

RESOLUTION NO. 19-0041

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 FOR FISCAL YEAR 2019-2020 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Manhattan Beach City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to levy and collect assessments against the lots and parcels of property within an existing assessment district designated "Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99" (the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") for fiscal year 2019-20, commencing July 1, 2019, and ending June 30, 2020, to pay for the costs and expenses of the improvements described below in Section 4.

Section 2. The boundaries of the District are coterminous with the boundaries of the City of Manhattan Beach, with the exception of the area commonly known as Manhattan Village.

Section 3. The map describing the exterior boundaries of the District is attached as Exhibit A and is open for public inspection in the office of the City Clerk.

Section 4. The existing improvements may be briefly described as follows: Landscaping and appurtenant facilities generally include trees shrubs, plants, turf, irrigation systems, and necessary appurtenances including curbs, hardscape, monumentation, fencing, drainage detention facilities drainage structure (including percolation wells) located in public rights-of-way, medians, parkways, and/or easements adjacent to public rights-of-way, in and along major thoroughfares and certain designated primary and secondary arterials as defined in the General Plan's Infrastructure Element. Lighting and appurtenant facilities including poles, lighting fixtures, conduits and the necessary equipment to maintain, operate, service and replace a lighting system at designated intersections, in medians, parkways and adjacent to certain public facilities in and along certain streets, rights-of-way and designated lots.

Section 5. The assessments proposed to be levied and collected against the assessable lots and parcels of property within the District for fiscal year 2019-20 are not proposed to increase from the assessments levied and collected for fiscal year 2018-19. The assessments 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 6. Reference is made to the Report of the Engineer that is titled "Engineer's Report for City of Manhattan Beach Lighting Maintenance Assessment District No. 1, Fiscal Year 2019-20" ("Report") on file in the office of the City Clerk for a full and detailed description of the improvements, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District. On May 7, 2019, the City Council adopted Resolution No. 19-0040 approving the Report.

Section 7. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL APPOINTS JUNE 18, 2019, AT THE HOUR OF 6:00 P.M., IN THE COUNCIL CHAMBERS AT CITY HALL, CITY OF MANHATTAN BEACH, 1400 HIGHLAND AVENUE, AS THE TIME AND PLACE FOR THE HEARING OF PROTESTS OR OBJECTIONS TO THE LEVY OF THE PROPOSED ASSESSMENTS IN CONNECTION WITH THE DISTRICT. All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. The City Council shall consider all oral statements and all written protests made or filed by any interested person.

Section 8. The City Council hereby authorizes and directs the City Clerk to publish a copy of this resolution in the Beach Reporter, a newspaper of general circulation within Manhattan Beach, pursuant to Government Code Section 6061 at least ten days before the date for the Public Hearing.

Section 9. The City Council determines and declares that the proposed assessments constitute a continuation of assessments existing on the effective date of Article XIID, that the assessments are imposed exclusively to finance the maintenance and operation expenses for streets, and that the assessments are exempt from the requirements of Article XIID, Section 4 of the California Constitution.

Section 10. The City Council designates Henry Mitzner, at (310) 802-5563, to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

ADOPTED on May 7, 2019.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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STEVEN A. NAPOLITANO  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk