



CITY OF LONG BEACH

H-3

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

March 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and adopt the attached Resolution to disestablish the Andy Street Multi-family Improvement District (AMD). (District 9)

DISCUSSION

At the request of property and business owners in the vicinity of Andy Street, north of South Street and west of Downey Avenue, (attachment), on April 10, 2007, the City Council adopted a Resolution of Intention to establish the AMID. On June 5, 2007, the City Council adopted Resolution No. 07-0071, formally establishing the AMID for a period of five years. Even after considerable outreach and support, the AMID failed to renew after the end of its 5-year operational period and, as a result, the AMID expired effective September 30, 2012. The AMID must now be disestablished.

Pursuant to California Streets and Highways Code Section 36744, on February 12, 2013, the City Council adopted a Resolution of intention to disestablish the AMID and set the date for a public hearing for March 19, 2013. The Resolution stated the reason for the disestablishment, the time and place of the public hearing, and a proposal to dispose of any remaining assets. The notice of the public hearing on the proposed disestablishment was mailed February 13, 2013 to the property owners and business owners of each parcel who were subject to assessment in the AMID during the last year of operation.

After the public hearing, if City Council adopts the Resolution to disestablish the AMID, any remaining assets, after all outstanding debts are paid, shall be refunded to the property or business owners who paid assessments during the last year of operation. The process of refund calculation shall be the same method and basis that was used to levy the assessment.

This matter was reviewed by Assistant City Attorney Charles Parkin on February 25, 2013, and Budget Management Officer Victoria Bell on March 1, 2013.

TIMING CONSIDERATIONS

The Andy Street Multi-family Improvement District disestablishment is required, according to California State Law, and must be completed prior to establishment of future Business Improvement Districts.

FISCAL IMPACT

Refunds will be paid from assessments Revenue accrued in the Parking and Business Area Improvement Fund (SR 132). There is no fiscal impact to the General Fund or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

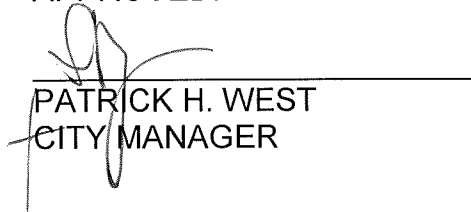


ARA MALOYAN
ACTING DIRECTOR OF PUBLIC WORKS

am:VSG:jf
PW-Andy St MID Disestablish Pub Hrng v3.doc

Attachment: Site Map
Resolution

APPROVED:

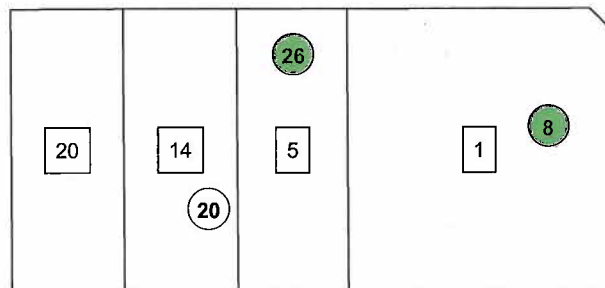


PATRICK H. WEST
CITY MANAGER

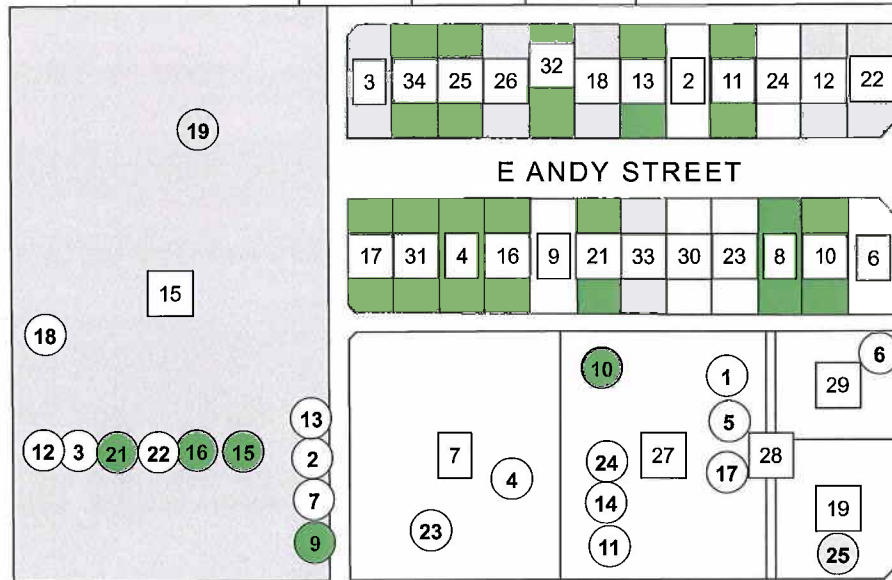
Andy Street Multi-family Improvement District



E 59TH STREET



N OBISPO AVE



DOWNEY AVE

E ANDY STREET

E SOUTH STREET

○ = Business Map ID Number (BOID)
 □ = Parcel's Map ID Number (Map Key)

■ Petition Turned In
 ■ Opposed

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH TO DISESTABLISH THE ANDY
5 STREET MULTI-FAMILY IMPROVEMENT DISTRICT
6

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

9 Section 1. This resolution is made and enacted pursuant to the
10 provisions of the Multi-family Improvement District Law of 2004 (Sections 36700, et seq.
11 of the California Streets and Highways Code, hereinafter sometimes referred to as "the
12 law").

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

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

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

26 D. Further, on February 12, 2013, the City Council of the City of
27 Long Beach adopted Resolution No. RES-13-0020 entitled, "A Resolution of Intention of
28 the City Council of the City of Long Beach Declaring the Intention to Disestablish the

1 Andy Street Multi-Family Improvement District, Fixing a Time and Place of a Public
2 Hearing Thereon and Giving Notice Thereof.”

3 Section 2. On March 19, 2013, at the hour of 5:00 p.m., in the Council
4 Chambers of the City Council in the Long Beach City Hall, a public hearing was held to
5 consider the disestablishment of the Andy Street Multi-family Improvement District as
6 herein proposed and described and to hear any and all protests thereto.

7 Section 3. That pursuant to said law the City of Long Beach hereby
8 disestablishes the Andy Street Multi-family Improvement District.

9 Section 4. The Department of Public Works is hereby directed to dispose
10 of any remaining assets of the Andy Street Multi-family Improvement District in the
11 following manner: Any remaining revenues, after all outstanding debts are paid, derived
12 from the levy of assessments, or derived from the sale of assets acquired with the
13 revenues, shall be refunded to the owners of the property or businesses then located and
14 operating within the district in which assessments were levied by applying the same
15 method and basis that was used to calculate the assessments levied in the fiscal year in
16 which the district is disestablished.

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

24 Section 6. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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