

RESOLUTION NO. 144

A RESOLUTION OF INTENTION TO ACQUIRE AND
CONSTRUCT IMPROVEMENTS

CITY OF AMADOR

CLEAN WATER PROJECT ASSESSMENT DISTRICT

RESOLVED, by the City Council of the City of Amador, California, that in its opinion the public interest and convenience require and that it is the intention of said Council to order the following acquisitions and improvements, to wit:

1. The construction of a sanitary sewerage collection system complete with gravity sewer mains, manholes, cleanouts, wye branches, laterals and appurtenances to serve existing commercial and residential structures and lots within the City of Amador.
2. A storage pond to store and aerate the effluent from the City.
3. A pump station and pressure sewer main to transport the sewage from the City of Amador to the City of Sutter Creek for treatment and the purchase of capacity rights in the City of Sutter Creek's treatment plant.
4. The acquisition of all lands and easements and the construction of all work auxiliary to any of the above and necessary to complete the same.

1. To the extent that work, rights, improvements or acquisitions indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this entity, or of any public utility, it is the intention of the legislative body to enter into an agreement or agreements with the public agency or public utility or both pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Streets and Highways Code, which agreement or agreements shall provide for the ownership by said agency or utility of such works,

rights, improvements or acquisitions, and may provide for the installation of all or a portion thereof by said agency or utility and for the providing of service to the properties in the area benefiting from said work, rights, improvements or acquisitions by said agency or utility in accordance with its rates, rules and regulations, and that said agreement or agreements shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement or agreements.

2. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

3. Said streets and highways are more particularly shown in the records in the office of the County Recorder of Amador County, California, and shall be shown upon the plans herein referred to and to be filed with the City Clerk of said City.

4. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

5. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

6. Notice is hereby given of the fact that in many cases said work and improvement will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

7. Said Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and

elevations are to be in feet and decimals thereof with reference to the datum plane of the U. S. Coast Geodetic Survey.

8. In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on said private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, said work on private property shall, with the written consent of the owner of said property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which said work is to be done.

9. Notice is hereby given that it is the intention of the Council to consider adoption of an ordinance authorizing contributions by the City from any sources of revenue not otherwise prohibited by law, or any specified amount, portion or percentage of such revenues, for the purpose of acquisition or construction of improvements, the acquisition of interest in real property and the payment of expenses incidental thereto for the use and benefit of the assessment district, and to consider authorizing application of such revenues as a credit upon the assessment.

10. The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, shall be controlling as to the correct and detailed description thereof.

11. Said contemplated acquisitions and improvements, in the opinion of said Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which district are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the City Clerk to which

reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

12. Said Council further declares 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 the assessment hereafter to be made to cover the costs and expenses of said acquisitions and improvements.

13. Notice is further given that should there be publicly owned operative property within the assessment district, certificates or serial bonds to represent the unpaid assessments against publicly owned property in use in the performance of a public function and bear interest at the rate of not to exceed eight percent (8%) per annum, will be issued hereunder pursuant to Section 6467 or Chapter 4.5, (commencing with Section 6468) Part 5, Division 7 of the Streets and Highways Code of the State of California, the Improvement Act of 1911, the last installment of which certificates or bonds shall mature not to exceed twenty-four (24) years from the second day of June beginning with the fiscal year next following the date of the bonds.

14. Notice is hereby given that serial bonds to represent the unpaid assessments, and bear interest at the rate of not to exceed eight percent (8%) per annum, will be issued hereunder in the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code, the last installment of which bonds shall mature not to exceed twenty-four (24) years from the second day of July next succeeding ten (10) months from their date. The provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

15. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913.

16. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code on file in the office of the City Clerk.

17. Said proposed acquisitions and improvements are hereby referred to the City Engineer as Engineer of Work, being a competent person employed by said City for that purpose; and said Engineer is hereby directed to make and file with the City Clerk of said City a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements to be acquired;

(b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to, 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 this Resolution of Intention, each of which subdivisions shall be given a separate number upon said diagram;

(e) A proposed 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 such subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

When any portion or percentage of the cost and expenses of the acquisitions and improvements is to be paid from sources other

than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of said acquisitions and improvements, and said assessment shall include only the remainder of the estimated cost and expenses. Said assessment shall refer to said subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this Section.

18. Notice is hereby given that, in the opinion of the City Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

19. If any excess shall be realized from the assessment it shall be used, in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment; or

(c) For the maintenance of the improvements.

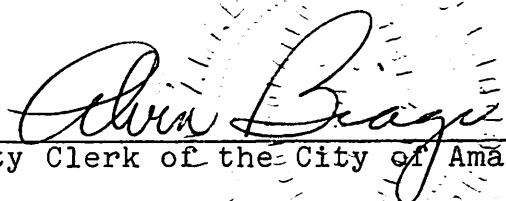
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I hereby certify the foregoing to be a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Amador, California, at a regular meeting thereof held on the 10th day of October, 1974, by the following vote of the members thereof:

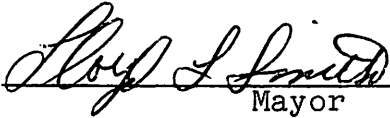
AYES, and in favor thereof, Councilmen: Vaira, Smith, Sherrill, Setzer and Ohanneson

NOES, Councilmen: None

ABSENT, Councilmen: None


City Clerk of the City of Amador

APPROVED:


Mayor