



RESOLUTION NO. 2010- 154

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CONFIRMING DIAGRAM AND ASSESSMENT AND LEVY OF ANNUAL ASSESSMENT, 2010-2011, FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1**

**WHEREAS**, pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972 (the "Act"), the Council of the City of Fresno ("Council") adopted a Resolution of Intention to Levy and Collect the Annual Assessment for Landscaping and Lighting Maintenance District No. 1 ("Resolution of Intention"); and

**WHEREAS**, the boundaries of City of Fresno Landscaping and Lighting Maintenance District No. 1 ("LLMD No. 1"), are set forth in the Engineer's Report, dated June 9, 2010, on file with the City Clerk ("Engineer's Report"); and

**WHEREAS**, the Council approved the Engineer's Report by adopting on June 17, 2010, the Resolutions of Intention to Levy and Initiating Proceedings for the Annual Assessment; and

**WHEREAS**, the territory within LLMD No. 1 will benefit from the maintenance and service of the improvements described in the Engineer's Report; and

**WHEREAS**, in the Resolution of Intention, the Council declared its intention to levy and collect the annual assessment for maintaining and operating the landscaping facilities in City of Fresno Landscaping and Lighting Maintenance District No. 1 ("LLMD No. 1"); and

**WHEREAS**, July 22, 2010, the Council held a hearing on the annual levy of assessment, in accordance with the law, and all persons desiring to speak were heard; and

**WHEREAS**, all interested persons had an opportunity before Council concluded the hearing, to file a written protest against the annual assessment levy with the City Clerk.

Adopted 7/22/10  
Approved 7/28/10  
Effective 7/28/10

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**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED** by the Council of the City of Fresno, that:

1. A majority protest has not been filed against the levy of the annual assessment.

2. The assessment diagram in the Engineer's Report that shows the boundaries of the assessment district that is referred to in the Resolution of Intention, and the subdivisions of land within LLMD No. 1, is finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements and maintenance.

3. The total and the individual assessments set forth in the Engineer's Report and the Resolution of Intention, upon the subdivisions of land within LLMD No. 1, are finally approved and confirmed as the assessment for the fiscal year 2010-2011.

4. The adoption of this resolution shall constitute the levy of the assessment for the fiscal year 2010-2011 that is described in the Resolution of Intention and the Engineer's Report.

5. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Auditor of the County of Fresno immediately after adoption and not later than Friday, July 30, 2010.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 22nd day of July, 2010.

AYES: Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund

NOES: None

ABSENT: None

ABSTAIN: None

REBECCA E. KLISCH, City Clerk

By: Rebecca E. Klisch

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

By Robert Coyle 7.12.10  
Robert Coyle  
Deputy City Attorney

July 23, 2010

RECEIVED

Council Adoption: 07/22/10

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: REBECCA E. KLISCH, CMC CITY CLERK, FRESNO CA  
City Clerk

2010 JUL 28 AM 10:41

REK

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 7/22/10, Council adopted the attached Resolution No. 2010-154 entitled **Confirming assessment/levy of annual assessment for LLMD No. 1**, Item No. **10:00 A.M.**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 3, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_

  
Ashley Swearengin, Mayor

Date: 7.28.10

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :