

RESOLUTION CC 2025-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DECLARING THE CITY'S INTENTION TO ANNEX TERRITORY TO THE COVINA LIGHTING DISTRICT NO. 1978-79 AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO COMMENCING IN FISCAL YEAR 2025/2026, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; AND CALLING FOR A PROPERTY OWNER PROTEST BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF LEVYING SUCH ASSESSMENTS FOR SAID ANNEXATION TERRITORY PURSUANT TO THE PROVISIONS OF THE CALIFORNIA CONSTITUTION, ARTICLE XIID

WHEREAS, the City Council, pursuant to provisions of the Landscaping and Lighting Act of 1972 being Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), did by previous resolution, initiate proceedings for the annexation of territory known as Tract No. 84311 generally located north of Limoncello Lane, east of Ruby Red Drive and west of Barranca Avenue (hereafter referred to as the "Annexation Territory") to the Covina Lighting District No. 1978-79 (hereinafter referred to as the "District") and the levy and collection of assessments against lots and parcels within said Annexation Territory commencing in Fiscal Year 2025/2026; and

WHEREAS, the City Council desires to annex the parcel of land comprising the Annexation Territory to the District, to establish such territory as Annexation No. 83 (Tract No. 84311) within said District, and to levy and collect new assessments against lots and parcels of land within the Annexation Territory to pay the cost and expenses related to the special benefits received from the maintenance and operation of the lighting improvements connected therewith; and

WHEREAS, the Assessment Engineer of Work has prepared and filed an Engineer's Report in connection with the Annexation Territory and the levy of annual assessments connected therewith commencing in Fiscal Year 2025/2026 (beginning July 1, 2025 and ending June 30, 2026) with the City Clerk pursuant to Section 22623 of the Act and said Report has been presented to the City Council and is incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA. DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Engineer's Report, Content: The Engineer's Report as presented, consists of the following:

The Plans and Specifications which describe the boundaries of the Annexation Territory (Assessor Parcel Number 8430-015-021 - Tract No. 84311) and the improvements associated therewith that provide special benefits to the parcels therein.

ATTACHMENT B

The Method of Apportionment details the method of calculating proportional special benefit and the annual assessment obligation for each affected parcel.

The Estimate of Improvement Costs including the calculation of the assessments and the estimated annual funding (Budget) required for the annual maintenance, servicing, and operation of lighting improvements and specifically the costs associated with the improvements determined to be of special benefit to parcels within the Annexation Territory establishing the proposed maximum assessment for Fiscal Year 2025/2026.

The proposed Maximum Assessments shall be presented to the property owner(s) of record in a protest ballot proceeding pursuant to the California Constitution Article XIID.

A Boundary Diagram outlining the boundaries of the Annexation Territory.

An Assessment Roll containing the maximum assessments and proposed assessments for Fiscal Year 2025/2026 for each Assessor Parcel Number within the Annexation Territory.

SECTION 2. Engineer's Report, Approval: The Engineer's Report is hereby approved on a preliminary basis as submitted or amended by direction of this City Council and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3. Intention: The City Council hereby declares its intention to annex the developments known as Tract No. 84311 (Assessor Parcel Number 8430-015-021) to the Covina Lighting District No. 1978-79 pursuant to Chapter 2, Article 2 of the Act, and to levy and collect annual assessments against parcels of land within the Annexation Territory commencing with Fiscal Year 2025/2026 in accordance with the Act and the provisions of the California Constitution Article XIID. The territory being annexed to the District as part of these proceedings shall subsequently be designated as Annexation No. 83 of the Covina Lighting District No. 1978-79.

SECTION 4. Annexation Territory: The City Council hereby finds that proposed territory within the Annexation Territory (Annexation No. 83) consists of all lots, parcels, and subdivisions of land within the planned seventy-five (75) condominiums known as "Assessor Parcel Numbers 8430-015-021" and that this Annexation Territory includes all properties that receive special benefits from the improvements provided.

SECTION 5. Improvements: The proposed improvements and services for the Annexation Territory include installation, construction, or maintenance of any authorized improvements under the Act, including, but not limited to, lighting improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof. The Engineer's Report, prepared in connection with the Annexation Territory, provides a more detailed description of the improvements and services to be provided and for which properties shall be assessed and by reference that Engineer's Report is made part of this resolution.

SECTION 6. Assessments: The City Council hereby determines that to provide the improvements described in Section 5 of this resolution, it is necessary to levy and collect assessments against lots and parcels within the Annexation Territory commencing in Fiscal Year 2025/2026. The Engineer's Report referred to in Section 2 of this resolution establishes the proposed maximum assessment for Fiscal Year 2025/2026 and an estimate of the assessments necessary to provide for the annual operation, administration, services, and maintenance of the improvements for Fiscal Year 2025/2026.

SECTION 7. Compliance with the Constitution: Pursuant to California Constitution Article XIID, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new assessments for the Annexation Territory. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and each property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing for this matter.

While provisions of the California Constitution Article XIID require that the City conduct a public hearing not less than forty-five (45) days after mailing a notice of the proposed assessment to record owners of each parcel which will have a special benefit conferred upon them and upon which an assessment will be imposed, California Civil Code, Section 3513, allows anyone to waive the advantage of a law intended solely for their benefit, and the forty-five (45) day mailed ballot period before the scheduled public hearing is not established for a public reason, but is solely for the advantage of the parcels having a special benefit conferred upon them and which an assessment will be imposed.

SECTION 8. Mailed Notice and Ballot: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail the Notice of Public Hearing, and in the same or separate mailing, mail the property owner protest ballot(s) to the subject property owner regarding the proposed levy of assessments and the assessment range formula outlined in the Engineer's Report, for return receipt prior to the date and time of the public hearing set forth in this resolution.

SECTION 9. Public Hearing: The City Council hereby declares its intention to conduct a public hearing concerning the Annexation Territory, the improvements, and the levy of assessments and in accordance with Section 22624 (e) and 22625 of the Act, notice is hereby given that on Tuesday, May 20, 2025 at 7:30 P.M., the City Council will hold a public hearing for the Annexation Territory and the levy and collection of assessments related thereto commencing in Fiscal Year 2025/2026, or as soon thereafter as feasible. The public hearing will be held in the City Council Chambers, located at 125 East College Street, in the City of Covina, California, at the time so fixed. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

SECTION 10. Determination of Majority Protest: The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owner's approval or rejection of the annual levy of assessments and assessment range formula, if applicable. The property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing on Tuesday, May 20, 2025. After the close of the public hearing, pursuant to Section 4, Sub-Section 4 (e) of the California Constitution, the City shall tabulate the Resolution CC 2025-26

ballots returned to determine if majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected property. Majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment.

Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection, and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

SECTION 11. Notice: The City Clerk is hereby authorized and directed to give notice of such public hearing as provided by law.

SECTION 12. The City Clerk shall certify the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

APPROVED and **PASSED** this 1st day of April, 2025.

City of Covina, California

BY: _____
JOHN C. KING, Mayor

ATTEST:

FABIAN VELEZ, Chief Deputy City Clerk

CERTIFICATION

I, Fabian Velez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2025-26 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 1st day of April, 2025 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

FABIAN VELEZ, Chief Deputy City Clerk