

# 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 INCREASE SPECIFIED ASSESSMENTS BASED UPON WRITTEN CONSENT OF AFFECTED PROPERTY OWNERS FOR THE COUNTY OF SAN LUIS OBISPO 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 incidental expenses of the Assessment District formation proceedings and a capital improvement project (the “Wastewater System Project”) to establish a public wastewater system (the “Wastewater System”) 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; and

**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 a review of the assumptions made in determining the proposed assessment on two parcels in the Assessment District, staff of the Public Works Department has determined that, due to field visits and notification by property owners, that parcels identified by APN #074-252-018 and 074-263-039 were under-assessed in the previous proceedings; and

**WHEREAS**, the staff of the Department of Public Works of the County (the "Public Works staff") has communicated with the owners of each of the identified parcels to review (a) the payment obligations which are conditions which must be satisfied by the owners of each such parcel in order to be connected to and begin receiving service from the Wastewater System upon completion of the Wastewater System Project and (b) the options for satisfying such payment obligations, and the owners of each of the parcels have elected to sign and submit to the Public Works staff a written consent to having the assessment on their respective parcels increased from \$17,373.44 to \$24,941.19 for APN #074-252-018 \$36,263.12 to \$74,823.57 for APN #074-263-039 and from in satisfaction of such payment obligations; and

**WHEREAS**, copies of each of the two written consent forms have been submitted to and are on file with the Clerk of this Board; and

**WHEREAS**, by this Resolution, this Board wishes to order an increase from \$17,373.44 to \$24,941.19 for APN #074-252-018 \$36,263.12 to \$74,823.57 for APN #074-263-039 in the amount of the assessment levied on each of the parcels, which are identified in the proceedings for the Assessment District as Assessment Nos. 2535 and 3548, respectively, without conducting a public hearing for the benefit of such owners, 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 increase in the two subject assessments, those being Assessment Nos. 2535 from \$17,373.44 to \$24,941.19 and 3548 from \$36,263.12 to \$74,823.57.
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 increased amount of the two assessments ordered by this Resolution.
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 \_\_\_\_\_