 2023-5836

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO ANNEX TRACT 17341 INTO VARIOUS LANDSCAPE MAINTENANCE ZONES AND LEVY A PROPOSED NEW OR INCREASED ASSESSMENTS COMMENCING FISCAL YEAR 2022/2023 FOR THE ANNEXATION TERRITORY OF TRACT 17341, KNOWN AS THE CIELO VISTA DEVELOPMENT WITHIN ARTERIAL LIGHTING ZONE, ARTERIAL LANDSCAPING ZONE A-3, TRAFFIC SIGNAL ZONE TS-2 AND LOCAL LANDSCAPING ZONE L-2K, WITHIN THE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT

WHEREAS, the City Council of the City of Yorba Linda ("City") did form the City of Yorba Linda Street Lighting and Landscaping Maintenance District ("District") which includes Arterial Lighting Zone, Arterial Landscaping Zone A-3, Traffic Signal Zone TS-2, and Local Landscaping Zone L-2K, pursuant to the provisions of the Landscaping and Lighting Act of 1972 ("Act"), in which assessments have been previously levied and collected; and

WHEREAS, the City annexed Tract 17341, known as the Cielo Vista Development, (hereafter referred to as "Tract 17341" or "Annexation Territory") to the City in or about early 2020, with the Orange County Local Agency Formation Commission Certificate of Completion being recorded at the County on or about December 20, 2019.

WHEREAS, Tract 17341 consists of 84.761 acres of land, proposed to be subdivided into seventy-four (74) single-family residential units, parcels of land therein (the Annexation Territory), as described in the Vesting Tentative Tract Map No. 17341, recorded with the County of Orange.

WHEREAS, the City entered into a Pre-Annexation Agreement with North County BRS Project, LLC, on behalf of owners of Tract 17341, which obligated the Tract 17341 to be annexed into the applicable Landscape Maintenance Assessment District.

WHEREAS, the Annexation Territory for Tract 17341 lies within Arterial Lighting Zone, Arterial Landscaping Zone A-3, Traffic Signal Zone TS-2, and Local Landscaping Zone L-2K, and the City is now prepared to annex Tract 17341 into the District.

WHEREAS, said Act requires that proceedings for the levy of assessments shall be initiated by resolution describing any proposed new improvements or any substantial changes in existing improvements or assessments in accordance with Chapter 3 (commencing with Section 22620) of Part 2 of Division 15 of the Streets and Highways Code of the State of California, and ordering the Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of Said Act.

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

Section 1 The City Council of the City of Yorba Linda hereby annexes the Annexation Territory into the City of Yorba Linda Street Lighting and Landscaping Maintenance District and proposes the levy of proposed new or increased assessments for the Annexation Territory of Tract 17341, known as the Cielo Vista Development within Arterial Lighting Zone, Arterial Landscaping Zone A-3, Traffic Signal Zone TS-2, and Local Landscaping Zone L-2K within the City of Yorba Linda Street Lighting and Landscaping Maintenance District commencing in Fiscal Year 2022/2023 pursuant to the Act.

Section 2 The proposed improvements within the Annexation Territory of Tract 17341, known as the Cielo Vista Development within Arterial Lighting Zone, Arterial Landscaping Zone A-3, Traffic Signal Zone TS-2, and Local Landscaping Zone L-2K are generally described as the servicing, maintaining, and operating of landscaping improvements and facilities. The work to be performed may include but is not limited to (as applicable), the personnel, materials, equipment, electricity, water, contract services, repair and rehabilitation of the improvements and incidental expenses required to operate the District and provide the improvements and services within the Zones.

Section 3 The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk a written Annexation Engineer's Report for the Annexation Territory of Tract 17341, known as the Cielo Vista Development within Arterial Lighting Zone, Arterial Landscaping Zone A-3, Traffic Signal Zone TS-2, and Local Landscaping Zone L-2K in accordance with Section 22565 et seq. of the California Streets and Highways Code.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 17th day of January, 2023.

GENE HERNANDEZ, 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 January, 2023, and was carried by the following roll call vote:

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

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA