

RESOLUTION NO. 97-07

A RESOLUTION OF INTENTION
TO MAKE ACQUISITIONS AND IMPROVEMENTSINDIAN VALLEY COMMUNITY SERVICES DISTRICT
Sewer System Improvements Assessment District

RESOLVED, by the Board of Directors (the "Board") of the Indian Valley Community Services District (the "District"), County of Plumas, California, that

1. Intention. The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements described in Exhibit "A" attached hereto and made a part hereof.

2. Law Applicable. Except as herein otherwise provided for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. Nature and Location of and Grades for Improvements. All of the 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. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. 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 is shown on the plans to be done therein. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County of Plumas, State of California, and shall be shown upon the plans.

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

5. Work on Private Property. 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 the 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, the work on private property shall, with the written consent of the owner of the property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which the work is to be done.

6. Official Grades. This Board does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of this District.

7. Descriptions - General. 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, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. Special Benefit and Boundary Map. The contemplated acquisitions and improvements, in the opinion of this Board, 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 are shown on a map thereof on file in the office of the Secretary, to which reference is hereby made for further particulars. The 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.

9. Public Property Exempt. This Board declares that all public streets, highways, lanes and alleys within the assessment district in use in the performance of a public function, and all lands owned by any public entity, including the United States and the State of California, or any departments thereof, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisitions and improvements.

10. Engineer's Report. The acquisitions and improvements are hereby referred to Ed Anderson as the Engineer of Work for this assessment district (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the Secretary a report in writing, presenting the following:

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

(b) Plans and specifications of the proposed improvement if the improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and the type of improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, or either or both may be incorporated in the Engineer's Report as a combined document.

(c) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements.

(d) An estimate of the cost of the improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvements, including any cost of registering bonds.

(e) A diagram showing, as they existed at the time of the passage of this Resolution, all of the following:

(1) The exterior boundaries of the assessment district.

(2) The boundaries of any zones within the district.

(3) The lines and dimensions of each parcel of land within the district.

Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. In the case of an assessment for installation of planned local drainage facilities which are financed, in whole or in part, pursuant to Section 66483 of the California Government Code, the assessment levied against each parcel of subdivided land may be levied on the basis of the proportionate storm water runoff from each parcel. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (e).

When any portion or percentage of the costs 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 the acquisitions and improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

11. Use of Surplus. If any excess shall be realized from the assessment it shall be used, in such amounts as this Board may determine, in accordance with the provisions of the Act, for one or more of the following purposes:

(a) Transfer to the general fund of this 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 or for the redemption of bonds, or both; or

(c) For the maintenance of the improvements.

12. Contact Person. James Hamblin, General Manager to the District, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at 209 Ann Street, Greenville, California, or by calling telephone number (916) 284-7311.

13. Contracts with Others. To the extent that any of the work, rights, improvements and 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 District, or of any public utility, it is the intention of this Board to enter into an agreement with such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of the Act, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of such improvements by the agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by such agency or utility in accordance with its rates, rules and regulations, and that such agreement 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.

PASSED AND ADOPTED this 9th day of April, 1997, by the following vote:

AYES: 4 Directors

NOES: 0 Directors

ABSENT: 1 Directors

ATTEST:

Kandi Whitley
Secretary