



CITY OF ENCINITAS

RESOLUTION NO. 2024-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE RENEWAL OF THE ENCINITAS LANDSCAPE AND LIGHTING DISTRICT FOR FY 2024-25 AND SETTING OF A PUBLIC HEARING ON MAY 22, 2024, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WHEREAS, in 1987, the City Council of the City of Encinitas, California formed a Landscape and Lighting District pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California, in what is known and designated as:

ENCINITAS LANDSCAPE & LIGHTING DISTRICT

(hereinafter referred to as the "District");

WHEREAS, there has been presented and approved by this City Council, the preliminary Engineer's Report ("Report") as required by law, and this City Council is desirous of moving forth with the proceedings for said annual levy; and

WHEREAS, the City Council is desirous to take proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary for the continued maintenance of improvements within said District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Preliminary Report as presented consists of the following:

- A. Plans and Specifications
B. Estimate of Costs
C. Assessment Roll
D. Method of Apportionment
E. Property Owner List
F. Assessment District Diagram

SECTION 3. That the Preliminary Report regarding the annual levy for said District for operation and maintenance of public street lighting, traffic signals, and landscaping for the Fiscal Year 2024- 25 is hereby approved and is directed to be filed in the Office of the City Clerk as a permanent record and to remain open to the public for inspection.

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order, the annual assessment levy for the District as set forth and described in said Preliminary Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance of improvements as estimated in said Preliminary Report.

SECTION 5. The assessments levied and collected shall be for the maintenance of certain improvements, as set forth in the Preliminary Report, referenced and so incorporated herein.

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments and shall collect said assessments at the same time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the City of Encinitas for paying for the costs and expenses of said District.

SECTION 7. That all monies collected shall be deposited in a special fund known as:

"ENCINITAS LANDSCAPE & LIGHTING DISTRICT"

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance or improvement, the City Council may transfer into said special fund, from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

SECTION 8. Said contemplated maintenance and improvement work is, in the opinion of this City Council, of special and direct benefit to the properties within the boundaries of the City-wide District, and this City Council makes the costs and expenses of said maintenance and improvements chargeable upon a District, which District said City Council hereby declares to be the District benefited by said maintenance and improvements, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown within said Preliminary Report, as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

SECTION 9. Any lots of land known as public property and used exclusively in the performance of a public function, as the same are defined in Section 22663 of Division 15, Part 2 of the Streets and Highways Code of the State of California, which are included within the boundaries of the District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said operation and maintenance work, unless these properties are located within the boundaries of the Encinitas Ranch Specific Plan.

SECTION 10. The City Council establishes the following assessments for FY 2024-25:

- Zone A (Citywide Street Lighting, Landscaping, and Traffic Signals) = \$5.22
Zone B (Localized Residential Street Lighting) = \$9.90
Zone C (Localized Commercial Street Lighting) = \$2.18
Zone D (Localized Landscaping) = \$25.24
Zone E (Localized Landscaping) = \$0
Zone F (Localized Landscaping) = \$0
Zone G (Localized Landscaping) = \$579.00
Zone H (Localized Lighting and Landscaping) = \$100.00

SECTION 11. NOTICE IS HEREBY GIVEN THAT 6:00 PM ON MAY 22, 2024, AT THE REGULAR MEETING OF THE ENCINITAS CITY COUNCIL, AT THE CITY COUNCIL CHAMBERS, 505 S. VULCAN AVENUE, ENCINITAS, CALIFORNIA, IS THE TIME AND PLACE FIXED BY REFERENCE FOR A PUBLIC HEARING FOR THE ANNUAL LEVY OF ASSESSMENTS, RESPECTIVELY, TO THE EXTENT OF THE OPERATION AND MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

SECTION 12. That the City Clerk is hereby authorized and directed to publish a copy of this Resolution in a newspaper of general circulation within said City, said publication shall be not less than ten (10) days before the date set for said Public Hearing.

SECTION 13. That this Resolution shall take effect immediately upon adoption.

SECTION 14. For any and all information relating to the proceedings, protest procedure, and documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

David Lisenbee, Senior Management Analyst
City of Encinitas
505 South Vulcan Avenue Encinitas, CA 92024
(760) 943-2231

PASSED, APPROVED AND ADOPTED this 24th day of April 2024 by the City Council of the City of Encinitas, State of California.

Tony Kranz, Mayor

ATTEST:

Kathy Hollywood, City Clerk

APPROVED AS TO FORM:

Tarquin Preziosi, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 24th day of April 2024 by the following vote:

- AYES: Blackwell, Ehlers, Hinze, Kranz, Lyndes
NOES: None
ABSENT: None
ABSTAIN: None

Kathy Hollywood, City Clerk