

RESOLUTION NO. 48-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, INITIATING PROCEEDINGS FOR THE FORMATION OF MARINA BAY LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Richmond (City Council) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act") desires to initiate proceedings in accordance with *Section 22585* of the Act for the proposed formation of the Marina Bay Landscaping and Lighting Maintenance District (hereafter referred to as the "District"); and to levy and collect annual assessments against lots and parcels of land within the District commencing in fiscal year 2009/2010, to pay for the operation, maintenance and servicing of local landscaping, parks, trails and the lighting, amenities and appurtenant facilities related thereto that provide special benefits to those properties therein pursuant to *Chapter 2 Article 1* of the Act and the provisions of the *California Constitution Article XIID* (hereafter referred to as the "California Constitution"); and,

WHEREAS, the City has retained Willdan Financial Services as the Engineer of Work (Engineer), for the purpose of assisting with the formation of the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with *Section 22586 of Chapter 2 Article 1* of the Act; and in accordance with *Article XIID, Section 4(b)* of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF RICHMOND, THE LEGISLATIVE BODY FOR SAID DISTRICT, AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The City Council hereby orders the Engineer to prepare and file an Engineer's Report concerning the proposed formation of the District and the levy of assessments on properties therein in accordance with *Chapter 1 Article 4, (commencing with Section 22565)* of the Act, as specified by *Chapter 2, Article 1, Section 22585* of the Act.

Section 3: The proposed District improvements include the annual ongoing operation, maintenance, servicing and incidental expenses related to the improvements associated with the Marina Bay Landscaping and Lighting District; which are authorized pursuant to the Act. Said improvements may include, but are not limited to materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the operation, maintenance and servicing of the parks, trails and public landscaped areas including related lighting, hardscapes, equipment, amenities and facilities which have been determined to be of special benefit to the lots and parcels of land within the District.

Section 4: The proposed territory of the District consists of the lots, parcels and subdivisions of land in the southern section of the City of Richmond known as Marina Bay, and is generally located: south and west of Interstate 580; north of the Pacific Ocean (Bay); and adjacent to and east of Harbour Way.

The District generally includes all or a portion of the lots, parcels and subdivisions of land identified on the following Contra Costa County Assessor's Parcel Maps:

Book 560, Pages 09 through 15;

Book 560, Pages 17 through 19;

Book 560, Pages 26 and 27;

Book 560, Page 37;

Book 560, Pages 45 through 47;

Book 560, Pages 53 through 56;

Book 560, Pages 59 through 63; and

Book 560, Pages 68 through 81

I certify that the foregoing resolution was adopted by the Council of the City of Richmond at a regular meeting held on June 9, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }