

ATTACHMENT #1
RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ANNUAL
LEVY REPORT FOR STREET LIGHTING DISTRICT NO. 2000-1 FOR THE
FISCAL YEAR 2025-26 AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS RELATED THERETO**

WHEREAS, the City Council of the City of Indian Wells, California (the "City Council") has, by previous resolutions, ordered the preparation of the Engineer's Annual Levy Report (the "Report") for said district known and designated as:

Indian Wells Street Lighting District No. 2000-1

(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"); and

WHEREAS, there has now been presented to this City Council the Report as required by *Chapter 3, Section 22623* of said Act and as previously directed by resolution; and

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

WHEREAS, this City Council has carefully examined and reviewed the Report as presented (or amended) and is satisfied with each and all the items and documents as set forth therein and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed as set forth in said Report; and

WHEREAS, the City Council has by previous resolutions-initiated proceedings, approved the Report that describes the assessments against parcels of land within the District, and declared its intention to levy assessments for the Fiscal Year commencing July 1, 2025 and ending June 30, 2026 pursuant to the provisions of the Act to pay the costs and expenses of operating, maintaining, and servicing street lighting and appurtenant facilities located within the District; and

WHEREAS, Willdan Financial (the "Engineer") selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within District, and the City Council has approved such Report; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2025 and ending June 30, 2026 to pay the costs and expenses of operating, maintaining, and servicing street lighting and appurtenant facilities located within public places in the City; and

WHEREAS, the City and its legal counsel have found that these assessments comply with applicable provisions of Section XIIIID of the California State Constitution.

NOW, THEREFORE, BE RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The Report as presented or amended is hereby approved and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the report and any amendments directed by the City Council and final approval of the Report as presented or amended.

SECTION 4. Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

SECTION 5. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been ordered to be filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of street lighting and appurtenant facilities located in public places within the boundaries of the District; and
- ii) the District includes all of the lands so benefited; and
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2025, and ending June 30, 2026 is apportioned by formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

SECTION 6. The City Council hereby **ORDERS** the improvements which are briefly described as follows: The maintenance, servicing and operation of the street lighting and appurtenant facilities located in public places within the boundary of the District. Maintenance means the furnishing of services and material for the ordinary and usual maintenance, operation and servicing of the street lighting and appurtenant facilities, including repair, removal or replacement of all or part of any of the streetlights or appurtenant facilities. Servicing means the furnishing of electricity for the lighting and operation of the street lighting and appurtenant facilities. The Report describes all new improvements or substantial changes in existing improvements.

SECTION 7. The County Auditor of the County of Riverside shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 8. The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as "City of Indian Wells Street Lighting District No. 2000-1," and such money shall be expended only for the maintenance, operation and servicing of the street lighting and appurtenant facilities as described in Section 6.

SECTION 9. The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2025 and ending June 30, 2026.

SECTION 10. The City Clerk or their designate is hereby **AUTHORIZED** and **DIRECTED** to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 3rd day of April 2025.

BRUCE WHITMAN
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2025-___

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 3rd day of April 2025, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

**TODD LEISHMAN FOR BEST, BEST &
BEST BEST & KRIEGER LLP**
CITY ATTORNEY

Exhibit "A"



City of Indian Wells
Street Lighting District No. 2000-1

2025/2026 ENGINEER'S REPORT

Intent Meeting: March 6, 2025
Public Hearing: April 3, 2025

27368 Via Industria
Suite 200
Ternecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510 | 888.326.6864

Property Tax Information Line
T.866.807.6864

www.willdan.com



ENGINEER'S REPORT AFFIDAVIT

Street Lighting District No. 2000-1

City of Indian Wells
Riverside County, State of California

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2025/2026, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Riverside County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2025.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Indian Wells

By: _____

Chonney Gano, Project Manager
District Administration Services

By: _____

Tyrone Peter
P. E. # C 81888

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I. OVERVIEW

The City of Indian Wells (the “City”) annually levies and collects special assessments in order to provide and maintain the improvements within the Indian Wells Street Lighting District No. 2000-1 (the “District”). The boundary of the District includes Tract 21650 and Tract 3292-R, which consists of a portion of Riverside County Service Area (the “CSA”) No. 121 that was annexed to the City as “Indian Wells Annexation No. 13” by order of Resolution No. 2000-12 of the City of Indian Wells City Council (the “City Council”) on March 16, 2000. The annexation authorized the City to continue levying assessments previously approved and authorized to be levied by CSA 121 in order to continue street lighting services previously provided by that CSA and now provided by the City. The District was formed on October 2000 and provides a mechanism to continue levying assessments for street lighting services within the boundaries of the District. The District assessments described in this Engineer’s Report (the “Report”) are prepared and levied annually pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (the “1972 Act”) and Article XIII D of the California Constitution (the “Article”) which was enacted with the passage of Proposition 218 in November 1996.

This Report describes the District, any changes to the District, and the proposed assessments for Fiscal Year 2025/2026. The assessments are based on the City’s estimate of the annual costs to maintain the improvements that provide direct and special benefits to properties within the District. The improvements within the District, the corresponding costs, and the annual levy are budgeted. The assessment includes expenditures, deficits, surpluses, revenue, and reserve funds.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor’s Parcel Number (the “APN”) by the Riverside County Assessor’s Office. The Riverside County (the “County”) Auditor/Controller uses the APN and specific Fund Numbers to identify properties assessed for special district benefit assessments on the tax roll.

Following consideration of the public comments and written protests at a noticed public hearing, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments, the Council may order the levy and collection of assessments for Fiscal Year 2025/2026 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll for each benefiting parcel in Fiscal Year 2025/2026.



II. DESCRIPTION OF THE DISTRICT

A. DISTRICT BOUNDARY

The boundaries of the District include Tract 21650 and Tract 3292-R, which consists of the portion of Riverside County Service Area No. 121 that was annexed into the City as “Indian Wells Annexation No. 13” by order of Resolution No. 2000-12 of the City Council on March 16, 2000.

The District’s boundaries are comprised of the streets and parcels that are located within the territory that is defined as the area South of Fred Waring Drive between Elkhorn Trail and Warner Trail; North of Arapahoe Drive between Elkhorn Drive and Dakota Trail; and North of Blackfoot Drive between Dakota Trail and Warner Trail.

B. IMPROVEMENTS AUTHORIZED BY THE 1972 ACT

As applicable or may be applicable to this proposed District, the 1972 Act defines improvements to mean one or any combination of the following:

- The installation or planting of landscaping.
- The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- The installation or construction of public lighting facilities.
- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- The maintenance or servicing, or both, of any of the foregoing.
- The acquisition of any existing improvement otherwise authorized pursuant to this section.

Incidental expenses associated with the improvements including, but not limited to:

- The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
- The costs of printing, advertising, and the publishing, posting and mailing of notices;



- Compensation payable to the County for collection of assessments;
- Compensation of any engineer or attorney employed to render services;
- Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
- Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.
- Costs associated with any elections held for the approval of a new or increased assessment.

The 1972 Act defines "Maintain" or "Maintenance" to mean furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal, or replacement of all or any part of any improvement.
- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- The removal of trimmings, rubbish, debris, and other solid waste.
- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

C. IMPROVEMENTS WITHIN THE DISTRICT

The improvements for the District may be generally described as follows: the operation, maintenance and servicing of the street lighting and appurtenant facilities located in public places within the boundary of the District. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the street lighting and appurtenant facilities, including repair, removal or replacement of the streetlights or appurtenant facilities. "Servicing" means the furnishing of electricity for the lighting and operation of the street lighting and appurtenant facilities.

Plans and specifications for the improvements are on file in the office of the City Clerk and the City Engineer where they are available for public inspection.



III. METHOD OF APPORTIONMENT

A. GENERAL

Pursuant to the 1972 Act and the provisions of Proposition 218, the costs of the District are apportioned by a formula or method, which fairly distributes the net amount to be assessed among the assessable parcels in proportion to the special benefits to be received by each such parcel from the improvements. Proposition 218, approved by the voters in November 1996, requires the agency to separate the general benefit from special benefit, whereas only special benefits are assessable.

Each parcel within the District receives special benefits from the improvements due to the close proximity of the lighting improvements to each parcel. The proposed assessments are at the same rate as those imposed by the County under the CSA. Since the assessments are not new, not increased, and are for street lighting, they are currently exempt from the procedures and approval process of Proposition 218.

B. PROPOSITION 218 BENEFIT ANALYSIS

In conjunction with the provisions of the 1972 Act, the Article addresses several key criteria for the levy of assessments, notably:

Section 2(d) of the Article defines District as follows:

“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;

Section 2(i) the Article defines Special Benefit as follows:

“Special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”

Section 4(a) the Article defines proportional special benefit assessments as follows:

“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be



imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

This District was formed to establish and provide for the improvements that enhance the presentation of the surrounding properties and developments. These improvements will directly benefit the parcels to be assessed within the District. The assessments and method of apportionment is based on the premise that the assessments will be used to construct and install landscape and lighting improvements within the existing District as well as provide for the annual maintenance of those improvements, and the assessment revenues generated by District will be used solely for such purposes.

The costs of the proposed improvements have been identified and allocated to properties within the District based on special benefit. The improvements to be provided by this District and for which properties will be assessed have been identified as an essential component and local amenity that provides a direct reflection and extension of the properties within the District which the property owners and residents have expressed a high level of support.

The method of apportionment (method of assessment) set forth in the Report is based on the premise that each assessed property receives special benefits from the landscape and lighting improvements within the District, and the assessment obligation for each parcel reflects that parcel’s proportional special benefits as compared to other properties that receive special benefits.

To identify and determine the proportional special benefit to each parcel within the District, it is necessary to consider the entire scope of the improvements provided as well as the properties that benefit from those improvements. The improvements and the associated costs described in this Report, have been carefully reviewed and have been identified and allocated based on a benefit rationale and calculations that proportionally allocate the net cost of only those improvements determined to be of special benefit to properties within the District. The various public improvements and the associated costs have been identified as either “general benefit” (not assessed) or “special benefit”.

C. BENEFIT ANALYSIS

The improvements associated with the District are part of the overall development plan for these parcels and were specifically installed for the benefit and development of the parcels. The benefit of street lighting conferred upon the parcels within the District includes the convenience, safety, and security of properties, improvements and goods. Specifically:

1. Enhanced deterrence of crime – an aid to police protection.
2. Increased nighttime safety on roads and highways.



3. Improved visibility of pedestrians and motorists.
4. Improved ingress and egress to and from property.
5. Reduced vandalism, damage to improvements or property, and other criminal acts.
6. Improved traffic circulation and reduced nighttime accidents and personal property loss.
7. Increased promotion of business during nighttime hours in the case of commercial properties.

D. METHODOLOGY

The cost to provide maintenance and services of the improvements within the District is fairly and equitably distributed among each assessable parcel based upon the estimated special benefits received by each parcel.

The District is comprised of single-family residential parcels with the exception of two parcels identified as common areas or public property. The residential lots receive the same special benefit from the improvements due to their similarity in size and use and their similar proximity to the improvements. Therefore, each assessable lot is assessed an equal amount.

For Fiscal Year 2025/2026, the assessment rate will be the total balance to levy divided by the number of assessable residential lots.

The assessed lots or parcels of real property within the District are listed on the Assessment Roll, which is provided as Appendix B of this report. The Assessment Roll provides a listing of the assessable parcels and their respective assessment for Fiscal Year 2025/2026. The specific lines and dimensions of the parcels are more particularly described on the County Assessor's Parcel Map, which is on file in the Office of the Riverside County Assessor and by reference is made a part of this Report.

The maximum assessment rate for the District is the same as the rate approved under the CSA (\$47.74 per parcel) and is to be used for the same purpose – maintaining and servicing the existing streetlights within the District. As part of the annexation process of this unincorporated area to the City, it was detached from the CSA. However, the annexation process specifically allowed the City to continue the imposition of these assessments for street lighting purposes.



IV. DISTRICT BUDGETS

A. DESCRIPTION OF BUDGET ITEMS

The following section describes the services and costs that are funded through the District and are shown in the District Budget.

Maintenance Costs

Labor, Material and Equipment – Includes labor, material and equipment required to properly maintain and service the street lighting and appurtenant facilities within the District. The improvements within the District will be maintained and serviced on a regular basis by the City. The specific maintenance operations required for the District, and the frequency thereof, are to be determined by City Staff.

Utilities

Electric – The furnishing of electricity for the operation of the landscaping and appurtenant facilities.

Capital Replacement Costs

Repairs – Unforeseen repairs not normally included in the yearly maintenance cost. This may include repair of damage due to vandalism or weather.

Upgrades – Planned upgrades of the improvements that provide a direct benefit to the District may also be included in capital replacement costs. Examples of upgrades are additional street lighting facilities and/or renovating existing street lighting facilities.

Reserves

Operating Reserves – Reserves to be accumulated for maintenance services for the first six months of each fiscal year until tax monies become available for maintenance costs.

Administrative Services

City Staff – The cost of City Staff's efforts in coordinating the maintenance and servicing of the improvements, responding to public concerns, and levying and collecting the assessments. This includes reimbursement for time spent by Finance and Accounting, the City Attorney, the City Manager, and the Public Works Staff.



Professional Services – The cost of contracting with professionals to provide services specific to the levy of assessments and annual administration of the District.

County Administration Fees

Assessment Collection – The fees charged by the County to place the assessments on the property tax rolls and collect the assessments from property owners.

Carryover/(Deficit) Prior Year

Available Funds – Any funds that are not expended in the prior fiscal year shall be included to offset maintenance costs in the current fiscal year. If the total funds in any fiscal year are insufficient to offset maintenance costs, a loan from other City funds shall be a deficit of the District and shall be included and repaid as the costs and assessments for the subsequent fiscal year.

Assessable Lots

Current and Planned Lots – Any subdivided residential lots and parcels planned for subdivision into residential lots within the District.



B. FISCAL YEAR 2025/2026 DISTRICT BUDGET

<u>BUDGET ITEM</u>	<u>AMOUNT</u>
<u>Direct Costs</u>	
Maintenance - Labor, Material and Equipment	\$100
Utilities – Electric	1,600
Capital Replacement Costs - Repairs and Upgrades	100
Reserves - Operating Reserves	9
Direct Costs Subtotal	\$1,809
<u>Administrative Costs</u>	
Administrative Services - City Staff	\$200
Administrative Services - Professional Services	320
County Administration Fees – Assessment Collection	10
Administrative Costs Subtotal	\$530
<u>Fiscal Year 2025/2026 Assessment</u>	
Total Direct and Administrative Costs	\$2,339
Carryover (Deficit) Prior Years – Available Funds	0
Balance to Levy ⁽¹⁾	\$2,339
Assessable Lots – Current and Planned Lots	49
Annual Assessment Per Parcel	\$47.74

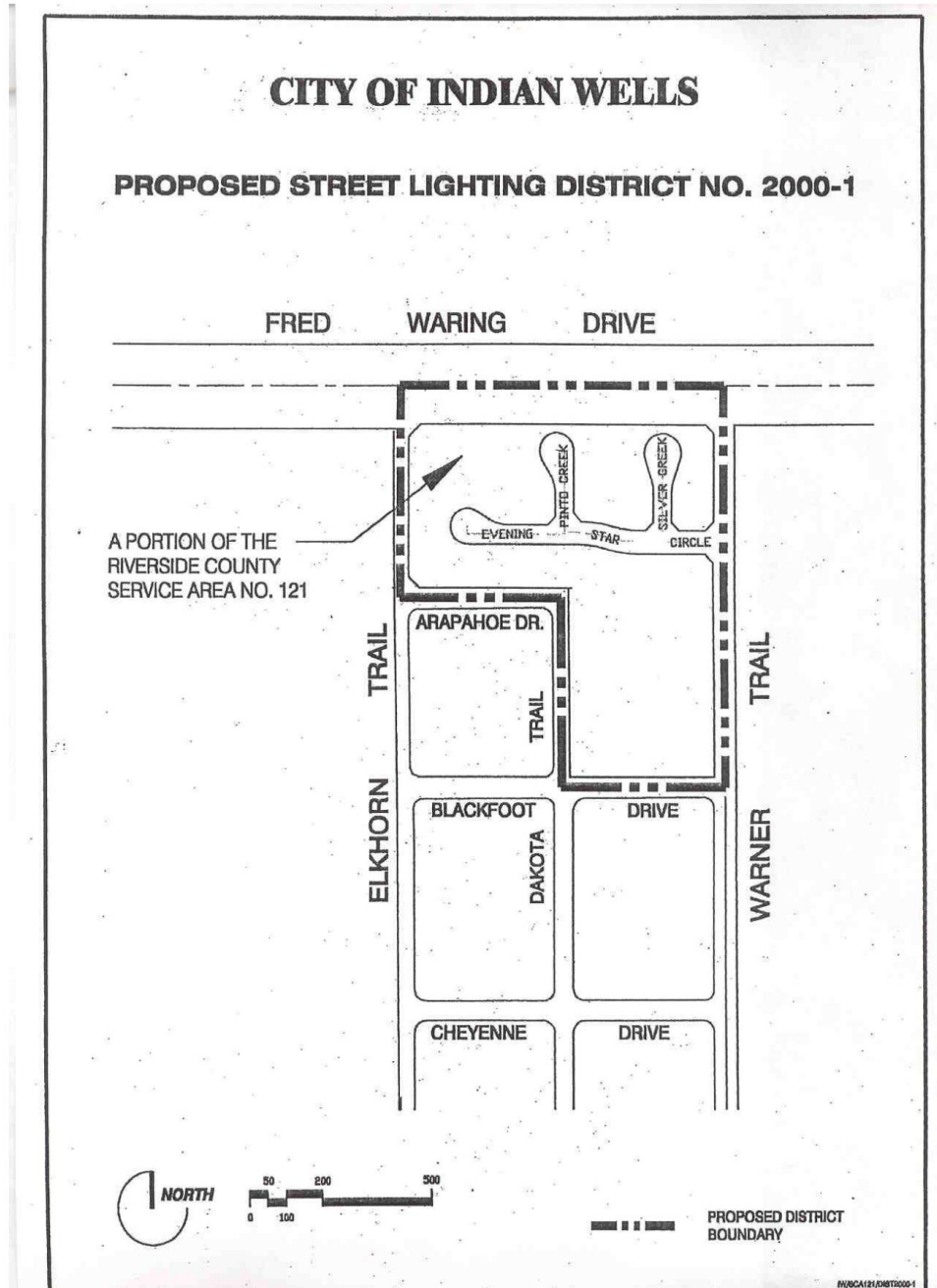
⁽¹⁾ Balance to Levy rounded to the nearest dollar



APPENDIX A -DISTRICT BOUNDARY MAPS

The Boundary Diagrams for the original districts have previously been submitted to the Clerk of the City in the format required under the Act and are made part of this Report by reference.

The parcel identification, lines and dimensions of each parcel within the District are those lines and dimensions shown on the Assessor Maps of Riverside County for the year in which this Report was prepared and is incorporated by reference and made part of this Report.





APPENDIX B - 2025/2026 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Riverside County Assessor Parcel Maps and/or the Riverside County Secured Tax Roll for the year in which this Report is prepared.

Non-assessable lots or parcels may include government owned land; public utility owned property, land principally encumbered with public right-of-ways or easements and dedicated common areas. These parcels will not be assessed.

A listing of parcels within the District, along with the proposed assessment amounts, has been submitted to the City Clerk and, by reference, is made part of this Report.

Upon approval of the Report, and confirmation of the assessments, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll in Fiscal Year 2025/2026. If the parcels or assessment numbers within the District and referenced in this Report, are re-numbered, re-apportioned or changed by the County Assessor's Office after approval of the Report, the new parcel or assessment numbers with the appropriate assessment amount will be submitted to the County Auditor/Controller. If the parcel change made by the County includes a parcel split, parcel merger or tax status change, the assessment amount submitted on the new parcels or assessment numbers will be based on the method of apportionment and levy amount approved in this Report by the City Council.



Assessment Roll

Assessor's Parcel Number ⁽¹⁾	Fiscal Year 2025/2026 Assessment Amounts
633-324-001	\$47.74
633-324-002	47.74
633-324-003	47.74
633-324-004	47.74
633-324-005	47.74
633-324-006	47.74
633-324-007	47.74
633-324-008	47.74
633-324-009	47.74
633-324-010	47.74
633-324-011	47.74
633-324-012	47.74
633-324-013	47.74
633-324-014	47.74
633-324-015	47.74
633-324-016	47.74
633-324-017	47.74
633-324-018	47.74
633-700-001	47.74
633-700-002	47.74
633-700-003	47.74
633-700-004	47.74
633-700-005	47.74
633-700-006	47.74
633-700-007	47.74
633-700-008	47.74
633-700-009	47.74
633-700-010	47.74
633-700-011	47.74
633-700-012	47.74
633-700-013	47.74
633-700-014	47.74
633-700-015	47.74
633-700-021	47.74
633-700-022	47.74
633-700-023	47.74
633-700-024	47.74
633-700-025	47.74
633-700-026	47.74
633-700-027	47.74
633-700-028	47.74
633-700-029	47.74
633-700-030	47.74
633-700-031	47.74



Assessor's Parcel Number ⁽¹⁾	Fiscal Year 2025/2026 Assessment Amounts
633-700-032 ⁽²⁾	0.00
633-700-033	47.74
633-700-034	47.74
633-700-035	47.74
633-700-036	47.74
633-700-037	47.74
Total Assessment	\$2,339.26

(1) Parcel 633-300-007 split to parcels 633-324-001 through 633-324-018 in Fiscal Year 2021/2022.

(2) Parcel 633-700-032 is an open space parcel owned by the Village at Indian Wells Homeowner Association and thus is not assessed as the benefit is shared by the residents within the development.