

CITY OF COLUSA**RESOLUTION NO.10-07**

**A RESOLUTION APPROVING ENGINEER'S REPORTS, CONFIRMING DIAGRAMS AND
ASSESSMENTS AND ORDERING LEVY OF ASSESSMENTS
FOR FISCAL YEAR 2010-11 FOR
THE CITY OF COLUSA, PARKS, TREES AND POOL IMPROVEMENT DISTRICT,
THE COLUSA MEADOWS WEST PUBLIC FACILITIES ASSESSMENT DISTRICT, AND
THE HOBLIT PUBLIC FACILITIES ASSESSMENT DISTRICT**

RESOLVED, by the City Council (the "Council") of the City of Colusa (the "City"), County of Colusa, State of California, that

WHEREAS on July 31, 1996, by its Resolution No. 96-13, this Council ordered the formation of and levied the first assessment within the City of Colusa Parks, Trees and Pool Improvement District (the "Landscaping and Lighting District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code) (hereinafter "the Act"); and

WHEREAS, on September 1, 2006, by its Resolution No. 06-34, after receiving a weighted majority of ballots in support of the proposed assessment, this Council ordered the formation of and levied the first assessment within the Colusa Meadows West Public Facilities Assessment District (the "CMW Assessment District") pursuant the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code; the Benefit Assessment Act of 1982 (the "Acts") and Article XIII-D of the California Constitution; and

WHEREAS, on May 15, 2007, by its Resolution No. 07-12, after receiving a weighted majority of ballots in support of the proposed assessment, this Council ordered the formation of and levied the first assessment within the Hoblit Public Facilities Assessment District (the "Hoblit Assessment District") pursuant the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code; the Benefit Assessment Act of 1982 (the "Acts") and Article XIII-D of the California Constitution; and

WHEREAS, by its Resolution No. 10-05 approved on April 20, 2010, the City Council preliminarily approved the fiscal year 2010-11 Engineer's Reports (the "Reports") submitted by SCI Consulting Group, designated as Engineer of Work, for the Landscaping and Lighting District, the CMW Assessment District, and the Hoblit Assessment District (the "Assessment Districts"). and set a date for a Public Hearing; and

WHEREAS, the Reports were duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Reports should stand as the Engineer's Reports for all subsequent proceedings under and pursuant to the aforesaid resolution, and that May 18, 2010 at the hour of 7:00 p.m. in the City Council chambers of the City of Colusa City Hall, 425 Webster Street, Colusa, California, 95932, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessments, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levies and the confirmation of the diagrams and assessments prepared by and made a part of the Engineer's Reports to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that:

1. The public interest, convenience and necessity require that the levy be made.
2. The Assessment Districts benefited by the Improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.
3. The Engineer's Reports as a whole and each part thereof, to wit:
 - (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the Improvements and of the incidental expenses in connection therewith;
 - (b) the diagrams showing the Assessment Districts, plans and specifications for the Improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment Districts; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the Improvements upon the several lots and parcels of land in the Assessment Districts in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;are finally approved and confirmed.
4. Final adoption and approval of the Engineer's Reports as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagrams and the assessments, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.
5. That assessments for the City of Colusa Parks, Trees and Pool Improvement District for fiscal year 2010-11 shall be levied at the rate of \$36.00 per single family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2010-11 with estimated total annual assessment revenues as set forth in the Engineer's Report.
6. That assessments for the Colusa Meadows West Public Facilities Assessment District for fiscal year 2010-11 shall be levied at the rate of \$423.40 per single family equivalent

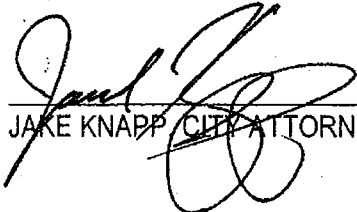
- benefit unit as specified in the Engineer's Report for fiscal year 2010-11 with estimated total annual assessment revenues as set forth in the Engineer's Report.
7. That assessments for the Hoblit Public Facilities Assessment District for fiscal year 2010-11 shall be levied at the rate of \$238.74 per single family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2010-11 with estimated total annual assessment revenues as set forth in the Engineer's Report.
 8. The assessments to pay the costs and expenses of the maintenance of the Improvements for fiscal year 2010-11 are hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and the Benefit Assessment Act of 1982, reference is hereby made to the Resolution of Intention to Levy Assessments for Fiscal Year 2010-11, Preliminarily Approving the Engineer's Reports, and Providing for Notice of Hearing.
 9. Based on the oral and documentary evidence, including the Engineer's Reports, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the Improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
 10. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the Engineer shall file a certified copy of the diagrams and assessments and a certified copy of this resolution with the Auditor of the County of Colusa. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Colusa for the City of Colusa Parks, Trees and Pool Improvement District, the Colusa Meadows West Public Facilities Assessment District, and the Hoblit Public Facilities Assessment District.
 11. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the Improvement fund previously established under the distinctive designation of each Assessment District. Moneys in the Improvement fund shall be expended only for the maintenance, servicing, construction or installation of the Improvements.

ADOPTED as a resolution of the City Council of the City of Colusa at an adjourned meeting duly held on the 18th day of May, 2010.


DONNA CRITCHFIELD, MAYOR

APPROVED AS TO FORM:

ATTEST:


JAKE KNAPP, CITY ATTORNEY


SHELLY KITTLE, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF COLUSA) ss
CITY OF COLUSA)

I, Shelly Kittle, City Clerk of the City of Colusa, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 10-07 adopted by the City Council of the City of Colusa, California, at a regular meeting thereof, held on the 18th day of May, 2010 by the following vote:

AYES: Reische, Landreth, Kelleher, Hosmer, Critchfield

NOES: None

ABSENT: None


SHELLY KITTLE, CITY CLERK