

## CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 5

**Date:** March 2, 2011

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Edward N. Domingue, Director of Engineering Services  
Frank P. Schmitz, Parks and Open Space Administrator

**SUBJECT:** City of Escondido Landscape Maintenance District Annexation and Budget Adjustment

**RECOMMENDATION:**

It is requested that Council adopt Resolution No. 2011-31 that will approve the request of The Emilia S. Switgall Revocable Trust, the owner of the property described as Tract 934, located at 1207 Gamble Street between Lincoln Avenue and El Norte Parkway, to annex their property into the City of Escondido Landscape Maintenance District (LMD) (see attached map). It is also requested that the City Council establish a budget in the amount of \$3,500 for FY 2010/2011 for LMD Zone 37.

**FISCAL ANALYSIS:**

The LMD will reimburse all costs incurred by the City for the annexation of the property described as Tract 934. The FY 2010/2011 budget of \$3,500 for Zone 37 comes from the annexation fee provided by the owners of Tract 934.

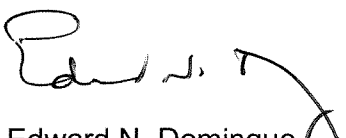
**PREVIOUS ACTION:**

The City Council approved the formation of the LMD in 1986.

**BACKGROUND:**

The owner of Tract 934 has requested the annexation of this property into the LMD in order to provide on-going maintenance of the landscape improvements that will be built in the City right-of-way and in a landscape maintenance easement in conjunction with the development of their property. Emilia S. Switgall has signed a "Consent and Waiver to Annexation" consenting to the annexation of Tract 934 to the LMD without notice and hearing or filing an engineer's report pertaining to such annexation. The attached resolution authorizes the property described as Tract 934 to be added to the LMD as Zone 37.

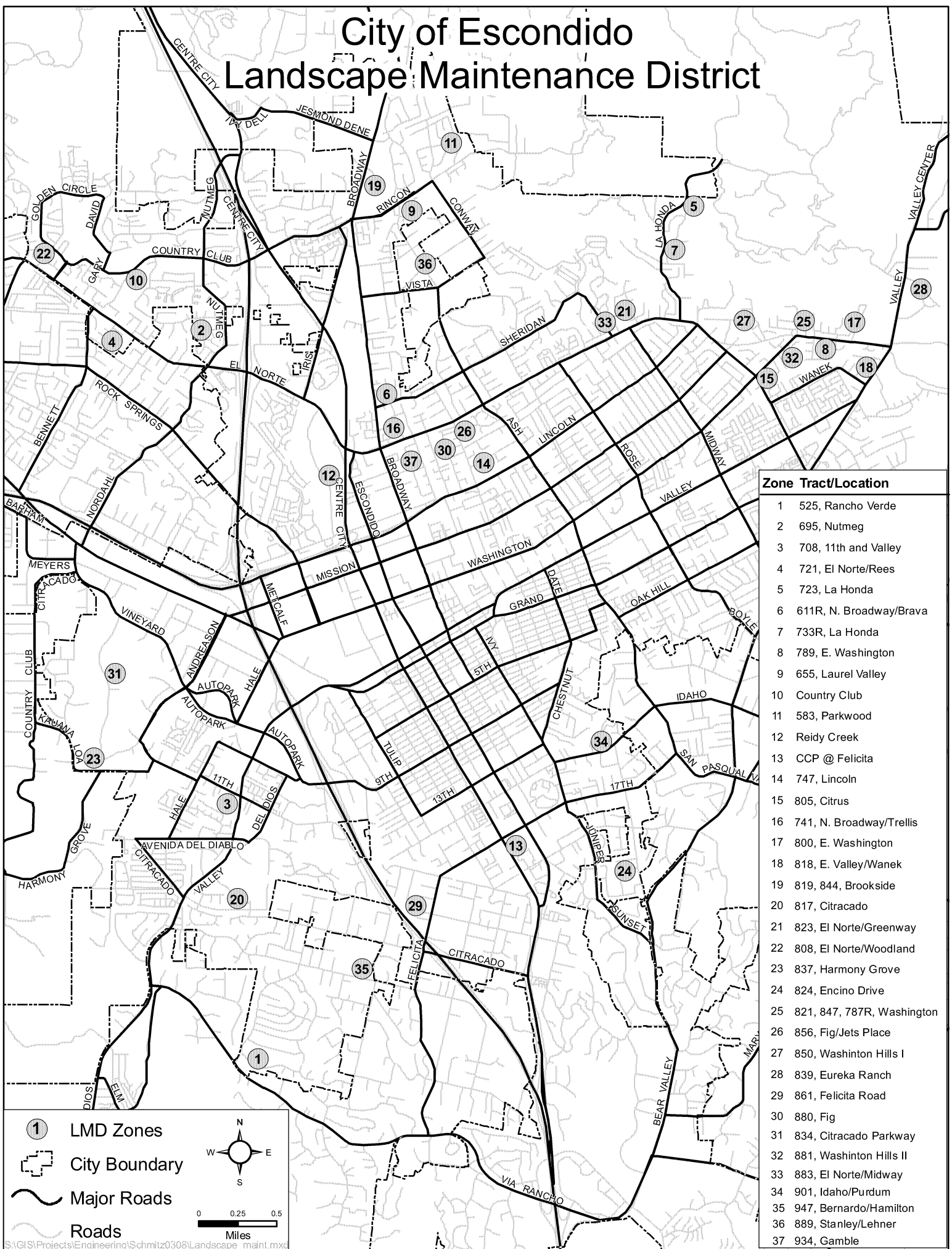
Respectfully submitted,

  
Edward N. Domingue  
Director of Engineering Services

  
Frank P. Schmitz  
Parks and Open Space Administrator

# City of Escondido

## Landscape Maintenance District





## RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ORDERING THE ANNEXATION OF CERTAIN  
TERRITORY TO THE ESCONDIDO  
LANDSCAPE MAINTENANCE DISTRICT

WHEREAS, the City Council of the City of Escondido, California, has previously formed a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highway Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

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

WHEREAS, at this time the City Council desires to undertake proceedings to annex to the Maintenance District that territory identified as Escondido Tract 934, located at 1207 Gamble Street between Lincoln Avenue and El Norte Parkway, to be included in Zone 37 of the Maintenance District; and

WHEREAS, all owners of property within the territory proposed to be annexed to the Maintenance District have filed with the City Clerk their written request for and consent to the proposed annexation without notice and hearing, the filing of an Assessment Engineer's Report or right of majority protest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council hereby orders the annexation of that property identified as Escondido Tract 934 to the Maintenance District as Zone 37 thereof.
3. All future proceedings of the Maintenance District, including the levy of all assessments, shall be applicable to the territory annexed hereunder.