

RESOLUTION OF INTENTION NO. 2173

**A RESOLUTION DECLARING INTENTION TO ADD TERRITORY,
AREA 2-87 (4676 MING AVENUE) TO THE CONSOLIDATED
MAINTENANCE DISTRICT, PRELIMINARILY APPROVING,
CONFIRMING AND ADOPTING THE PUBLIC WORKS
DIRECTOR'S REPORT, THE BOUNDARIES OF THE ADDITION,
THE FAIRNESS OF THE BENEFIT FORMULA, AND THE AMOUNT
OF THE ASSESSMENT TO BE LEVIED AGAINST EACH PARCEL.
(WARD 6)**

WHEREAS, Chapter 13.04 of Title 13 of the Municipal Code of the City of Bakersfield provides for a procedure by which the City Council may provide for the payment of the whole or any part of the costs and expenses of maintaining and operating any public improvements which are local in nature, from annual benefit assessments apportioned among the lots or parcels of property within the established Consolidated Maintenance District ("CMD"). The assessments to be placed on parcels within this district area reflect that portion of the cost of maintenance of a public park and public street landscaping ("special benefit") above and beyond the basic cost of maintenance of a public park and public street landscaping throughout the City ("general benefit");

WHEREAS, as set forth in the attached Public Works Director's Report (Exhibit 1), the property within this new district reflects that portion of the cost of maintenance of a public street landscaping and/or public park, based on the location of said improvements in or near said area, above and beyond the general benefit of parcels within the City that are not part of the CMD. Each parcel within this area will be assessed its proportionate share of special benefit based on the zoning, usage, and size of the parcel;

WHEREAS, the property owner has requested the City Council to include the property within the CMD pursuant to Chapter 13.04 of Title 13 of the Municipal Code of the City of Bakersfield, and the Public Works Director recommends addition of territory to the CMD;

WHEREAS, it is the intention of the City Council of the City of Bakersfield to add territory, Area 2-87 (4676 Ming Avenue) to the CMD. Said area is generally described in Exhibit "B" attached hereto, to maintain local improvements including a public park and public street landscaping;

WHEREAS, the Public Works Director has on this date filed with the Clerk of said Council his report, attached hereto and incorporated herein by reference as Exhibit "1," containing the following:

- a) A description of the boundary of the additional territory, attached hereto as Exhibit "A";

- b) A map and assessment diagram of the additional territory, attached hereto as Exhibit "B";
- c) The benefit formula attached hereto as Exhibit "C";
- d) A budget, attached hereto as Exhibit "D," containing the matters specified in Section 13.04.130 of the Bakersfield Municipal Code;
- e) The amount of assessment to be levied against each parcel, attached hereto as Exhibit "E";
- f) The recorded covenant disclosing inclusion in maintenance district, attached hereto as Exhibit "F";
- g) The proposition 218 ballot signed by the property owner, attached hereto as Exhibit "G";
- h) Correspondence from the property owner(s) requesting inclusion within the CMD attached hereto as Exhibit "H";

WHEREAS, the City of Bakersfield has received a letter from the owner(s) of the property described in Exhibit "B," which waives any and all hearings (whether pursuant to the Brown Act, the Bakersfield Municipal Code, or any other law) concerning the formation of and assessments for inclusion in the Consolidated Maintenance District; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bakersfield, State of California, as follows:

1. The foregoing recitals are true and correct and are incorporated herein.
2. The City Council hereby preliminarily adopts and approves the Public Works Director's Report and declares that the territory within the boundaries so specified and described is the area, benefiting from said local improvements; that the expense of maintaining and operating said improvements is hereby made assessable upon said area; and that the exterior boundaries thereof are hereby specified and described to be as shown on that certain map marked Exhibit "B," entitled "Map and Assessment Diagram for Addition of Territory, to the Consolidated Maintenance District, Bakersfield, California," which map indicates by a boundary line the extent of the territory to be added to the Consolidated Maintenance District and shall govern for all details as to the extent of the addition.
3. Each parcel identified in Exhibit "E" is included in the Street Landscape and Park Zones of benefit and is assessed an amount not to exceed the amount established in Resolution No. 019-05 per equivalent dwelling unit per year. In each subsequent year, annual assessments may increase by

the cost of living reflected in the Los Angeles-Long Beach-Anaheim/All Urban Consumers Consumer Price Index.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

| | | |
|----------|---------------|---|
| AYES: | COUNCILMEMBER | ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR |
| NOES: | COUNCILMEMBER | _____ |
| ABSTAIN: | COUNCILMEMBER | _____ |
| ABSENT: | COUNCILMEMBER | _____ |

JULIE DRIMAKIS, MMC
CITY CLERK and Ex Officio Clerk of
the Council of the City of Bakersfield

APPROVED: _____

By _____
KAREN GOH
Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO, CITY ATTORNEY

By: _____
VIRIDIANA GALLARDO-KING
Deputy City Attorney

| | | |
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| Attachments: | Exhibit "C" | Exhibit "G" |
| | Exhibit "I" | Exhibit "D" |
| | Exhibit "A" | Exhibit "H" |
| | Exhibit "E" | |
| | Exhibit "B" | Exhibit "F" |