

RESOLUTION NO. RES-10-0054

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH DETERMINING UNPAID
ASSESSMENTS FOR THE CITY'S ASSESSMENT
DISTRICT NO. 08-01 (THE TOLEDO UTILITY
UNDERGROUNDING)

WHEREAS, the City Council (the "Council") of the City of Long Beach (the "City") has heretofore undertaken proceedings pursuant to the Long Beach Assessment District Procedural Ordinance, being Division IV of Chapter 3.52 of the Long Beach Municipal Code (the "Code"), and, where applicable, the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California, to establish an assessment district and has confirmed assessments upon lands within such assessment district, all as described in Resolution No. RES-08-116 adopted by the Council on September 23, 2008 (the "Resolution of Intention") expressing the intention of the Council to establish the City of Long Beach Assessment District No. 08-01 (The Toledo Utility Undergrounding) (the "Assessment District"); and

WHEREAS, the Treasurer of the City has filed with the City Clerk a list of all payments received on account of assessments levied in the Assessment District, and a list of all assessments or portions of assessments unpaid after thirty (30) days following written notice to the owners of property in the Assessment District specifying a date by which they may pay their respective assessments in cash; and

WHEREAS, the Council now desires to determine the remaining unpaid assessments in the Assessment District and to provide for their collection;

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

Section 1. Paid/Unpaid List. The City Treasurer has filed with the City

1 Clerk a list (the "Paid/Unpaid List") of all payments received on account of assessments
2 levied in the Assessment District and all assessments or portions of assessments unpaid,
3 a copy of which Paid/Unpaid List is on file in the office of the City Clerk. The City may
4 issue improvement bonds under the provisions of the Code, and, where applicable, the
5 Improvement Bond Act of 1915 of the State of California, upon the security of the
6 assessments shown as unpaid on the Paid/Unpaid List.

7 Section 2. Transmission to County Auditor. The City Clerk shall transmit
8 a copy of this Resolution and a copy of the Paid/Unpaid List to the County Auditor. The
9 County Auditor is requested to comply with the provisions of Section 8682 of the
10 California Streets and Highways Code in the collection of installments of these
11 assessments on the Los Angeles County secured tax roll for ad valorem taxes.

12 Section 3. Administrative Assessment. Pursuant to Section 10312 (b) of
13 the California Streets and Highways Code, the annual assessment for administrative
14 costs is hereby set at five hundred dollars (\$500.00) per parcel, subject to an annual
15 increase based on the annual change in the Consumer Price Index (CPI), during the
16 preceding year ending in January, for all Urban Consumers in the Los Angeles,
17 Riverside, and Orange County areas. The exact amount of the administration charge will
18 be established each year by the Superintendent of Streets (being the City Engineer), who
19 shall advise the County Auditor of the applicable amount, so that it can be collected on
20 the County tax roll, beginning with fiscal year 2010-2011. The Council finds that this
21 annual assessment exceeds neither the maximum annual assessment nor the
22 reasonable estimate of administrative costs actually incurred or likely to be incurred.

23 Section 4. This resolution shall take effect immediately upon its adoption
24 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of May 18, 2010 by the following vote:

Ayes: Councilmembers: DeLong, O'Donnell, Schipske,
Andrews, Reyes Uranga, Gabelich,
Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Garcia, Lowenthal.



City Clerk

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