

CITY OF FAIRFIELD

RESOLUTION NO. 2021-226

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD ORDERING THE ANNEXATION OF TERRITORY (GREEN VALLEY CORPORATE PARK BUILDING A PARKING) TO THE CITY OF FAIRFIELD LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 13 (NORTH CORDELIA); DESIGNATION AS ANNEXATION NO. 4; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO COMMENCING FISCAL YEAR 2021-2022

WHEREAS, the City Council desires to annex territory designated as Annexation No. 4 (Green Valley Corporate Park Building A Parking) (hereafter referred to as the “Annexation No. 4”) to the “Fairfield Landscaping and Lighting Maintenance District No. 13 (North Cordelia)” (hereafter referred to as the “District”); and to levy and collect annual assessments against parcels of land within Annexation No. 4 commencing with fiscal year 2021-2022 to pay the costs and expenses of operating, maintaining and servicing the drainage, landscaping, and lighting improvements and appurtenant facilities related thereto, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as the “Act”); and

WHEREAS, the council did by previous resolutions initiate proceedings and declare its intention to annex territory to the District; and to levy and collect annual assessments for the purpose of operating, maintaining and servicing the improvements related thereto, pursuant to the Act; and

WHEREAS, the Engineer selected by the council has prepared and filed with the city clerk, and the city clerk has presented to the council an Engineer’s Report that describes Annexation No. 4 and assessments against parcels of land within said annexation for the fiscal year commencing July 1, 2021, and ending June 30, 2022, pursuant to the provisions of the Act; and

WHEREAS, the council has caused notices and property owner assessment ballots to be mailed to all property owners of affected properties pursuant to the Act and in accordance with the provisions of the California Constitution Article XIID; and

WHEREAS, the council following notice duly given, has held a full and fair public hearing on September 7, 2021, regarding Annexation No. 4, the Engineer’s Report prepared in connection therewith and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters, pursuant to the Act; and has conducted property owner protest ballot proceedings for the proposed assessments and assessment range formula described in the Engineer’s Report in accordance with the provisions of the California Constitution Article XIID.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD, HEREBY RESOLVES:

Section 1. The preceding recitals are true and correct.

Section 2. The council upon the conclusion of the noticed public hearing has tabulated the property owner protest ballots received weighted according to the proportional financial obligation of each affected property ("Weighted Assessment Ballots"). Based on this tabulation, the council finds the record owners of property within Annexation No. 4 have approved the proposed assessment, the assessment range formula connected therewith, and the levy and collection of annual assessments as described in the Engineer's Report.

Section 3. Furthermore, the council finds that a written majority protest does not exist, pursuant to the provisions of the Act (Chapter 2, Article 1, Section 22593 and 22594).

Section 4. The council desires to levy and collect assessments against parcels of land within Annexation No. 4 for the fiscal year commencing July 1, 2021, and ending June 30, 2022, to pay the costs and expenses of operating, maintaining and servicing the drainage, landscaping, lighting and appurtenance facilities associated with the development of the properties within Annexation No. 4.

Section 5. The council has carefully reviewed and examined the Engineer's Report in connection with Annexation No. 4 and the levy and collection of assessments. Based upon its review (and amendments, as applicable) of the Engineer's Report, a copy of which has been presented to the council and which has been filed with the city clerk, the council hereby finds and determines that:

- a. The territory of land within Annexation No. 4 will receive special benefits from the operation, maintenance and servicing of the drainage, landscaping, lighting and appurtenant facilities and improvements related thereto.
- b. Annexation No. 4 includes the lands so benefited; and
- c. The net amount to be assessed upon the lands within Annexation No. 4, in accordance with the proposed budget for the fiscal year commencing July 1, 2021, and ending June 30, 2022, is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits to be received by each parcel from the improvements and services and is satisfied that the assessments are levied without regard to property valuation.

Section 6. The Engineer's Report, assessments and assessment range formula as presented to the council and as on file in the office of the city clerk are hereby confirmed as filed.

Section 7. The council hereby orders the annexation of said territory into the District commencing with fiscal year 2021-2022.

Section 8. The council hereby orders the proposed improvements to be made, which improvements are briefly described as the operation, administration, maintenance and servicing of all public drainage, landscaping and lighting improvements and appurtenant facilities and expenses associated with Annexation No. 4 that were installed as part of the property development within the District and that will be maintained by the City of Fairfield or their designee and all such maintenance, operation and servicing of the drainage, landscaping and lighting and all appurtenance facilities shall be performed pursuant to the Act, namely:

Landscape Improvements

The landscape improvements associated with Annexation No. 4 include the landscaped areas located in the street right-of-ways and perimeter areas surrounding the Green Valley Corporate Park Building A Parking as well as various existing landscape improvements shared with the adjacent parcels. These improvements may include turf, ground cover, shrubs, trees, plants, open space, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, entryway monuments, and associated appurtenant facilities such as benches, sidewalks and pathways. Specifically:

- Parkway perimeter landscaping along the eastern boundary of the annexation area, along the western side of Neitzel Road.
- Proportional special benefit and cost allocation of the existing landscape areas located on the primary access streets for the current adjacent developments within the District.

Public Street Lighting Improvements

There are no street lights being installed for the development of the Annexation area.

Internal lights within the Annexation territory will be installed as part of the development of the parking area which will enhance the surrounding visibility. This lighting is privately owned and will not be maintained by the District.

Section 9. The maintenance, operation and servicing of the drainage, landscaping and lighting improvements and appurtenant facilities shall be performed pursuant to the Act and the county auditor of Solano shall enter on the county assessment roll opposite each parcel of land the amount of levy approved each fiscal year, and such levies shall be collected at the same time and in the same manner as the county taxes are collected. After collection by the county, the net amount of the levy shall be paid to the city treasurer.

Section 10. The city treasurer shall deposit all money representing assessments collected by the county for Annexation No. 4 to the credit of a fund for the District and such money shall be expended only for the maintenance, operation and servicing of the drainage, landscaping and lighting improvements and appurtenant facilities as described in Section 8.

Section 11. The adoption of this resolution constitutes the annexation of said territory identified as Annexation No. 4 to the District and establishes the initial maximum assessment for fiscal year 2021-2022.

PASSED AND ADOPTED this 7th day of September, 2021, by the following vote:

STATE OF CALIFORNIA
COUNTY OF SOLANO ss.
CITY OF FAIRFIELD

I, Karen Rees, City Clerk of the City of Fairfield, County of Solano, State of California do hereby certify that the foregoing Resolution No. 2021- 226 was regularly adopted by the council of the City of Fairfield at a regular meeting of said council held on the 7th day of September, 2021, by the following vote:

AYES: COUNCILMEMBERS: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

MAYOR

ATTEST:

CITY CLERK