

RESOLUTION NO. 2023-75

A RESOLUTION AMENDING RESOLUTION NO. 2023-61, ENTITLED A RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT AND DIRECTING RELATED ACTIONS FOR THE PROPOSED CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

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WHEREAS, on October 26, 2023, the Board of Directors (the "Board") of the Carmel Area Wastewater District (the "District") adopted its resolution entitled "A Resolution Preliminarily Approving Engineer's Report and Directing Related Actions for the Proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project)" (the "Original Resolution") under the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code of California (the "Act")), in connection with the District's proceedings under the Act in and for the proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project) (the "Assessment District") for the making of certain public improvements (the "Improvements") as described in the Resolution of Intention; and

WHEREAS, the Original Resolution ordered a public hearing to be held before this Board at 3945 Rio Road, Carmel, California, on December 12, 2023, at the hour of 2:00 p.m., for the purposes of this Board's (i) determining whether the public interest, convenience and necessity require the Improvements, whether the properties in the Assessment District are specially benefited by the Improvements, the tabulation of special assessment ballots and the existence of any majority protest, and (ii) taking final action upon the Engineer's Report and the assessments proposed therein; and

WHEREAS, the District has determined to reschedule the date of the public hearing in order to allow additional noticing regarding the Assessment District proceedings;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of the District as follows:

Section 1. Amendment of Section 2 of Original Resolution. Section 2 of the Original Resolution is hereby amended to read in its entirety as follows:

Public Hearing. Pursuant to the Act, this Board hereby orders a public hearing to be held before this Board at 3945 Rio Road, Carmel, California, on February 22, 2024, at the hour of 2p.m., for the purposes of this Board's (i) determining whether the public interest, convenience and necessity require the Improvements, whether the properties in the Assessment District are specially benefited by the Improvements, the tabulation of special assessment ballots and the existence of any majority protest, and (ii) taking final action upon the Engineer's Report and the assessments proposed therein. The public hearing may be continued from time to time as determined by this Board.

Section 2. Notice. The Board Clerk is hereby authorized and directed to cause a combined assessment ballot and notice of the rescheduled hearing ordered under Section 1 hereof to be given by mailing and using the Monterey County tax roll addresses, with postage prepaid, via United States mail, and the notice shall be deemed to have been given at the time of mailing. The combined assessment ballot and notice shall otherwise conform to the requirements set forth in the Original Resolution.

Section 3. Ratification of Original Resolution. As amended hereby, the Original Resolution is in all respects ratified and confirmed and the Original Resolution as so amended hereby shall be read, taken and construed as one and the same instrument.

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PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on December 12, 2023 by the following vote:

AYES: BOARD MEMBERS: PRESIDENT WHITE, DIRECTORS: COLE, RACHEL, SIEGFRIED, AND URQUHART


NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

  
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Ken White, President of the Board

ATTEST:

  
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Domine Barringer, Secretary of the Board