



February 12, 2013

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Adopt the attached Resolution of Intention to disestablish the Andy Street Multi-family Improvement District (AMID), and set the date of March 19, 2013 for a public hearing. (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, (see 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, the City Council must adopt a resolution of intention to disestablish the AMID and set the date for a public hearing. The resolution must state 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 shall be given by mail to the property owner of each parcel or to the owner of each business, subject to assessment in the AMID, as appropriate.

After the public hearing, if City Council acts to disestablish the AMID, any remaining revenues, after all outstanding debts are paid, shall be refunded to the property or business owners then located and operating within the AMID, by applying the same method and basis that was used to levy the assessment.

This matter was reviewed by Assistant City Attorney Charles Parkin on January 28, 2013, and Budget Management Officer Victoria Bell on January 25, 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.

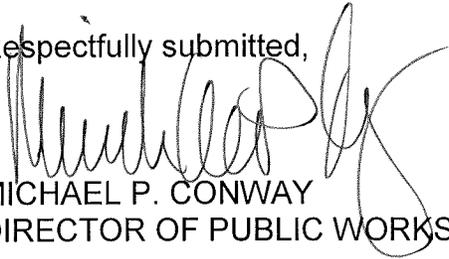
FISCAL IMPACT

There is no fiscal or local job impact to the General Fund associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

MPC:VSG:jsh  
Andy St MID disestablish ROI 02.12.13 v4.doc

Attachment: Site Map  
Resolution

APPROVED:



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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)



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

1 RESOLUTION NO.

2  
3 A RESOLUTION OF INTENTION OF THE CITY  
4 COUNCIL OF THE CITY OF LONG BEACH DECLARING  
5 THE INTENTION TO DISESTABLISH THE ANDY STREET  
6 MULTI-FAMILY IMPROVEMENT DISTRICT, FIXING A  
7 TIME AND PLACE OF A PUBLIC HEARING THEREON  
8 AND GIVING NOTICE THEREOF  
9

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

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

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

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

25 C. Further, on June 5, 2007, the City Council of the City of Long  
26 Beach adopted Resolution No. 07-0071 entitled, "A Resolution of the City Council of the  
27 City of Long Beach Establishing the Andy Street Multi-family Improvement District."

28 D. Further, the Andy Street Multi-family Improvement District was

1 not renewed prior to September 30, 2012 (the end of its five year operational period).

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

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

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

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

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

27 Section 7. If any section, subsection, sentence, clause or phrase of this  
28 resolution is for any reason held to be invalid or unconstitutional by the decision of any

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

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

8 I hereby certify that the foregoing resolution was adopted by the City  
9 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the  
10 following vote:

11  
12 Ayes: Councilmembers: \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 Noes: Councilmembers: \_\_\_\_\_  
17 \_\_\_\_\_

18 Absent: Councilmembers: \_\_\_\_\_  
19 \_\_\_\_\_

20  
21  
22 \_\_\_\_\_  
23 City Clerk  
24  
25  
26  
27  
28

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