RESOLUTION NO. 77-141

A RESOLUTION AND ORDER ADOPTING
ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT AND ORDERING THE WORK
AND ACQUISITIONS

DOWNTOWN PARKING DISTRICT NO. 1

RESOLVED, by the Board of Supervisors of the County of Mariposa, California, that

WHEREAS, on the 12th day of April, 1977, said Board of Supervisors adopted its Resolution of Intention No. 77-41 to form a maintenance district and to acquire and construct public improvements in said County, and referred the proposed acquisitions and improvements to the Engineer of Work of said County, he being a competent person appointed by said Board for that purpose;

WHEREAS, said Board thereby directed said Engineer of Work to make and file with the County Clerk of said County a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913;

WHEREAS, said report was duly made and filed with the County Clerk, whereupon said Clerk presented it to the Board of Supervisors for consideration;

WHEREAS, said Board thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act, including (1) maps and descriptions of lands and easements to be acquired; (2) plans and specifications of the proposed improvements; (3) estimate of costs; (4) diagram of district; and (5) an assessment according to benefits, all of which were done in the form and manner required by said Act;

WHEREAS, said Board found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said Board of Supervisors, pursuant to the
requirements of said Act, appointed Tuesday, the 12th day of July, 1977, at the hour of 10:45 a.m. of said day in the regular meeting place of the Board of Supervisors, Mariposa, California, as the time and place for hearing protests in relation to the formation of the parking maintenance district and to said proposed acquisitions and improvements, and directing the County Clerk to give notice of said hearing as required by said Act;

WHEREAS, it appears that notices of said hearing were duly and regularly posted, mailed, and published in the time, form, and manner required by said Act, as evidenced by the certificates and affidavits on file with said County Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

WHEREAS, persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram or to the maps and descriptions or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, or to the formation of the parking maintenance district or to the extent thereof, or both, filed written protests with the County Clerk at or before the time set for hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements and to said parking maintenance district were fully heard and considered by said Board of Supervisors, and said Board of Supervisors has acquired jurisdiction to order said acquisitions and improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof and to order the formation of said parking maintenance district and the establishment of a maximum tax rate therefor;

NOW, THEREFORE, said Board of Supervisors does hereby FIND, DETERMINE, and ORDER as follows:

1. That the owners of one-half of the area to be assessed for the cost of the project did not, at or prior to the time fixed for
said hearing file written protests against the formation of said parking maintenance district, or the extent thereof, or against the said proposed acquisitions and improvements as a whole, or against the said district or the extent thereof to be assessed for the costs and expenses of said acquisitions and improvement as a whole, or as to the Engineer's estimate of said costs and expenses or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.

2. That any and all protests made either to the formation of said parking maintenance district, or to the extent thereof, or to said proposed acquisitions and improvements, or the grades at which said work is proposed to be done, or the extent of the assessment district, or the amounts of the several assessments, or the maps and descriptions, and all persons desiring to be heard in relation to any of said matters, whether as protestants or otherwise, have been fully heard and considered and have been overruled.

3. That the parking maintenance district and the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution of Intention and made a part hereof by reference thereto. That all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said acquisitions and improvements.

4. That the plans and specifications for the proposed improvements, contained in said report, be, and they are hereby, finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution of Intention.

5. That the Engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith, contained in said
report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said acquisitions and improvements.

6. That the maps and descriptions of the lands and easements to be acquired, as contained in said report, be, and the same are hereby, finally approved and confirmed.

7. That the public interest and convenience require, and said Board of Supervisors does hereby order, the acquisitions and improvements to be made as described in and in accordance with said Resolution of Intention on file in the office of the County Clerk, reference to which is hereby made for a more particular description of said acquisitions and improvements, and also for further particulars pursuant to the provisions of said Municipal Improvement Act of 1913.

8. That the diagram showing the assessment district referred to and described in said Resolution of Intention, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of said Resolution of Intention, each of which subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisitions and improvements.

9. That the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said acquisitions and improvements.

10. That said Engineer's report be, and the same is hereby, finally adopted and approved as a whole.
11. That the County Clerk shall forthwith deliver to the County Surveyor the said assessment, together with said diagram thereto attached and made a part thereof, as confirmed by this Board, with her certificate of such confirmation thereto attached and of the date thereof; and that said County Surveyor shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

12. That the Collection Officer, upon the recording of said diagram and assessment, shall cause to be mailed to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the County Assessor or on file in the office of the County Clerk, or to both addresses if said address is not the same, or to the general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of recordation of the assessment, the time and place of payment thereof, and the effect of failure to pay within such time, together with a statement of the fact that bonds will be issued on the unpaid assessments pursuant to the Improvement Bond Act of 1915.

13. That said Collection Officer shall also cause Notice to Pay Assessments to be published in the Mariposa Gazette, a newspaper published and circulated in said County, that said assessment has been recorded and that all sums assessed thereon are due and payable immediately and that the payment of said sums is to be made within thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, the effect of the failure to pay assessments within the 30-day period, and of the fact that bonds will be issued upon unpaid assessments as above provided. Said publication shall be made once a week for two suc-
cessive weeks with at least five days intervening between the respective publication dates, not counting such publication dates.

14. That final adoption and approval of the Engineer's Report as a whole and of the plans and specifications, estimate of the costs and expenses, maps and descriptions of the lands and easements to be acquired, the diagram and the assessment, as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised, or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this Board of Supervisors.

15. That the Mariposa Parking Maintenance District be, and it is hereby ordered formed within that portion of the County of Mariposa within the boundaries set forth on Exhibit "B" heretofore attached, and it is ordered that the expenses of maintaining and operating all structures or other facilities necessary or convenient for parking purposes, all as now existing or hereafter to be constructed in or for said maintenance district, and of benefit to said maintenance district, but not to the County of Mariposa as a whole, including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed upon the real property lying within said parking maintenance district above described.

16. That the maximum property tax rate established pursuant to Section 2263.2 of the Revenue and Taxation Code of the State of California to pay said maintenance and operation expenses, unless otherwise modified pursuant to law, is the amount of not to exceed One Dollar and Fifty Cents ($1.50) per One Hundred Dollars ($100) of assessed valuation, and the special assessment tax shall be levied and collected in the same time and manner as the general tax levy for County purposes and when collected shall be paid into the County Treasury to the credit of the fund of the maintenance district and be used for the payment of the expenses of such district.
17. That the County Clerk be, and she is hereby, directed to make the necessary filings required pursuant to Chapter 8 (commencing with Section 54900), of Part 1 of Division 2 of Title 5 of the Government Code.

* * * * *

PASSED AND ADOPTED this 20th day of September, 1977, by the Board of Supervisors of the County of Mariposa by the following vote:

AYES: Clark, Dalton, Long, Owings

NOES: None

ABSENT: Walton

NOT VOTING: None

[Signature]
CHAIRMAN, PRO TEM
Board of Supervisors

ATTEST:

ELLEN BRONSON
County Clerk and
Ex-Officio Clerk of the Board

[Signature]
Deputy County Clerk

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THERE IS A LARGE MAP ATTACHED TO THE ORIGINAL RESOLUTION ON FILE.