

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, MAKING CERTAIN FINDINGS, APPROVING THE ENGINEER'S REPORT, APPROVING THE FORMATION OF THE ANNANDALE CANYON OPEN SPACE BENEFIT ASSESSMENT DISTRICT, AND APPROVING AND CONFIRMING THE LEVY OF ASSESSMENTS FOR SAID ASSESSMENT DISTRICT**

**WHEREAS**, on September 8, 2008, the City Council of the City of Pasadena (the "City") initiated proceedings to form an assessment district (the "District") pursuant to the provisions of the provisions of Chapter 4.95 of Title 4 of the City's Municipal Code (the "Code") and the "Landscaping and Lighting Act of 1972," being Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") and in accordance with Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the California Government Code), to fund a portion of the costs of the acquisition and financing of open space land of benefit to certain property within the City (the "Property"); and

**WHEREAS**, the boundaries of the proposed District are as shown on the map entitled "Proposed Boundary Map of the City of Pasadena Annandale Canyon Open Space Benefit Assessment District," presented to this Council on this same date and on file with the City Clerk and incorporated herein by reference;

**WHEREAS**, the title of the proposed District is "City of Pasadena Annandale Canyon Open Space Benefit Assessment District" and;

**WHEREAS**, by its resolution of intention adopted on September 8, 2008 (the "Resolution of Intention"), the City Council declared its intention to form the District, and to levy a special assessment upon the Property, and has declared its intention to issue limited obligation improvement bonds (the "Bonds"), in accordance with the Improvement Bond Act of 1915 (the "1915 Act"), representing all unpaid assessments; and

**WHEREAS**, on September 8, 2008, the City preliminarily approved a report prepared by the Assessment Engineer, Koppel & Gruber Public Finance (the “Engineer’s Report”), regarding the proposed District and containing the matters specified in Section 22586 of the Act, the Code and Section 4 of Article XIIIID of the California Constitution, and appointed a time and place for a public hearing on the formation of the proposed District, the issuance of assessment bonds and on said report; and

**WHEREAS**, the City Clerk has filed with the City Council a certificate setting the time and manner of compliance with the requirements of law for mailing notice of the adoption of the Resolution of Intention and of the filing of the Engineer’s Report and of the time and place for a public hearing of protests to the extent of the proposed District or to the proposed levy of assessments or to the proposed improvements; and

**WHEREAS**, following notice duly given in accordance with the law, the City Council held a full and fair public hearing at the time and place appointed therefor regarding the proposed formation of the District, the proposed levy of the assessments, the proposed issuance of assessment bonds and the Engineer’s Report; and

**WHEREAS**, the City Council considered all oral written statements, protests and communications made or filed by any interested persons; and

**WHEREAS**, following the conclusion of the public hearing, assessment ballots received by the City were tabulated by the City Clerk and a majority protest did not exist;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pasadena:

**Section 1.** The above recitals are true and correct.

**Section 2.** The City Council finds and determines that all actions required to be taken and all conditions required to be satisfied prior to action by this City Council pursuant to law, including the Act, the Code and Section 53753 of the California Government Code, have been taken and satisfied.

**Section 3.** The City Council finds and declares that a majority protest does not exist as defined in Section 4(e) of Article XIIIID of the California Constitution as to the formation of the District, the approval of the Engineer’s Report, the issuance of assessment bonds or the levy of the assessments.

**Section 4.** Based on its review of the Engineer’s Report, and other reports and information presented to the City Council, the City Council hereby finds and determines that (i) the lands within the District will be specially benefited by the improvements

described in the Engineer's Report, (ii) the District includes all of the lands so benefited, (iii) the assessment of the total amount of the cost and expenses of such improvements upon the several subdivisions of land in the District is in proportion to the estimated special benefits to be received by such subdivisions, respectively, from such improvements (iv) only special benefits are assessed and no assessment is imposed on any subdivision of land which exceeds the reasonable cost of the proportional special benefit conferred on that subdivision, and (v) any general public benefit from the improvements has been more than offset by outside.

**Section 5.** The improvements (the "Improvements") generally consist of the acquisition and financing of a portion of certain open space land, commonly known as Annandale Canyon Estates, and ongoing administrative costs of the District, as more particularly described in the Engineer's Report.

**Section 6.** The Engineer's Report, including the plans, specifications, general descriptions, estimate of the cost of the Improvements and incidental expenses in connection therewith, the diagram and the proposed assessments, is hereby finally approved as filed and incorporated herein by this reference. The Engineer's Report shall stand as the report for the purpose of all subsequent proceedings under the Code, the Act and Article XIID, except that it may be confirmed, modified or corrected as provided in the Code and the Act. To the extent of any inconsistencies between the Code or the Act with respect to the District, the Code shall govern.

**Section 7.** The City of Pasadena Annandale Canyon Open Space Benefit Assessment District is hereby formed. The diagram of the District as shown in the Engineer's Report is hereby confirmed and shall constitute the boundaries of the District.

**Section 8.** The City Council declares that the assessments in the Engineer's Report are hereby levied and confirmed as filed and as provided in the Engineer's Report and this action is final as to all persons, in accordance with Section 22675 of the Act.

**Section 9.** The purpose of the District is to fund a portion of the acquisition and financing of certain open space land, including the payment of debt service and ongoing assessment district administration, of benefit to the Property within the District. All Improvements and work to be funded by the District shall be done in accordance with the Engineer's Report on file in the office of the City Clerk and which is hereby referred to and by this reference incorporated herein and made a part hereof.

**Section 10.** The City Clerk is hereby directed to cause to be recorded in the office of the County Recorder of the County of Los Angeles a copy of the assessment diagram and notice of assessment in connection with the District as provided by Section 3114 of the California Streets and Highways Code and Section 22549 of the Act.

**Section 11.** Following the recordation of such notice of assessment, at such time as instructed by the City Manager, the City Clerk is hereby authorized and directed to provide notice of recordation of the assessment in accordance with Section 22646 of the Act. The notice of recordation of the assessment given by mail shall also prescribe the deadline for submission by or on behalf of any property owner of a cash payment to prepay, either in whole or in part, the assessment levied upon the property of such owner.

**Section 12.** Pursuant to Section 22646 of the Act and Section 4.95.170 of the Code, the Director of Finance is hereby designated to collect and receive the money paid pursuant to the assessment during the cash collection period, in the manner prescribed by law, and shall, upon the expiration of the prescribed cash collection period, submit to the City Clerk a Certificate re Paid and Unpaid Assessments.

**Section 13.** A special fund is hereby established to be called the "City of Pasadena Annandale Canyon Open Space Benefit Assessment District Special Fund" into which all monies collected in connection with the District shall be placed and used in accordance with the provisions of this Resolution, the Engineer's Report and the law. Assessments related to the improvements shall be deposited therein and used in accordance with the law.

**Section 14.** Provision has been made for the issuance of improvement bonds to represent unpaid assessments, in one or more series, pursuant the Code and the Act and Division 10 of the California Streets and Highways Code, commencing with Section 8500.

**Section 15.** This resolution shall take effect immediately.

Adopted at a \_\_\_\_\_ meeting of the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

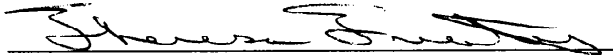
Ayes:

Noes:

Absent:

Abstain:

APPROVED AS TO FORM:

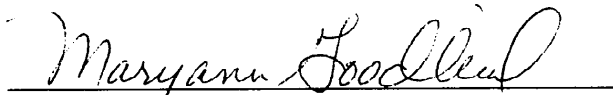


Theresa E. Fuentes  
Assistant City Attorney

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Mark Jomsky, CMC  
City Clerk

APPROVED AS TO FORM:



Maryann Goodkind  
Fulbright & Jaworski L.L.P.  
Bond Counsel