

**RESOLUTION NO. 3564**

**A RESOLUTION OVERRULING PROTESTS AND ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS**

**FISCAL YEAR 2014-2015**

**ROSE- ANDREWS LIGHTING DISTRICT**

BE IT RESOLVED, by the City Council of the City of Monte Sereno, County of Santa Clara, State of California, as follows:

WHEREAS, on the 1st day of April, 2014, said Council Directing Preparation of Engineer's Report for Fiscal Year 2014-2015 for the Rose-Andrews Lighting District Pursuant to the Landscaping and Lighting Act of 1972, and directed the Engineer of Work to prepare and file with the Clerk of the City a written report called for under said Act and by Resolution No. 3549; and

WHEREAS, said report was duly made and filed with the Clerk of said City, whereupon said Clerk presented it to the City Council for its consideration; and

WHEREAS, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No.3549 including (1) plans and specifications of the existing improvements and proposed new improvements; (2) estimate of costs; (3) diagram of the District; (4) an assessment according to benefits; and (5) the annual installment fixed for Fiscal Year 2014-2015 pursuant to Resolution No. 657, adopted by this Council on June 2, 1990, all of which were done in the form and manner required by said Act; and

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceeding under said Act, whereupon said Council, pursuant to the requirements of said Act, set Tuesday, the 17<sup>th</sup> day of June 2014 at the hour of 7:00 p.m. of said day in the regular meeting place of said Council, in the City Hall located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California 95030, as the time and place for hearing protects in relation to the levy and collection of the proposed assessments for said

improvements, including the maintenance or servicing, or both thereof, for Fiscal Year 2014-2015 and directing said Clerk to give notice of said hearing as required by said Act; and

WHEREAS, it appears that notices of said hearing were duly and regularly published and posted in the time, form and manner required by said Act, as evidenced by the Affidavits and Certificates on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

WHEREAS, no persons interested, objecting to said improvements, including the maintenance or servicing, or both thereof, or to the extent of the assessments district, or any zones therein, or to the proposed assessment or diagram or to the Engineer's estimate of costs thereof, filed written protests with the Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy and collection of the assessment for said improvements, including the maintenance or servicing, or both thereof, were fully heard and considered by said Council,

NOW, THEREFORE, IT IS HEREBY FOUND, ORDERED AND DETERMINED as follows:

1. That protests against said improvements, including the maintenance or servicing, or both thereof, or to the extent of the assessment district or any zones therein, or to the proposed assessment or diagram, or to the Engineer's estimate of costs thereof, for the Fiscal Year 2014-2015 be, and each of them hereby are overruled.
2. That the public interest, convenience and necessity require and said Council does hereby order the levy and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both thereof, more particularly described in said Engineer's Report and made a part hereof by reference hereto.
3. That the Rose-Andrews Lighting District and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both thereof, are

situated in Monte Sereno, California, and are more particularly described by reference to a map thereof on file in the Office of the City Clerk of said City. Said map indicated by a boundary line the extent of the territory included in said District and of any zone thereof and the general location of said District.

4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district or within any zone thereof contained in said report, be, and they are hereby finally adopted and approved.
5. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report be, and it is hereby finally adopted and approved.
6. That the public interest and convenience require, and said Council does hereby order the improvements to be made as described in and in accordance with said Engineer's Report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in said Resolution No. 3549 and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said Report be, and it is hereby finally approved and confirmed.
8. That the assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both thereof, and of the expenses incidental thereto, and the Council finding that no increase exists with respect to the levy and collection from prior years, including the annual installment for Fiscal Year 2014-2015 pursuant to



Resolution No. 657, adopted by the Council on June 2, 1990, contained in said Report be, and the same is hereby finally approved and confirmed.


9. That said Engineer's Report for fiscal year 2014-2015 be, and the same hereby is finally adopted and approved as a whole.
10. That the Clerk shall forthwith file with the Auditor of Santa Clara County the said assessment, together with the said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
11. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram, the assessment and annual assessment installments, as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this Council.

REGULARLY passed and adopted this 17<sup>th</sup> day of June, 2014 by the following

vote:


AYES: Council Member Allan, Anstandig, Rogers, and Vice Mayor Huff  
NOES: None  
ABSENT: Mayor Craig

BY

  
Walter Huff, Vice Mayor

ATTEST:

BY

  
Andrea M. Chelemengos, City Clerk