



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

UB-22

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

December 2, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Continue to the Council meeting of December 16, 2008 the proposed adoption of resolutions overruling protests, determining results of the election, adoption of the Engineer's Report, confirming of assessments and ordering the improvements for the undergrounding of utilities between 5430 and 5544 The Toledo to be funded by Assessment District No. 08-01 (District 3)

DISCUSSION

On September 23, 2008, City Council adopted RES-08-0116, declaring its intention to order improvements and to form Assessment District No. 08-01, and RES-08-0117, preliminarily approving the Engineering Report for the Assessment District and calling for a public hearing and a property owner election for the proposed Assessment District on November 11, 2008.

On November 11, 2008, the City Council conducted the required hearing and received no public comments during the hearing. The public hearing was closed; however, due to a written protest received by U.S. Mail earlier in the day, it was recommended that the matter of formal consideration of adopting the required resolutions to form the assessment district be held over until December 2, 2008, to give staff time to review the protest letter.

In reviewing the protest letter with legal counsel and the consultant who prepared the Engineers Report, staff feels that all requirements under the state and City codes for the formation of the proposed assessment district have been complied with. In order to further protect the City, one of the property owners has agreed to indemnify and pay any costs incurred by the City and its consultants should a lawsuit be filed challenging the formation of the District. This property owner has requested that the matter be continued until December 16, 2008, in order to finalize the indemnity agreement.

**DIRECTOR'S OFFICE
BUDGET & PERSONNEL**
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6383
Fax (562) 570-6012

ENGINEERING
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6634
Fax (562) 570-6012

**ENVIRONMENTAL
SERVICES**
2929 E. Willow Street
Long Beach, CA 90806
Ph. (562) 570-2850
Fax (562) 570-2861

FLEET SERVICES
2600 Temple Avenue
Long Beach, CA 90806
Ph. (562) 570-5400
Fax (562) 570-5414

PUBLIC SERVICE
1601 San Francisco Avenue
Long Beach, CA 90813
Ph. (562) 570-2782
Fax (562) 570-2729

This matter was reviewed by Chief Assistant City Attorney Heather Mahood on November 19, 2008 and Budget Management Officer Victoria Bell on October 22, 2008

TIMING CONSIDERATIONS

By Resolution No. RES-08-0117, the date for action on this matter was set for November 11, 2008, and then continued to December 2, 2008 by City Council action.

FISCAL IMPACT

There will be no fiscal impact to the City.

SUGGESTED ACTIONS:


Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:



fr PATRICK H. WEST
CITY MANAGER