



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING THE ANNUAL BENEFIT ASSESSMENT FOR THE CREEKSIDE DRIVE ROAD ZONE OF BENEFIT #98127 WITHIN COUNTY SERVICE AREA #9

WHEREAS, the Board of Supervisors of the County of El Dorado has formed County Service Area #9 pursuant to Title 3, Division 2, part 2, Chapter 2.2 of the California Government Code; and

WHEREAS, road maintenance and improvement services are authorized county services pursuant to Government Code §25213; and

WHEREAS, the Board formed Creekside Drive Road Zone of Benefit #98127 on December 17, 1985 by Resolution 378-85 for the purpose of providing road improvement and maintenance services; and

WHEREAS, the Creekside Drive Road Zone of Benefit is authorized to levy and/or increase benefit assessments pursuant to California Government Code §§ 25217.4 and 25215.3, which allow zones of benefit to levy benefit assessments to finance operations and maintenance services consistent with the requirements of Article XIII D of the California Constitution, including benefit assessments levied pursuant to the Benefit Assessment Act of 1982 (Government Code § 54703 et seq.); and

WHEREAS, the Board of Supervisors of the County acting as the governing Board of County Service Area #9 has caused to be prepared a written engineer's report determining the proportionate special benefit to each property to be assessed in relation to the entirety of the cost of the services, pursuant to the provisions of Article XIII D of the California Constitution, a copy of which engineer's report is on file at the Office of the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California; and

WHEREAS, in accordance with California law, the Board of Supervisors finds that a Benefit Assessment based upon the reasonable cost of the proportional special benefit conferred on each parcel within the Creekside Drive Road Zone of Benefit #98127 is the appropriate way to apportion the cost of providing road improvement and maintenance services; and

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WHEREAS, all notices required by law have been duly given; and

WHEREAS, the Board of Supervisors of El Dorado County held assessment ballot proceedings, including a duly noticed public hearing on August 4, 2009 at 10:00 a.m., in accordance with Article XIII D of the California Constitution and Government Code § 53753; and

WHEREAS, after public hearing, the Board determined that no majority protest was registered against imposing an increased benefit assessment within the Creekside Drive Road Zone of Benefit #98127;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado determines as follows:

1. That the benefit assessment be levied on each and every parcel located within the boundaries of the Creekside Drive Road Zone of Benefit #98127 within County Service Area #9 (identified in Exhibit A hereto) in the amounts shown on Exhibit A, in accordance with the Benefit Assessment formula attached hereto and incorporated as Exhibit B.
2. The benefit assessment as shown on Exhibit A is hereby adopted commencing with the fiscal year 2009-10.
3. The funds generated by the benefit assessment shall be spent in accordance with the final budget for the Creekside Drive Road Zone of Benefit as approved by the Board of Supervisors during County budget hearings and amendments thereto.

BE IT FURTHER RESOLVED, that the assessment as adopted and confirmed shall appear as a separate item on the tax bill for each parcel and shall be levied and collected in the same manner as County ad valorem taxed as collected, as more specifically set forth and authorized in subdivision (d) of §25215.3 of the Government Code.

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 200__, by the following vote of said Board:

Attest:
Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____