

## **RESOLUTION NO. 16-0019**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 2016-17 FISCAL YEAR, AND ORDERING THE IMPROVEMENTS IN CONNECTION WITH MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE**

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

Section 1. The Manhattan Beach City Council by Resolution No. 16-0016 initiated proceedings for the levy and collection of assessments for the 2016-17 fiscal year for 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 Streets and Highways Code (commencing with Section 22500) (the "Act").

Section 2. The City Council ordered the preparation of a report and the engineer, Harris and Associates, prepared and filed with the City Clerk a report (the "Engineer's Report") pursuant to law for the City Council's consideration. The City Council thereafter adopted Resolution No. 16-0017 approving the Engineer's Report, and Resolution No. 16-0018 declaring the intention of the City Council to order the levy and collection of assessments to pay the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, as more particularly described in Section 10 below, for the fiscal year commencing July 1, 2016, and ending June 30, 2017.

Section 3. Following notice given in accordance with law, the City Council held a full and fair public hearing on June 21, 2016 regarding protests and objections to the levy and collection of assessments within the District for the fiscal year commencing July 1, 2016, and ending June 30, 2017, to pay for the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, as more particularly described in Section 10 below.

Section 4. 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 5. 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, (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 2016-17 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 hereby overruled by the City Council.

Section 6. The City Council declares that the diagram and assessment in the Engineer's Report are confirmed as filed.

Section 7. The City Council orders the improvements described in the Engineer's Report to be made.

Section 8. 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 annual assessment pursuant to the Act.

Section 9. The assessment is levied without regard to property valuation.

Section 10. The assessment is levied for the purpose of paying the costs and expenses of landscaping and appurtenant facilities generally including 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; and 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, for the fiscal year commencing July 1, 2016, and ending June 30, 2017.

Section 11. The adoption of this Resolution constitutes the levy of the assessment for the fiscal year commencing July 1, 2016, and ending June 30, 2017.

Section 12. The installation, operation, maintenance and servicing of the landscaping and appurtenant facilities shall be performed pursuant to law.

Section 13. The County Auditor of the County of Los Angeles shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as County taxes are collected.

Section 14. The City Clerk is authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor of the County of Los Angeles, together with a certified copy of this Resolution upon its adoption.

Section 15. A certified copy of the assessment and diagram shall be filed in the office of the City Clerk and be open for public inspection.

**ADOPTED JUNE 21, 2016.**

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**Mayor**

**ATTEST:**

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**City Clerk**