

**RESOLUTION NO. 2023-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED TO THE IMPERIAL LANDSCAPE MAINTENANCE DISTRICT NO. 1, FOR FISCAL YEAR 2023/24**

**WHEREAS**, the City Council has, by previous Resolutions, initiated proceedings to form and declared its intention to levy and collect annual assessments against parcels of land within “City of Imperial Landscape Maintenance District No. 1” (the “District”) for Fiscal Year (“FY”) commencing July 1, 2023 and ending June 30, 2024, 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* (the “Act”) to pay the costs and expenses of operating, maintaining and servicing the improvements and appurtenant facilities related thereto; and,

**WHEREAS**, Koppel & Gruber Public Finance, the Assessment Engineer selected by the City Council, has prepared and filed with the City Clerk and the City Clerk has presented to the City Council an Engineer’s Report entitled “City of Imperial, Landscape Maintenance District No. 1 (Paseo del Sol and Wildflower) Engineer’s Report, Fiscal Year 2023/24 (the “Report”) in connection with the proposed levy and collection of special benefit assessments upon eligible parcels of land within the District, and the City Council did by previous Resolution approve such Report; and,

**WHEREAS**, the City Council following notice duly given, has held a full and fair Public Hearing on July 19, 2023, regarding the levy and collection of assessments as described in the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters, pursuant to the Act and in accordance with the provisions of the California Constitution Article XIIIID.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES RESOLVE, DETERMINE, AND ORDERS AS FOLLOWS:**

**SECTION 1.** The preceding recitals are true and correct.

**SECTION 2.** Following notice duly given, the City Council has held a full and fair public hearing regarding the levy and collection of the assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

**SECTION 3.** The City Council desires to levy and collect assessments against parcels of land within the District for the FY commencing July 1, 2023 and ending June 30, 2024 to pay the costs for the operation, maintenance and servicing of landscaping and all related appurtenant facilities located within public places within and for the benefit of the District.

**SECTION 4.** The City Council has examined and reviewed the Engineer's Report in connection with the District, and the levy and collection of assessments. Based upon its review of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City council hereby finds and determines that:

- a. A special benefit will be received by parcels of land within the District and all parcels of land benefit from the operations, maintenance, and servicing of the improvements and related facilities.
- b. The District includes all of the lands so benefited; and
- c. The amount to be assessed upon the lands within the District, in accordance with the proposed budget for the fiscal year commencing July 1, 2023 and ending June 30, 2024 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits, to be received by each parcel from the improvements and services, and is satisfied that the assessments are levied, without regard to property valuation.

**SECTION 5.** The Report and the FY 2023/24 assessments, as presented to the City Council and on file in the office of the City Clerk, are hereby confirmed as filed.

**SECTION 6.** The City Council hereby orders the District improvements to be made, which improvements are briefly described as the operation, administration, maintenance and servicing of all public landscaping improvements and appurtenant facilities and expenses associated with the District that were installed as part of property development within the District and that will be maintained by the City of Imperial or their designee and all such maintenance, operation and servicing of the landscaping improvements and all appurtenant facilities shall be performed pursuant to the "Act", namely:

- Landscaping improvements may include but are not limited to: turf, ground cover, shrubs and trees, sprinkler and irrigation systems, ornamental lighting, drainage systems, masonry walls, entryway monuments and associated appurtenances;
- Storm drain basins to be maintained are located at the south side of the Wildflower development and the east end of the Paseo del Sol development;
- The location of landscaped easements, including street trees, may include but are not limited to: Joshua Tree Street, La Brucherie Road and Cross Road.

**SECTION 7.** The City Clerk or their designee, Koppel & Gruber Public Finance, is hereby authorized and directed to file the levy with the County Auditor of Imperial for FY 2023/24.

**SECTION 8.** The County Auditor of Imperial shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, so apportioned by the method of apportionment formula, outlined in the Report, and such levies shall be collected at the same time and in the same manner as the county taxes are collected pursuant to *Chapter 4, Article 2, Section 22646 of the Act*. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

**SECTION 9.** The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund for the “Imperial Landscape Maintenance District No. 1”, and such money shall be expended only for the maintenance, operation and servicing of the landscaping improvements and appurtenant facilities as described in Section 6 above.

**SECTION 10.** The adoption of this Resolution constitutes the District levy for the fiscal year commencing July 1, 2023 and ending June 30, 2024.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial on the \_\_\_\_\_ day of July, 2023.

\_\_\_\_\_  
KATHERINE BURNWORTH,  
Mayor

ATTEST:

\_\_\_\_\_  
KRISTINA M. SHIELDS,  
City Clerk

**CERTIFICATION**

I, Kristina M. Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing resolution was duly adopted at a meeting of the City Council of said City at its meeting held on the \_\_\_\_ of July, 2023, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this \_\_\_\_\_ day of July, 2023.

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KRISTINA M. SHIELDS,  
City Clerk