

RESOLUTION NO. 2023-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT FISCAL YEAR 2023-24 FOXLEY DRIVE STREET LIGHTING ASSESSMENT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON

RECITALS

- A. The City Council of the City of Whittier, California, has ordered and approved an Engineer's Report for the certain special Assessment District proceedings 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 Assessment District No. 01-91 (Street Lighting) (hereinafter referred to as the Assessment District); and
- B. The cost of the installation of the improvements is greater than that which can be conveniently raised from any single annual installment and said amount shall be raised by assessments levied and collected over a period of years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the public interest and convenience requires, and it is the intention of this legislative body to levy and collect assessments to pay the costs and expenses for the following designated works of improvement:

The works of improvement shall include the installation and maintenance of streetlight improvements on Foxley Drive between Santa Fe Springs Road and Villa Drive. For particulars as to the location of said work, reference is made to the boundary map and Engineer's Report as previously approved and on file in the office of the City Clerk.

SECTION 2. Said works of improvement are of direct benefit to the properties within the boundaries of said Assessment District, which District the legislative body previously declared to be the area benefited by said works of improvement, and for particulars reference is made to the proposed boundary map as previously approved by this legislative body, a copy of which is on file in the office of the City Clerk and open for public inspection, and designated by the name of this Assessment District.

SECTION 3. The public interest and convenience requires, and it is the intention of this legislative body to order the annual levy of assessments for the installation and maintenance of the above works of improvement as set forth and described in the Engineer's Report.

SECTION 4. The Report of the Engineer on file with the City Clerk, setting forth a full and detailed description of the works of improvement, the boundaries of the Assessment District and the assessment upon assessable lands, as previously approved, is on file in

the office of the City Clerk and open for public inspection. Reference is made to said document for all particulars relating to these proceedings.

SECTION 5. Notice is hereby given that Tuesday, the 27th day of June, 2023, at the hour of 6:00 p.m. in the regular meeting place of the City Council, being the Council Chamber in City Hall, is the time and place fixed by the district, to the extent of the works of maintenance, and to the method and formula of the assessment. Any person wishing to object to these proceedings and all matters as set forth in this resolution of intention should file a written protest with the City Clerk prior to the time set for the public hearing.

SECTION 6. It is hereby determined that public property owned by any public agency and in the use and performance of a public function and which is included within the boundaries of this Assessment District shall be omitted and exempt from any assessment made under these proceedings. If any railroad, gas, water or electric utility right-of-way shall be included within the boundaries of the Assessment District and subject to assessment, in determining the extent of benefit, it shall be presumed that its use as a utility shall be permanent.

SECTION 7. It is hereby further determined that available and unencumbered funds were advanced to pay for the costs of the installation of the improvements, and said advance was repaid from annual installments not exceeding \$350 per year per parcel. This does not include annual costs necessary for operation, service and maintenance.


SECTION 8. That the City Clerk is hereby authorized to publish the Resolution of Intention in the *Whittier Daily News*, a newspaper of general circulation within said City; one time, not less than 10 days prior to the date set for the public hearing.

SECTION 9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

KYLE CASON, PE
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
CITY OF WHITTIER
13230 PENN STREET
WHITTIER, CA 90602
TELEPHONE: (562) 567-9500

SECTION 10. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 23rd day of May 2023.



JOSEPH A. VINATIERI, Mayor

ATTEST:



RIGOBERTO GARCIA, JR., City Clerk
(seal)

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 2023-37 was passed and adopted by the City Council of the City of Whittier at the regular meeting held on the 23rd day of May 2023, by the following vote:

AYES: 5 Council Members: Vinatieri, Dutra, Warner, O. Martinez, J. Martinez
NOES: 0
ABSTAIN: 0
ABSENT: 0



RIGOBERTO GARCIA JR., City Clerk
(seal)