

## RESOLUTION NO. 20XX - XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE  
ANNEXATION OF CERTAIN TERRITORY TO LANDSCAPE  
MAINTENANCE DISTRICT NO. 3B (COMMERCIAL  
INDUSTRIAL) FOR DRC2018-00946**

**WHEREAS**, the City Council of the City of Rancho Cucamonga, California, has previously formed a special maintenance district pursuant to the terms of the “Landscape and Lighting Act of 1972”, being Division 15, Part 2 of the Streets and Highways Code of the State of California (the “Act”, said special maintenance district known and designated as Landscape Maintenance District No. 3B (Commercial Industrial) (the “District”); and

**WHEREAS**, the provisions of Article 2 of Chapter 2 of the Act authorize the annexation of additional territory to the District; and

**WHEREAS**, such provisions also provide that the requirement for the preparation of resolutions, and assessment engineer’s report, notices of public hearing and the right of majority protest may be waived in writing with the written consent of all of the owners of property within the territory to be annexed; and

**WHEREAS**, notwithstanding that such provisions of the Act related to the annexation of territory to the District, Article XIII D of the Constitution of the State of California (“Article XIII D”) establishes certain procedural requirements for the authorization to levy assessments which apply to the levy of annual assessments for the District on the territory proposed to be annexed to such District; and

**WHEREAS**, the owners of certain property described in Exhibit A attached hereto, and incorporated herein by this reference, have requested that such property (collectively, the “Territory”) be annexed to the District in order to provide for the levy of annual assessments to finance the maintenance of certain improvements described in Exhibit B hereto (the “Improvements”); and

**WHEREAS**, all of the owners of the Territory have filed with the City Clerk duly executed forms entitled “Consent And Waiver To Annexation Of Certain Real Property To A Maintenance District And Approval Of The Levy Of Assessments On Such Real Property” (the “Consent and Waiver”); and

**WHEREAS**, by such Consent and Waiver, all of the owners of the Territory have expressly waived any and all of the procedural requirements as prescribed in the Act to the annexation of the Territory to the District and have expressly consented to the annexation of the Territory to the District; and

**WHEREAS**, by such Consent and Waiver, all of the owners of the Territory have also expressly waived any and all of the procedural requirements as prescribed in the Act and/or Article XIII D applicable to the authorization to levy the proposed annual assessment against the Territory set forth in Exhibit B attached hereto and incorporated herein by this reference and have declared support for, consent to and approval of the authorization to levy such proposed annual assessment set forth in Exhibit C attached hereto; and

**WHEREAS**, by such Consent and Waiver, all of the owners of the Territory have also expressly agreed for themselves, their heirs, successors and assigns that:

(1) The proportionate special benefit derived by each parcel in the Territory from the District Improvements has been determined in relationship to the entirety of the maintenance and operation expenses of the Improvements;

(2) The proposed annual assessment does not exceed the reasonable cost of the proportional special benefit from the Improvements conferred on each parcel in the Territory.

(3) Only the special benefits derived or to be derived by each parcel in the Territory from the Improvements have been included in the proposed annual assessment.

**WHEREAS**, at this time the City Council desires to order the annexation of the Territory to the District and to authorize the levy of annual assessments against the Territory in amounts not to exceed the amounts set forth in Exhibit C hereto.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA HEREBY RESOLVES AS FOLLOWS:**

SECTION 1: That the above recitals are true and correct.

SECTION 2: The City Council hereby finds and determines that:

- a. The annual assessments proposed to be levied on each parcel in the Territory do not exceed the reasonable cost of the proportional special benefit conferred on each such parcel from the Improvements.
- b. The proportional special benefit derived by each parcel in the Territory from the Improvements has been determined in relationship to the entirety of the cost of the maintenance of the Improvement.
- c. Only special benefits will be assessed on the Territory by the levy of the proposed annual assessments.

SECTION 3: This legislative body hereby orders the annexation the Territory to the District, approves the financing of the maintenance of the Improvements from the proceeds of annual assessments to be levied against the Territory and approves and orders the levy of annual assessments against the Territory in amounts not to exceed the amounts set forth in Exhibit C.

SECTION 4: All future proceedings of the District, including the levy of all assessments, shall be applicable to the Territory.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

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Exhibit A

Identification of the Owner and Description of the Property to be Annexed

The Owner of the Property is:

88 Arrow Route, LLC

The legal description of the Property is:

LOT 385, FONTANA ARROW ROUTE TRACT NO. 2102, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 31 OF MAPS, PAGES 11 THROUGH 15, INCLUSIVE, RECORDS OF SAID COUNTY, TOGETHER WITH, THE EAST 55 FEET OF THE WEST 110 FEET OF LOT 385, FONTANA ARROW ROUTE TRACT NO 2102, AS PER PLAT RECORDED IN BOOK 31 OF MAPS, PAGES 11 THROUGH 15, INCLUSIVE, RECORDS OF SAID COUNTY.

Assessor's Parcels Numbers of the Property:

0229-171-28

Exhibit B

Description of the District Improvements  
Fiscal Year 2022/23

Landscape Maintenance District No. 3B (Commercial Industrial):

Landscape Maintenance District No. 3B (Commercial Industrial) (the “Maintenance District”) represents landscape sites throughout the Commercial/Industrial Maintenance District.

The various landscape sites that are maintained by this district consist of median islands, parkways, street trees and entry monuments.

Proposed additions to the Improvements for Project DRC2018-00946: NONE

Exhibit C

Proposed Annual Assessment  
Fiscal Year 2022/23

Landscape Maintenance District No. 3B (Commercial Industrial):

The rate per Equivalent Benefit Unit (EBU) is \$282.24 for the Fiscal Year 2022/23. The following table summarizes the assessment rate for Landscape Maintenance District No. 3B (Commercial Industrial) for DRC2018-00946:

| Land Use        | Basis | EBU Factor* | Rate per EBU* |
|-----------------|-------|-------------|---------------|
| Non-Residential | Acre  | 1.00        | \$282.24      |

The proposed annual assessment for the property described in Exhibit A is as follows:

1.55 Acres x 1 EBU Factor x \$282.24 Rate per EBU = \$ 437.47 Annual Assessment