

RESOLUTION NO. 360A RESOLUTION OF INTENTION TO
ACQUIRE AND CONSTRUCT IMPROVEMENTSVALDEZ TRACT IMPROVEMENTS
ASSESSMENT DISTRICT

RESOLVED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, that

1. In its opinion the public interest and convenience require and it is the intention of said Board to order the acquisitions and improvements more particularly described as follows:

- a) The construction of water mains, valves, tees, hydrants, water meters, meter boxes and services together with all fittings and appurtenances thereto all in accordance with Sunnyslope County Water District Standards along Enterprise Road for a distance of approximately 1,600 feet from the existing District main and along Airline Highway for a distance of approximately 1,900 feet from the existing District main near the westerly end of the Valdez Tract together with connections to said existing water mains.
- b) The acquisition of all lands and easements and the performing of all work auxiliary to any of the above which may be necessary to complete the same.

2. 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 Board of Directors 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 of the State of California, 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.

3. 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.

4. All of the blocks, streets and alleys herein mentioned are more particularly shown on maps of record in the office of the County Recorder of San Benito County, California, and shall be shown upon the plans herein referred to and to be filed with the Secretary of said District.

5. 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.

6. 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.

7. Notice is hereby given of the fact that in many cases said work and improvements 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.

8. Said Board 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 Sunnyslope County Water District.

9. 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.

10. Notice is hereby given that it is the intention of the Board of Directors to consider adoption of an ordinance authorizing contributions by the District 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.

11. The description 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.

12. Said contemplated acquisitions and improvements, in the opinion of said Board, are of more than local or ordinary public benefit, and the cost 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 District Secretary 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.

13. Said Board 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 cost and expenses of said acquisitions and improvements.

14. Notice is hereby given that serial bonds to represent the unpaid assessments, and to bear interest at the rate of not to exceed twelve percent (12%) per annum, will be issued hereunder in the manner provided in the Improvement Bond Act of 1915, Division 10 of said Streets and Highways Code, the last installment of which bonds shall mature not to exceed fourteen (14) years from the second day of July next succeeding ten (10) months from their date. Unpaid assessments and the interest thereon, including in each case a fee to cover the expense of such collection as provided by law together with any fee in connection with the maintenance by the District of a registration system for the bonds, will be collected during the term of the bonds and shall be payable in the same manner and at the same time and in the same installments as the general property taxes and shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do the general taxes on real property.

15. Pursuant to Part 14 of Division 10 of said Streets and Highways Code, said Board intends to covenant for the benefit of bondholders to commence and diligently prosecute to completion any foreclosure action regarding delinquent installments of any assessments which secure the bonds to be issued in said proceedings to represent unpaid assessments.

16. Pursuant to Part 16 of Division 10 of said Streets and Highways Code, said Board intends to include in said proceedings an

amount to create a special reserve fund for the bonds to be issued in said proceedings to represent unpaid assessments.

17. Except as herein otherwise provided for the issuance of bonds, all of said acquisitions and improvements shall be made and had as provided in the Municipal Improvement Act of 1913, Division 12 of said Streets and Highways Code.

18. Reference is hereby made to proceedings had pursuant to Division 4 of said Streets and Highways Code on file in the office of the District Secretary.

19. Said proposed acquisitions and improvements are hereby referred to the Engineer of Work of said District, being a competent person employed by said District for the purpose of having charge and control of the acquisition and construction of public improvements in and for said District of the kind described herein, and said Engineer of Work is hereby directed to make and file with the Secretary of said District 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 cost 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 cost 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.

20. Notice is hereby given that, in the opinion of the Board, 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 said Streets and Highways Code, no notice of award of contract shall be published.

21. If any excess shall be realized from the assessment it shall be used, in such amounts as the Board 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 District, 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, provided that such surplus may, if the Board of Directors so determines, also be applied as a credit to the District on account of contributions made by it towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or
- (c) For the maintenance of the improvements.

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I hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted and passed by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, on the 11th day of April, 1985, by the following vote:

AYES, and in favor thereof, Directors: Blaettler, Churchill, Hailstone
Renz, Williams

NOES, Directors: None

ABSENT, Directors: None

J. W. Jackson
Secretary

APPROVED:

Larry Williams
President