

RESOLUTION NO. 83-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE PROPOSED LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF MARINA BAY LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT, COMMENCING IN FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Richmond (the "City") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the formation of the Marina Bay Landscaping and Lighting Maintenance District (hereafter referred to as the "District"), and declared its intention to conduct a protest balloting for the levy of new assessments within the District commencing in Fiscal Year 2009/2010 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, in accordance with the provisions of the *California Constitution, Article XIID*, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new assessments to be levied on properties within the District; and,

WHEREAS, the assessments presented to each property owner of record within the District reflects each property's proportional special benefit and financial obligation for the costs and expenses related to the ongoing operation, maintenance, servicing and incidental expenses related to the improvements associated with the Marina Bay Landscaping and Lighting Maintenance District therein as authorized by the Act and the provisions of the California Constitution. The notice and ballot presented to the property owners of record clearly identified the total amount balloted to all properties, the proposed assessment rate, the property's proportional annual amount commencing with Fiscal Year 2009/2010 and the inflationary adjustment applicable to future assessments; and,

WHEREAS, upon the close of the Public Hearing held on July 28, 2009, the protest ballots returned by the landowners of record within the District, were opened and tabulated, the results of which are illustrated below:

Yes: \$175,022.18 (66.9%)

No: \$ 86,464.68 (33.1%)

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 preceding recitals are all true and correct.

Section 2: The protest ballot proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners of record within the District as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on July 28, 2009.

Section 3: The canvass of the protest ballots cast for the proposed District and received prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected

properties is hereby approved and confirmed.

Section 4: The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.

Section 5: This Resolution shall become effective immediately upon its adoption.

Section 6: The City Clerk shall certify the adoption of this Resolution.

I certify that the foregoing resolution was adopted by the Council of the City of Richmond at a regular meeting held on July 28, 2009, by the following vote:

AYES:	Councilmembers Bates, Butt, Ritterman, Rogers, Ritterman, 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 }