

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

## RESOLUTION NO.

### RESOLUTION ORDERING CHANGE OF PROCEEDINGS TO REDUCE SPECIFIED ASSESSMENTS FOR WASTEWATER ASSESSMENT DISTRICT NO. 1

The following Resolution is now offered and read:

**WHEREAS**, this Board of Supervisors (this “Board”) of the County of San Luis Obispo (the “County”) has previously provided for (a) the formation of its Wastewater Assessment District No. 1 (the “Assessment District”), under and pursuant to the provisions of the Municipal Improvement Act of 1913 (Division 12 of the California Streets and Highways Code) (the “1913 Act”), and (b) the establishment of various payment obligations (“Obligations”) secured by and payable from installments collected on account of unpaid assessments of the Assessment District (the “Unpaid Assessments”), such Obligations including but not limited to (i) short-term bond anticipation notes (the “Notes”) pursuant to the provisions of Part 10.7 (Sections 8745 and following) of the Improvement Bond Act of 1915 (Sections 8500 and following, California Streets and Highways Code) (the “1915 Act”), (ii) long-term limited obligation improvement bonds (the “Bonds”) pursuant to the 1915 Act, and (iii) one or more loan agreements with the California State Water Resources Control Board (the “SRF Agreements”) pursuant to Chapter 6.1 (Sections 10550 and following) of the 1913 Act, the proceeds of which Obligations will be utilized to finance a portion of the costs and expenses of authorized capital improvements and related incidental expenses of a wastewater system project (the “Wastewater System Project”) to provide public wastewater service to the improved real property within the Assessment District; and

**WHEREAS**, on December 18, 2007, this Board adopted its Resolution No. 2007-494 (“Resolution No. 2007-494”) as the concluding step of formation of the Assessment District, by which resolution this Board, among other things, (a) approved the Engineer’s Report, dated December 18, 2007, as amended by a list of recommended reductions in specific assessments which was attached to Resolution No. 2007-494 as Exhibit A thereto (the “Final Engineer’s Report”), and (b) levied the individual assessments in the amounts stated in the Final Engineer’s Report;

**WHEREAS**, thereafter, on February 27, 2008, the Notice of Assessment (the “Recorded Notice of Assessment”) and the assessment diagram for the Assessment District were recorded in the official records of the San Luis Obispo County Recorder, and the individual assessments thereby became a lien upon the respective individual parcels upon which they had been levied; and

**WHEREAS**, during the intervening period between February, 2008 and now, as a result of communications between affected property owners of six of the individual parcels assessed and staff of the Department of Public Works of the County (the “Public Works staff”), the Public Works staff has made site visits to six individual parcels, identified as follows:

- a. Assessor’s Parcel No. 038-512-037 (Assessment No. 2301), having a street address of 1720 7<sup>th</sup> Street, Los Osos;
- b. Assessor’s Parcel No. 074-229-026 (Assessment No. 2521), having a street address of 2050 Palisades Street, Los Osos; and
- c. Assessor’s Parcel No. 074-025-018 (Assessment No. 6091), having a street address of 288 Mar Vista Drive, Los Osos; and
- d. Assessor’s Parcel No. 074-025-020 (Assessment No. 6093), having a street address of 283 Highland Drive, Los Osos; and
- e. Assessor’s Parcel No. 074-025-022 (Assessment No. 6095), having a street address of 295 Highland Drive, Los Osos; and
- f. Assessor’s Parcel No. 074-025-024 (Assessment No. 6097), having a street address of 295 Mar Vista Drive, Los Osos; and

**WHEREAS**, as a result of the site visits, the Public Works staff has determined that, on the basis of the structures situated on each of them, the amount of the assessment should be reduced to reflect a reduced assignment of “benefit units,” as said term is used in the Final Engineer’s Report in connection with establishing the recommended amount of the assessment which was levied on each of the six parcels, as follows:

- a. For Assessment No. 2301, the amount of the assessment should be reduced from \$24,941.19 to \$0.00;
- c. For Assessment No. 2521, the amount of the assessment should be reduced from \$17,468.72 to \$0.00; and
- d. For Assessment No. 6091, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; and
- e. For Assessment No. 6093, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; and
- f. For Assessment No. 6095, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; and
- g. For Assessment No. 6097, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; and

**WHEREAS**, this Board has received a letter from the Public Works staff, dated June 26, 2011 (the "June 26 Letter"), recommending that the reductions set forth in the foregoing recital paragraph be implemented for the purpose of having the final amount of the assessment on each of the six parcels conform to the amount which would have been levied by Resolution No. 2007-494 had the facts which have now been confirmed by the site visits to the six parcels been known at the time that the Final Engineer's Report was prepared; and

**WHEREAS**, by this Resolution, this Board wishes to order the reduction of Assessment Nos. 2301, 2521, 6091, 6093, 6095 and 6097 in accordance with the recommendations of the Public Works staff, as set forth in the June 26 Letter and for the purpose summarized in the foregoing recital paragraph, as authorized by and pursuant to Section 10352 of the 1913 Act;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of San Luis Obispo County, State of California, as follows:

1. The foregoing recitals are true and correct, and this Board expressly so finds and determines.
2. This Board hereby orders the reduction of the six subject assessments as follows:
  - a. Assessment No. 2301 is hereby reduced to \$0.00; and
  - b. Assessment No. 2521 is hereby reduced to \$0.00; and
  - c. Assessment No. 6091 is hereby reduced to \$13,533.88; and
  - d. Assessment No. 6093 is hereby reduced to \$13,533.88; and
  - e. Assessment No. 6095 is hereby reduced to \$13,533.88; and
  - f. Assessment No. 6097 is hereby reduced to \$13,533.88.
3. The Clerk is authorized and directed to cause the preparation and recording of an appropriate addendum to the Recorded Notice of Assessment to reflect the six reductions ordered by this Resolution; provided that such addendum may be combined with and made a part of the Notice of Discharge of Assessment Liens which will be prepared and recorded to reflect the prepayments received on account of the assessments prior to the deadline of April 29, 2011, which prepayments may have fully prepaid and discharged the lien of the assessment or may have been only partially prepaid the assessment, thereby leaving a reduced amount of the Unpaid Assessment on each such parcel.
4. This Resolution shall take effect immediately upon its adoption.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN  
County Counsel



By: Patrick J. Foran  
Deputy County Counsel

Dated: July 11, 2012

STATE OF CALIFORNIA,        }  
County of San Luis Obispo,    } ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By \_\_\_\_\_