

RESOLUTION NO.13-0025

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR CERTAIN STREET LIGHTING MAINTENANCE IN EXISTING MAINTENANCE DISTRICT NO. 99, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, this City Council has previously formed a Lighting District pursuant to the provisions of Division 15, Part 2, of the California Streets and Highways Code, known as the "Landscaping and Lighting Act of 1972," for a maintenance district to be known and designated as LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 (hereinafter referred to as the "District"); and

WHEREAS, there has been presented and preliminarily approved by the City Council, the Engineer's Report as required by law, and at this time, this City Council finally approves the Report; and

WHEREAS, at this time, this City Council is desirous of continuing with proceedings for the annual levy of assessments for the next ensuing fiscal year, to provide for the costs and expenses necessary for continued maintenance of improvements within said District.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. Public Interest

- A. That the public interest and convenience requires, and it is the intention of this Council to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain lighting, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the office of the City Clerk, open to public inspection, and herein so referenced and made a part hereof.
- B. That the improvements to be maintained are substantially the same as for the previous fiscal year and reference is hereby made to said proceedings, and there are not substantial changes proposed to be made in any existing improvements or maintenance thereof.

- C. That in all zones within the District, except Zone 10, the costs of street lighting for the 2013-2014 year shall be allocated to property owners within the District based upon an Equivalent Dwelling Unit parcel method more completely described in the Report. In Zone 10, the cost will continue to be allocated using the adjusted front footage method.

Section 3. Report. Reference is made to the Report of the Engineer that is titled "Engineer's Report for Landscaping and Street Lighting Maintenance Assessment District Fiscal Year 2013-2014" on file in the office of the City Clerk for maintenance, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

Section 4. Assessment. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Report, and further it is determined to be within the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvements as estimated in said Report. The basis for assessments proposed to be levied and collected against the assessable lots and parcels of property within the District for fiscal year 2013-2014 are not proposed to change from the assessments levied and collected from fiscal year 2012-2013.

Section 5. Description of Maintenance. The assessments which are to be levied and collected shall be for the maintenance of certain lighting as set forth in the Engineer's Report referenced and incorporated herein.

Section 6. County Auditor. The County Auditor shall enter on the County Assessment Roll the amount of the assessments and shall collect said assessments at the time and in the same manner as county taxes are collected. After collection by the County, the net amount of the assessment, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

Section 7. Special Funds. That all monies collected shall be deposited in the previously established fund known as STREET LIGHTING FUND. Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said special fund, money from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

Section 8. Boundaries of District. Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District benefited by said improvements and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each parcel of land within the boundaries of said District as said District is shown in a map as approved by this City Council and on file in the Office of the City Clerk and so designated by the name of the District.

Section 9. Public Property. Any lot or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the Streets and Highways Code of the State of California, which are included within the boundaries of the Maintenance District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said maintenance work.

Section 10. Public Hearing. NOTICE IS HEREBY GIVEN THAT ON THE 2ND DAY OF JULY 2013, AT THE HOUR OF 6:00 P.M. IN THE CITY COUNCIL CHAMBERS OF MANHATTAN BEACH CITY HALL LOCATED AT 1400 HIGHLAND AVENUE, MANHATTAN BEACH, CALIFORNIA, THE MANHATTAN BEACH CITY COUNCIL SHALL CONDUCT A HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF MAINTENANCE ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

Section 11. Notice. The City Clerk is hereby authorized and directed to publish a copy of this resolution in the Beach Reporter, a newspaper of general circulation within said City, pursuant to Government Code Section 6061, said publication being not less than ten (10) days before the date for said Public Hearing.

Section 12. Proceedings Inquiries. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated.

HENRY MITZNER
CONTROLLER
FINANCE DEPARTMENT
CITY OF MANHATTAN BEACH
(310) 802-5563

Section 13. Effective Date. This resolution shall take effect immediately upon adoption.

Section 14. Certification. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

Ayes:
Noes:
Absent:
Abstain:

David J. Lesser
Mayor, City of Manhattan Beach, California

ATTEST:

Liza Tamura, City Clerk

APPROVED AS TO FORM:


Quinn M. Barrow, City Attorney