

OFFICE OF THE CITY ATTORNEY  
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH REESTABLISHING THE  
MAGNOLIA INDUSTRIAL GROUP PROPERTY AND  
BUSINESS IMPROVEMENT DISTRICT, FIXING THE  
BOUNDARIES THEREOF AND PROVIDING FOR THE  
LEVY OF ASSESSMENT

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. This resolution is made and enacted pursuant to the provisions of the Property and Business Improvement District Law of 1994 (Section 36600, et seq. of the California Streets and Highways Code, hereinafter sometimes referred to as "the law").

A. On June 4, 2013, the City Council of the City of Long Beach adopted Resolution No. RES-13-0042 entitled, "A Resolution of Intention of the City Council of the City of Long Beach Declaring the Intention of the City Council to Re-Establish the Magnolia Industrial Group Property and Business Improvement District, Fixing the Time and Place of a Public Hearing Thereon and Giving Notice Thereof."

B. Pursuant to California Constitution Article XIII D, ballots were mailed to the property owners within the proposed boundaries of the Magnolia Industrial Group Property and Business Improvement District (the "District").

C. Further, pursuant to Resolution of Intention, Resolution No. RES-13-0042, a public hearing concerning the formation of said area was held before the City Council of the City of Long Beach on July 23, 2013, at the hour of 5:00 p.m. in the City Council Chambers of City Hall of the City of Long Beach.

D. All written and oral protests made or filed were duly heard, evidence

1 for and against the proposed action was received, and a full, fair and complete hearing  
2 was granted and held.

3 E. At the conclusion of the public hearing, the tabulation of the ballots  
4 was performed and among those ballots returned to the City, a weighted majority of the  
5 property owners within the District have approved the formation of the District.

6 F. That following such hearing, the City Council did and does hereby  
7 find that the properties and businesses lying within the property and business  
8 improvement district herein created, in the opinion of the City Council, will be benefitted  
9 by the expenditures of funds raised by the assessment or charges proposed to be levied  
10 hereunder.

11 G. A copy of the Management Plan, is attached as Exhibit "A" hereto  
12 ("Management Plan").

13 Section 2. That pursuant to said law a property and business  
14 improvement district is hereby re-established in the City of Long Beach as herein set forth  
15 and that all properties in the district established by this resolution shall be subject to any  
16 amendments made hereafter to the law or to other applicable laws.

17 Section 3. That the boundaries of the property and business  
18 improvement district, the activities and improvements to be funded, and the amount of  
19 the proposed assessments shall be as indicated in Exhibit "A". No bonds will be issued  
20 under the Management Plan.

21 Section 4. That the City Council hereby levies and imposes and orders  
22 the collection of an annual assessment to be imposed upon properties in the proposed  
23 property and business improvement district described above. Such annual assessment  
24 shall be equal to the amounts set forth in Exhibit "A" hereto.

25 Section 5. That the Management Plan, attached hereto as Exhibit "A," is  
26 hereby approved.

27 That the improvements and activities to be provided in the property and  
28 business improvement district shall be funded by the levy of assessments and that the

1 proposed uses to which the proceeds of the annual assessment shall be put are limited  
2 to those set forth in California Streets and Highways Code Sections 36600 et seq., as  
3 amended.

4 Section 6. The City Council of the City of Long Beach shall have sole  
5 discretion as to how the revenue derived from said assessments is to be used within the  
6 scope of the above purposes; provided, however, it shall consider recommendations as  
7 to the use of said revenue made by the Magnolia Industrial Group Property and Business  
8 Improvement District.

9 Section 7. If any section, subsection, sentence, clause or phrase of this  
10 resolution is for any reason held to be invalid or unconstitutional by the decision of any  
11 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
12 portions of the resolution. The City Council hereby declares that it would have passed  
13 this resolution and each section, subsection, sentence, clause and phrase hereof,  
14 irrespective of the fact that any one or more of the sections, subsections, sentences,  
15 clauses or phrases hereof be declared invalid or unconstitutional.

16 Section 8. This resolution shall take effect immediately upon its adoption  
17 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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1 I hereby certify that the foregoing resolution was adopted by the City  
2 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2013, by the  
3 following vote:

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5 Ayes: Councilmembers: \_\_\_\_\_

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7 \_\_\_\_\_

8 \_\_\_\_\_

9 Noes: Councilmembers: \_\_\_\_\_

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11 Absent: Councilmembers: \_\_\_\_\_

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15 \_\_\_\_\_  
16 City Clerk

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