

RESOLUTION NO.15-0017

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR CERTAIN STREET LIGHTING MAINTENANCE IN THE CITY'S EXISTING MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF CALIFORNIA STREETS AND HIGHWAYS CODE DIVISION 15, PART 2, AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

RECITALS

- A. Pursuant to the "Landscaping and Lighting Act of 1972" (California Streets and Highways Code Division 15, Part 2)," the Manhattan Beach City Council formed that certain LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT as shown on the attached map.
- B. On May 5, 2015, the City Council adopted Resolution No. 15-0016 approving an Engineer's Report ("Report") presented by City staff related to the District.
- C. The City Council wants to set a public hearing to consider the annual levy of assessments for fiscal year 2015-2016, to provide for the costs and expenses necessary for the continued maintenance of improvements within the District.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY
RESOLVES:

Section 1. The above recitals are all true and correct.

Section 2. Public Interest

- A. The public interest and convenience require, and it is the intention of the City 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 the District in the area shown and delineated on a map previously approved by the City Council and on file in the office of the City Clerk, open to public inspection. The map is hereby incorporated by this reference.
- B. The improvements to be maintained are substantially the same as for fiscal year 2014-2015 and reference is hereby made to the proceedings undertaken in connection with that fiscal year, and there are not substantial changes proposed to be made in any existing improvements or maintenance thereof.
- C. The costs of street lighting for the 2015-2016 year shall be allocated in all zones within the District, except Zone 10, 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 that certain "Engineer's Report for Landscaping and Street Lighting Maintenance Assessment District Fiscal Year 2015-2016," on file in the office of the City Clerk, for a full and detailed description of the improvements, maintenance thereof, 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. The public interest and convenience require, the City Council intends to order the annual assessment levy for the District as set forth in the Report, and the Council further determines 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 2015-2016 are not proposed to change from the assessments levied and collected from fiscal year 2014-2015.

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 Report.

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. All monies collected shall be deposited in the previously established STREET LIGHTING FUND (hereinafter the "Fund"). Payment shall be made out of the 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 the Fund, money from any available source, such funds as it may deem necessary. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

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

Section 9. Public Property. Any lot or parcels of land known as public property, as defined in Streets and Highways Code Section 22663, 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 JUNE 16, 2015, AT 6:00 P.M. IN THE MANHATTAN BEACH CITY COUNCIL CHAMBERS 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 OR AT THE 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 at least ten days before the date for the 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 May 5, 2015.

Ayes:
Noes:
Absent:
Abstain:

Wayne Powell
Mayor, City of Manhattan Beach, California

ATTEST:

Liza Tamura, City Clerk