

RESOLUTION NO. 2023-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS AND DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE INDIAN WELLS LANDSCAPE AND LIGHTING DISTRICT NO. 91-1 FOR FISCAL YEAR 2023-24 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

WHEREAS, the City Council of the City of Indian Wells (the "City Council") has by previous Resolutions, formed the Indian Wells Landscape and Lighting District No. 91-1 (the "District") pursuant to the provisions of *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (the "Act"), that provides for levy and collection of assessments by the County of Riverside for the City of Indian Wells to pay the maintenance and services of lighting facilities, landscaping and all appurtenant facilities and operations related thereto; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Articles XIIC and XIID; and

WHEREAS, the City Council has retained Willdan Financial for the purpose of assisting with the Annual Levy of the District, and to prepare and file a report with the City Clerk in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT PURSUANT TO CHAPTER 3, SECTION 22622, 22624 AND 22626 OF THE ACT, AS FOLLOWS:

SECTION 1. Annual Levy Report. The City Council hereby orders Willdan Financial to prepare the Annual Levy Report concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22622 of the Act*.

SECTION 2. Intention. The City Council hereby declares that it intends to seek the annual levy of the District in accordance with *Chapter 3, Section 22624 of the Act*, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance and servicing of lighting, landscaping and all appurtenant facilities and operations related thereto.

SECTION 3. Description of Improvements and Any Substantial Changes Proposed. The improvements within the District include: the maintenance, capital improvements, and operation of and furnishing of services and materials for street lighting facilities, fencing, detention basins, open space areas, landscaping, irrigation systems, bike paths, pedestrian pathways, slope maintenance, graffiti abatement, local parks and entry monuments; landscaping including trees, shrubs, grass and other ornamental vegetation and appurtenant facilities, including irrigation systems and drainage devices within the District. The Annual Levy Report describes all new improvements or substantial changes in existing improvements.

ATTACHMENT #1

SECTION 4. Boundaries and Designation. The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District. The District includes seventeen (17) Zones: (A1) Eldorado; (A2) Rancho Palmeras Estates APN 634-04; (A3) Tract Nos. 2752, 3097 and 4853; (A5B) a sub-zone within A5A "The Cove"; (A8) three (3) parcels south of Coachella Valley Stormwater Channel along Hwy 111 east of Eldorado Drive; (A11A) Highway 111 South at Club Dr.; (A11C) Club Dr. eight (8) parcels; (D) Parcel Map No. 26494; (C) the Colony; (E) north of Highway 111 west of Eldorado Drive, east of Cook Street and south of Whitewater River Channel; (A19) Mountain Gate Tract No. 26595; (A20) Mountain Gate Tract No. 27747-1; (A21) Villagio Tract No. 29502; (A22) Vaidya Tract No. 27747; (A23) Montelena Tract No. 31200, (A25) Sundance Tract No. 27104, (A26) Province Tract No. 32880. The District is designated as "Indian Wells Landscape and Lighting District No. 91-1".

SECTION 5. Public Hearing. The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22626 of the Act*. Notice is hereby given that a public meeting and hearing will be held by the City Council of the City of Indian Wells for this purpose on **Thursday, May 18, 2023 at 1:30 P.M.** or as soon thereafter as feasible, in the City Council Chambers located within:

Indian Wells City Hall
44-950 Eldorado Drive
Indian Wells, CA 92210

SECTION 6. Notice. A "Resolution of Intention" shall be published in a newspaper of general circulation once at least ten days before the public hearing on annual levies, and posting a copy of the Resolution of Intention in three (3) public places within the City.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 6th day of April 2023.

**DONNA GRIFFITH
MAYOR**

CERTIFICATION FOR RESOLUTION NO. 2023-13

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells the 6th day of April 2023, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN
CITY ATTORNEY**