

1 RESOLUTION NO. RES-08-0117

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH OF PRELIMINARY APPROVAL OF
5 ENGINEER'S REPORT AND CALLING FOR PUBLIC
6 HEARING AND ELECTION – ASSESSMENT DISTRICT NO.
7 08-01 (THE TOLEDO UTILITY UNDERGROUNDING)
8

9 WHEREAS, this City Council has on this date adopted a resolution of
10 intention (the "Resolution of Intention") with respect to certain utility underground
11 improvements to be constructed on The Toledo south of Second Street and west of
12 Geneva Walkway in the City (hereinafter, the "Improvements"), in accordance with
13 proceedings for Assessment District No. 08-01 (The Toledo Utility Undergrounding) (the
14 "Assessment District"), and did refer the proposed Improvements to the City Engineer, as
15 the Engineer of Work for the Assessment District, and did therein direct the Engineer of
16 Work to cause to be made and filed with the City Clerk a report in writing (the "Report") all
17 as therein more particularly described in the Resolution of Intention, and under and
18 pursuant to the Long Beach Assessment District Procedural Ordinance, being Division IV
19 of Chapter 3.52 of the Long Beach Municipal Code (the "Code") and, where applicable,
20 the Municipal Improvement Act of 1913, as amended (the "Act"); and

21 WHEREAS, the Engineer of Work has caused to be made and filed with the
22 City Clerk the Report as called for in the Resolution of Intention and under and pursuant
23 to the Code and, where applicable, the Act, which Report has been presented to this City
24 Council for consideration; and

25 WHEREAS, this City Council has duly considered the Report and each and
26 every part thereof, and finds that each and every part of the Report is sufficient, and that
27 the Report should not be modified in any respect;

28 NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. That the description of the proposed Improvements contained
3 in the Report is preliminarily approved.

4 Section 2. That the estimate of the total cost of the Improvements, the
5 estimate of the amount which would be borne by the City, if any, and the amount to be
6 assessed against the benefited lands within the Assessment District, as contained in the
7 Report, is preliminarily approved.

8 Section 3. That the diagram showing the Assessment District and the
9 boundaries and dimensions of the subdivisions of land within the Assessment District as
10 they existed at the time of the passage of the Resolution of Intention, as contained in the
11 Report, is preliminarily approved.

12 Section 4. That the proposed assessment of the cost and expense of the
13 proposed Improvements upon each parcel or subdivision of land in the Assessment
14 District in proportion to the estimated special benefits to be received by those parcels or
15 subdivisions, respectively, from the Improvements, as contained in the Report, is
16 preliminarily approved.

17 Section 5. That the proposed maximum annual assessment upon each
18 of the several subdivisions of land in the Assessment District to pay costs incurred by the
19 City and not otherwise reimbursed which result from the administration of any bonds and
20 reserve or other related funds, as contained in the Report, is preliminarily approved.

21 Section 6. That the Report shall stand as the Engineer's Report for the
22 purpose of all subsequent proceedings had pursuant to the Resolution of Intention.

23 Section 7. A public hearing on the proposed Assessment District shall be
24 held by the Council in the City Council Chambers on Tuesday, November 11, 2008 at
25 5:00 p.m. or as soon thereafter as the matter may be heard. The Engineer of Work is
26 hereby directed to provide notice of the public hearing as required by applicable law.

27 Section 8. An election shall be held of the landowners within the
28 proposed Assessment District as required by Article XIII D of the California Constitution,

1 with the ballots tabulated by or on behalf of the City Clerk at the conclusion of the public
2 hearing referred to in Section 9 above as required by Section 53753 of the California
3 Government Code. The City Clerk is hereby directed to cause a ballot in a form provided
4 by or on behalf of the Engineer of Work to be delivered to the owners of all of the
5 property in the proposed Assessment District. Ballots must be received by the City Clerk
6 at the address indicated on the ballot at or before the time set for the close of the public
7 hearing, and any ballots received after the close of the public hearing will not be
8 tabulated even through the postmark on the envelope transmitting the ballot is dated on
9 or before the date of the public hearing. Ballots of those voting shall be weighted
10 according to the proportional financial obligation of the affected property.

11 Section 9. The firm of Harris & Associates is hereby designated to assist
12 the City Clerk in connection with the mailing and tabulation of the ballots referred to in
13 Section 8 above, and to answer inquiries regarding the protest proceedings applicable to
14 the Assessment District.

15 Section 10. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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18 I hereby certify that the foregoing resolution was adopted by the City
19 Council of the City of Long Beach at its meeting of September 23, 2008, by the

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

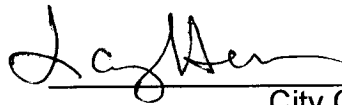
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following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
O'Donnell, Schipske, Andrews,
Gabelich, Reyes Uranga.

Noes: Councilmembers: None.

Absent: Councilmembers: Lerch.



City Clerk

HAM:fi:abc
9/8/08
#A08-02295