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November 12, 2010

City of Manhattan Beach  
Attn: City Clerk  
1400 Highland Av.  
Manhattan Beach, CA 90266

<b>Reserved for Filing Stamp</b>	
Claim No.	C-12
Recvd. By	WP
Date	11-16-10

**Re: Claim for Refund of Underground Utilities Money**

Dear Sir or Madam:

The purpose of this letter is to request a refund of an \$80,000 gift that I made to the City of Manhattan Beach for the purpose of putting the issue of underground utilities in District 8 to a Proposition 218 vote. The basis for the refund is that the City never put the underground utility issue to a Prop 218 vote of District 8, as promised when the gift was made for that purpose.

As background, a few years ago I and other residents within District 8 of the City of Manhattan Beach sought to have electrical utilities within our district placed underground, as has been done throughout most of the coastal areas of Manhattan Beach. After initial surveying of District 8 residents revealed a simple majority in support of the underground utilities district, the City was reluctant to proceed with the anticipated \$80,000 in engineering costs that would be required before a Prop 218 vote could be taken. I agreed to donate the \$80,000 needed so that the matter could move forward to a Prop 218 vote. Attached is an excerpt of the minutes from the November 21, 2006 City Council meeting, covering the discussion of Agenda Item 14 (Report on Final Survey Results for Proposed Utility Underground Assessment Districts 8, 12, 13 and 14). The minutes show that the Council voted to "approve District 8 moving forward to a Proposition 218 vote and to accept the residents' contribution of \$80,000 toward District 8 engineering costs." However, the matter was never submitted to a Prop 218 vote and last year District 8 was dissolved. I am now seeking a refund of the \$80,000 that I contributed since the City did not proceed as required by the terms of the gift.

In accordance with Government code Section 910, I submit the following information:

(a) **Name and post office address of the claimant:** Brian A. Sweeney, 116 – 11<sup>th</sup> St.,  
Manhattan Beach, CA 90266.

(b) **Post office address to which notices should be sent:** 116 – 11<sup>th</sup> St., Manhattan Beach, CA  
90266.