

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING THE FINAL ENGINEER'S REPORT AND MAKING CERTAIN FINDINGS RELATED TO THE REPORT; ORDERING THE FORMATION OF LANDSCAPE & LIGHTING ASSESSMENT DISTRICT NO. 23-1 (ORCHARD GROVE); ORDERING IMPROVEMENTS; AND CONFIRMING THE DIAGRAM AND ASSESSMENTS AS SHOWN IN THE FORMATION OF LANDSCAPE & LIGHTING ASSESSMENT DISTRICT NO. 23-1 (ORCHARD GROVE) FISCAL YEAR 2023-24 FINAL ENGINEER'S REPORT PURSUANT TO THE STREETS AND HIGHWAYS CODE "LANDSCAPING AND LIGHTING ACT OF 1972" AND PROPOSITION 218.

WHEREAS, as required by Section 22585 of the California Streets and Highways Code, the City Council of the City of Brentwood, by Resolution No. 2023-102, initiated the formation of Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) and the Engineer of Work has filed a report describing the improvements and proposed assessment district; and

WHEREAS, in accordance with Section 22587 of the California Streets and Highways Code, the City Council by Resolution No. 2023-102, declared the intent to form Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) and the intent to levy and collect assessments, in addition to setting a date of September 26, 2023, for a public hearing on the matter; and

WHEREAS, as required by Proposition 218 and in accordance with the requirements of Section 22588 of the California Streets and Highways Code, notices and ballots have been mailed to each affected property owner, identifying the improvements and assessments; and

WHEREAS, on September 26, 2023, the City Council conducted a public hearing and gave any interested person an opportunity to protest the assessments, the formation of, and the Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) Fiscal Year 2023-24 Final Engineer's Report, either in writing or orally, and determined that a majority protest had not been filed against the formation of the Landscape & Lighting Assessment District; and

WHEREAS, the amount of the assessments represented by the property owner assessment ballots submitted in favor of formation of Landscape & Lighting District No. 23-1 (Orchard Grove) was greater than those submitted against the assessment as shown on Exhibit "A" attached.

NOW, THEREFORE, be it resolved, determined, and ordered that the City Council of the City of Brentwood:

1. The preceding recitals are true and correct and material to the adoption of this Resolution.

2. The City Council has carefully reviewed and examined the Final Engineer's Report in connection with Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) and hereby approves it as submitted (or as amended, if applicable) and finds and determines that:

a. The territory of land within the District will receive special benefits from the operation, maintenance, and servicing of the lights, landscaping, open space areas, trails, parks and appurtenant facilities and improvements related thereto;

b. The District includes all of the lands so benefitted; and

c. The maximum amount to be assessed upon the lands within the Landscape & Lighting Assessment District, in accordance with the build-out budget for Fiscal Year 2023-24 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.

3. The City Council hereby orders the improvements to be maintained and serviced, orders the formation of Landscape & Lighting Assessment District No. 23-1 (Orchard Grove), and confirms and approves the diagram, the maximum assessments, and the Fiscal Year 2023-24 assessments as shown in the Landscape & Lighting Assessment District No. 23-1 (Orchard Grove) Fiscal Year 2023-24 Final Engineer's Report.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 26th day of September 2023 by the following vote:

EXHIBIT A

**CERTIFICATE OF MAILED BALLOT RESULTS
FOR THE FORMATION OF LANDSCAPE & LIGHTING
ASSESSMENT DISTRICT NO. 23-1 (ORCHARD GROVE)
September 26, 2023**

I, Margaret Wimberly, City Clerk of the City of Brentwood, hereby certify the results of the mailed ballot election held on September 26, 2023 to be as follows:

Landscape & Lighting Assessment District No. 23-1 (Orchard Grove)

TOTAL ASSESSMENT AMOUNT CAST "YES": _____

TOTAL ASSESSMENT AMOUNT CAST "NO": _____

TOTAL ASSESSMENT AMOUNT CAST: _____

THE ASSESSMENT AMOUNT CAST "YES" EQUAL _____% OF THE TOTAL ASSESSMENT AMOUNT CAST.

Dated: September 26, 2023

CITY OF BRENTWOOD

By _____
Margaret Wimberly
City Clerk of the City of Brentwood