

RESOLUTION NO. 20-0003

RESOLUTION OF THE CITY OF MANHATTAN
BEACH DECLARING ABANDONMENT OF
PROCEEDINGS FOR CITY OF MANHATTAN BEACH
UNDERGROUND UTILITY ASSESSMENT DISTRICT
NO. 19-4

WHEREAS, this City Council has previously adopted Resolution No. 19-0103 (the “Resolution of Intention”) and initiated proceedings for the acquisition of certain public works of improvement, namely, the conversion of certain overhead electrical, cable and communication facilities to underground locations, together with appurtenances and appurtenant work, in a special assessment district designated as “City of Manhattan Beach Underground Utility Assessment District No. 19-4” (hereinafter referred to as the “Assessment District”) pursuant to the terms and provisions of the “Municipal Improvement Act of 1913”, being Division 12 of the Streets and Highways Code of the State of California (the “Act”), Article XIID of the Constitution of the State of California (“Article XIID”), and the Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the Government Code) (the “Implementation Act”) (the Act, Article XIID, and the Implementation Act are referred to herein collectively as the “Assessment Law”); and

WHEREAS, after notice of a public hearing, accompanied by ballot materials, was mailed, a full public hearing on the improvements and assessments was held on January 7, 2020, all in accordance with Assessment Law; and

WHEREAS, this City Council has received all ballots filed with the City Clerk prior to the conclusion of the hearing, and the Assessment Engineer on behalf of the City Clerk has counted all ballots for and against the formation of the Assessment District as provided in Article XIID;

NOW, THEREFORE, the Council of the City of Manhattan Beach does hereby **RESOLVE**, as follows:

1. **Recitals.** The above recitals, and each of them, are true and correct.
2. **Occurrence of Public Hearing.** The public hearing referred to in the recitals hereof has been duly held, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken.
3. **Majority of Ballots Opposed.** This City Council finds and determines based upon the Certificate of City Clerk who conducted the ballot tabulation that a majority of the ballots received are in opposition to the assessment. In tabulating the ballots, the ballots were weighted according to the proportional financial obligation of the affected property.
4. **Abandonment of Proceedings.** The proceedings heretofore taken under and pursuant to the Assessment Law for the work and improvements proposed by said Resolution of Intention in the Assessment District are hereby ordered abandoned.

5. Recordation of Resolution. The City Clerk shall immediately cause the recordation of a certified copy of this Resolution of Abandonment with the County Recorder. The certificate attached to the Resolution shall include a reference to the date of the adoption of this Resolution, the date of the original Resolution of Intention, and the date the map of the Assessment District was previously filed with the County Recorder.

6. Effective Date of Resolution. This Resolution shall take effect immediately upon its passage.

ADOPTED on January 7, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

NANCY HERSMAN
Mayor

ATTEST:

LIZA TAMURA
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF MANHATTAN BEACH

The undersigned CERTIFIES as follows:

1. During all of the times herein mentioned, the undersigned was, and now is, the duly qualified and acting City Clerk of the City of Manhattan Beach, California.
2. The attached Resolution abandoning proceedings for the construction of certain improvements in City of Manhattan Beach Assessment District No. 19-4 was duly adopted on January 7, 2020.
3. Reference is hereby made to a Resolution of Intention, Resolution No. 19-0103, adopted on the November 19, 2019 for a further and complete description of the works of improvement and assessments proposed for the Assessment District.
4. A map of the proposed boundaries of the Assessment District was filed in the Office of the County Recorder of the County of Los Angeles County on November 26, 2019 in Assessment District Maps Book 195, Page 35.

EXECUTED this day of _____, 2020.

LIZA TAMURA
City Clerk