

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION ADOPTING ANNUAL BUDGET AND CONFIRMING ASSESSMENTS FOR THE ARCH ROAD INDUSTRIAL PARK STORM DRAINAGE BASIN MAINTENANCE DISTRICT

On May 15, 2018, this Council adopted its Resolution (No. 2018-05-15-1134-03) preliminary approving the proposed budget for the Fiscal Year (FY) 2018-19 costs and expenses of the maintenance and operation of the improvements in the above District and of the incidental expenses in connection therewith, as more particularly described in the Resolution, and appointed Tuesday, June 5, 2018, at 5:30 P.M., in the regular meeting place of said Council, Council Chambers, Stockton, California, as the time and place for the hearing of protests to the proposed budget for the District, and directed the City Clerk to give a notice of such public hearing as required by law; and

Notice of the public hearing was duly and regularly published in The Record, in the time, form and manner required by law, as evidenced by the declaration on file with the City Clerk, whereupon the public hearing was duly and regularly held at the time and place stated in the notice; and

No persons interested, objecting to the FY 2018-19 Engineer's letter Report (the "Report"), the assessments, the proposed budget, or to the proposed method and proportion of assessment as shown in said Report, filed written protests with the City Clerk at or before the time set for the hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the Report were fully heard and considered by this Council; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS
FOLLOWS:

1. The owners of one-half of the area of the property to be assessed for the maintenance and operational costs did not at or prior to the time fixed for the hearing, file written protests against the proposed budget, or to the Report, or to the estimated benefit to the parcels within the District and of the proportional factors to be used to assess the annual costs and expenses of the maintenance and operation of the improvements.

2. Any and all protests made either to the Report, the proposed budget, or to the proposed levy of assessments, and all persons desiring to be heard in relation to any of the matters, whether as protestants or otherwise, have been fully heard and considered, and any and all such protests or objections are hereby overruled.

3. The assessments are in compliance with all laws pertaining to the levy of the annual assessment (section 4 of Article XIID of the California State Constitution, section 53753.5 of the Government Code of the State of California, Streets and Highways Code section 10000 *et seq.*, and the Stockton Improvement Procedure Code). The assessments are levied without regard to property valuation. The purpose of the assessments is the maintenance and operation of storm drainage facilities.

The City of Stockton hereby certifies that the special assessment(s), fee(s) or charges(s) listed below to be placed on the 2018-19 Secured Property Tax bill by the City of Stockton meets the requirements of Proposition 218 that added Articles XIIC and XIID to the California State Constitution.

4. The Report showing the 2018-19 assessments and the adjusted drainage acres to be used in assessing the costs and expenses in connection therewith be, and it is hereby adopted and approved as is the method of assessment to be used to pay the costs and expenses of the maintenance and operation.

5. The assessments set forth in the Report of the annual amount of costs and expenses of the maintenance and operation of the improvements, upon the several subdivisions of land in the District in proportion to the estimated benefits to be received by said subdivisions, respectively, from the operation of said improvements and of the expenses incidental thereto, be, and the same is hereby approved and confirmed and the assessments as set forth in the Report are hereby levied.

6. The City Manager is hereby authorized to direct the Chief Financial Officer or his/her designee to enter the assessments on the 2018-19 tax roll for the parcels within the District as shown in the Report on file with the City Clerk.

7. The City Manager or designee is authorized and directed to execute all documents, including, but not limited to, agreements and amendments.

8. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED June 5, 2018.

MICHAEL D. TUBBS, Mayor
of the City of Stockton

ATTEST:

BRET HUNTER, CMC
City Clerk of the City of Stockton