

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

RESOLUTION NO. RES-13-0020

A RESOLUTION OF INTENTION OF THE CITY
COUNCIL OF THE CITY OF LONG BEACH DECLARING
THE INTENTION TO DISESTABLISH THE ANDY STREET
MULTI-FAMILY IMPROVEMENT DISTRICT, FIXING A
TIME AND PLACE OF A PUBLIC HEARING THEREON
AND GIVING NOTICE THEREOF

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 Multi-family Improvement District Law of 2004 (Sections 36700, et seq. of the California Streets and Highways Code, hereinafter sometimes referred to as "the law").

A. On April 10, 2007, the City Council of the City of Long Beach adopted Resolution No. RES-07-0047 entitled, "A Resolution of Intention of the City Council of the City of Long Beach Declaring the Intention of the City Council to Establish the Andy Street Multi-family Improvement District, Fixing the Time and Place of a Public Hearing Thereon and Giving Notice Thereof."

B. Further, pursuant to Resolution No. RES-07-0047, a hearing concerning the formation of said area was held before the City Council of the City of Long Beach on June 5, 2007, at the hour of 5:00 p.m. in the City Council Chambers of City Hall of the City of Long Beach.

C. Further, on June 5, 2007, the City Council of the City of Long Beach adopted Resolution No. RES-07-0071 entitled, "A Resolution of the City Council of the City of Long Beach Establishing the Andy Street Multi-family Improvement District, Fixing the Boundaries Thereof and Providing the Levy of Assessment."

1 D. Further, the Andy Street Multi-family Improvement District was
2 not renewed prior to September 30, 2012 (the end of its five year operational period).

3 Section 2. That pursuant to said law the City of Long Beach hereby
4 declares its intention to disestablish the Andy Street Multi-family Improvement District.

5 Section 3. The reason for the disestablishment is that the Andy Street
6 Multi-family Improvement District was not renewed prior to the end of its operational
7 period, September 30, 2012.

8 Section 4. Notice is hereby given that a public hearing will be held
9 concerning this matter on March 19, 2013, at the hour of 5:00 p.m., in the Council
10 Chambers of the City Council in the Long Beach City Hall, by the City Council to consider
11 the disestablishment of the Andy Street Multi-family Improvement District as herein
12 proposed and described and to hear any and all protests thereto.

13 Section 5. The City proposes to dispose of any remaining assets of the
14 Andy Street Multi-family Improvement District in the following manner: Upon the
15 disestablishment of the Andy Street Multi-family Improvement District, any remaining
16 revenues, after all outstanding debts are paid, derived from the levy of assessments, or
17 derived from the sale of assets acquired with the revenues, shall be refunded to the
18 owners of the property or businesses then located and operating within the district in
19 which assessments were levied by applying the same method and basis that was used to
20 calculate the assessments levied in the fiscal year in which the district is disestablished.

21 Section 6. The Department of Public Works is hereby directed to give
22 notice of the public hearing on the proposed disestablishment by mail to the property
23 owner of each parcel or to the owner of each business subject to the assessment in the
24 district as appropriate. The City shall conduct the public hearing not less than 30 days
25 after mailing the notice to the property or business owners. The public hearing shall be
26 held not more than 60 days after the adoption of this Resolution of Intention to
27 Disestablish.

28 Section 7. If any section, subsection, sentence, clause or phrase of this

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1 resolution is for any reason held to be invalid or unconstitutional by the decision of any
2 court of competent jurisdiction, such decision shall not affect the validity of the remaining
3 portions of the resolution. The City Council hereby declares that it would have passed
4 this resolution and each section, subsection, sentence, clause and phrase hereof,
5 irrespective of the fact that any one or more of the sections, subsections, sentences,
6 clauses or phrases hereof be declared invalid or unconstitutional.

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

9 I hereby certify that the foregoing resolution was adopted by the City
10 Council of the City of Long Beach at its meeting of February 12, 2013 by the
11 following vote:

12
13 Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell,
14 Schipske, Andrews, Johnson, Austin,
15 Neal.

16
17 Noes: Councilmembers: None.

18
19 Absent: Councilmembers: None.

20
21
22 
23 _____
24 City Clerk