

RESOLUTION NO. 15-0020

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR STREET LIGHTING AND LANDSCAPING MAINTENANCE IN EXISTING MAINTENANCE DISTRICT NO. 99, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council hereby makes the following findings:

A. The City of Manhattan Beach ("City") has formed LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 ("District") pursuant to the Landscaping and Lighting Act of 1972, California Streets and Highways Code Sections 22500 *et seq.* (the "Act").

B. On May 5, 2015, the City Council adopted Resolution No. 15-0017 declaring its intention to order the maintenance of landscaping and lighting on certain streets in the City for a period beginning July 1, 2015 and ending June 30, 2016, with the services to be performed within the District. Resolution No. 15-0017 fixed the time and place for a hearing of any and all protests in relation to the proposed assessment for June 16, 2015.

C. The City has provided notice of the hearing in full compliance with applicable law.

D. Pursuant to California Environmental Quality Act ("CEQA") guidelines Section 15061(b)(3), this Resolution is exempt from the requirements of CEQA in that it has no potential for causing a significant impact to the environment.

SECTION 2. Following notice duly given pursuant to law, the City Council has held a full and fair public hearing regarding protests and objections to the levy and collection of assessments within the District for the fiscal year commencing July 1, 2015, and ending June 30, 2016, to pay for the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, specifically the installation, operation, maintenance and servicing of landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices, located in and along public roadways, streets and rights-of-way within the boundaries of the District.

SECTION 3. At the public hearing, all interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessments against lots or parcels of real property within the District. The City Council considered all oral and written statements, protests and communications made or filed by interested persons.

SECTION 4. Based upon its review of the Engineer's Report, a copy of which has been filed with the City Clerk, and other information presented to the City Council, the City Council finds and determines (i) that the land within the District will be benefited by the improvements described in the Engineer's Report, namely the maintenance and operation of public streets and sidewalks within the District, specifically the installation, operation, maintenance and servicing of landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices, located in and along public roadways, streets and rights-of-way within the boundaries of the City, (ii) that the District includes all of the land so benefited, and (iii) that the net amount to be assessed upon the land within the District for the 2015-16 fiscal year in accordance with the Engineer's Report is apportioned by a method and formula that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements. All oral and written protests and objections are overruled by the City Council.

SECTION 5. The City Council declares that the diagram and assessment in the Engineer's Report are confirmed as filed.

SECTION 6. The City Council hereby orders the improvements described in the Engineer's Report to be made. The installation, operation, maintenance and servicing of the landscaping and appurtenant facilities shall be performed pursuant to law.

SECTION 7. The assessment is in compliance with the provisions of the Act, and the City Council has complied with all laws pertaining to the levy of an assessment pursuant to the Act.

SECTION 8. The assessment is levied without regard to property valuation.

SECTION 9. The assessment is levied for the purpose of paying the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, specifically the installation, operation, maintenance and servicing of landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices, located in and along public roadways, streets and rights-of-way within the boundaries of the District for fiscal year 2015-16.

SECTION 10. The adoption of this Resolution constitutes the levy of the assessment for the fiscal year commencing July 1, 2015, and ending June 30, 2016.

SECTION 11. The City Clerk is hereby ordered to transmit to the County of Los Angeles Tax Collector the diagram and assessment upon which such levy is based, with a certified copy of this Resolution, and the County Tax Collector is hereby authorized and directed to collect all such assessments, and to perform all the acts and duties as are required to be performed by the persons designated as "County Auditor" in Chapter 4 of the Landscaping and Lighting Act of 1972, as amended.

SECTION 12. A certified copy of the assessment and diagram shall be filed in the office of the City Clerk and be open for public inspection.

PASSED, APPROVED and ADOPTED this 16th day of June, 2015.

Ayes:
Noes:
Abstain:
Absent:

WAYNE POWELL
Mayor, City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk