

MEETING DATE: **07.12.10**

AGENDA ITEM: **PUBLIC HEARING: Declare the results of the
Assessment Ballot Tabulation for West Washington
Benefit Assessment District No. 2 and, If approved,
Approve a Resolution to Confirm the Diagram and
Assessment and Order the Improvements, Services and
Annual Levy.**

ATTACHMENTS

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RESOLUTION NO. 2010-R_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION, ORDERING THE IMPROVEMENTS AND SERVICES, FORMING BENEFIT ASSESSMENT DISTRICT WEST WASHINGTON BOULEVARD NO. 2, ORDERING MAINTENANCE WORK THEREIN, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF AN ANNUAL ASSESSMENT THEREIN

WHEREAS, the City Council of the City of Culver City on November 16, 2009, pursuant to the terms of the Culver City Municipal Code ("CCMC") and Article XIID of the Constitution of the State of California ("Article XIID"), initiated proceedings for the formation and for the levy and collection of annual assessments for the benefit assessment district known and designated as City of Culver City "Benefit Assessment District West Washington Boulevard No. 2" (the "District"); and,

WHEREAS, the City Council ordered and subsequently received an Assessment Engineer's Report (hereafter referred to as the "Engineer's Report") in accordance with the CCMC and Article XIID; and,

WHEREAS, the City Council set the time and place for a Public Hearing to consider the formation of the District and for the authorization to levy annual assessments therein. The City Council also ordered a notice of Public Hearing on July 12, 2010, accompanied by assessment ballots, be given to the record owners of all property within the proposed District in accordance with the provisions of the CCMC and Article XIID; and,

WHEREAS, notice of the July 12, 2010 Public Hearing accompanied by assessment ballots were mailed to the record owners of all property within the proposed District in accordance with the provisions of the CCMC and Article XIID.

1 NOW, THEREFORE, the City Council of the City of Culver City, DOES
2 HEREBY RESOLVE as follows:

3 1. The above recitals are all true and correct.

4 2. The City Council hereby finds and determines that the procedures
5 for the consideration of the formation and the levy of annual assessments have been
6 undertaken in accordance with the CCMC and Article XIID.

7 3. Assessment ballots were mailed, as required by the CCMC and
8 Article XIID, to the record owners of all properties proposed to be assessed within the
9 District. The assessment ballots that were completed and received by the City Clerk,
10 prior to the close of the Public Hearing, have been tabulated in accordance with the
11 procedures established under the CCMC and Article XIID and the results of such
12 tabulation have been submitted to this City Council.

13 4. This City Council hereby finds that the assessment ballots
14 submitted in favor of the levy of assessments exceed the assessment ballots submitted
15 in opposition to such levy as weighted in accordance with the CCMC and Article XIID.
16 Therefore, no majority protest to the levy of assessments within the District has been
17 found to exist.

18 5. The City Council hereby orders the formation of the District.

19 6. Based upon the Engineer's Report and the testimony and other
20 evidence presented at the July 12, 2010 Public Hearing, the City Council hereby makes
21 the following determinations regarding the assessments to be levied for Fiscal Year
22 2010/11. Assessments will be levied to pay for the estimated costs to maintain all the
23 improvements ultimately to be installed within the District:

24 a. The proportionate special benefit derived by each
25 assessable parcel has been determined in relationship to the entirety of the cost of the
26 operations and maintenance expenses.

1 b. The assessments do not exceed the reasonable cost of the
2 proportional special benefit conferred on each parcel.

3 c. Only special benefits have been assessed.

4 7. The assessments for the District contained in the Engineer's
5 Report for Fiscal Year 2010/11 hereby confirmed and levied upon the respective lots or
6 parcels within the District as set forth in said Engineer's Report. Subsequent annual
7 assessments, in amounts not to exceed an established maximum annual assessment
8 may be confirmed and levied without further assessment ballot proceedings pursuant to
9 CCMC and Article XIID. Each fiscal year beginning Fiscal Year 2011/12, the maximum
10 amount of each assessment (the "Maximum Assessment") shall be increased by the
11 February Consumer Price Index for all Urban Consumers for Los Angeles – Riverside –
12 Orange County area without further compliance with the assessment ballot procedures
13 required under the CCMC and Article XIID.

14 8. The public interest and convenience requires and this legislative
15 body does hereby order the maintenance work to be made and performed as set forth
16 in the Engineer's Report.

17 9. The diagram and assessment shall be filed in the Office of the City
18 Clerk. Said diagram and assessment, and the certified copy thereof, shall be open for
19 public inspection.

20 10. The City Clerk is hereby ordered and directed to immediately file a
21 certified copy of the diagram and assessment with the County Auditor.

22 11. After the filing of the diagram and assessment, the County Auditor
23 shall enter onto the County assessment roll opposite each lot or parcel of land, the
24 amount assessed thereon as shown in the assessment.

25 12. The assessments shall be collected at the same time and in the
26 same manner as County taxes are collected and all laws providing for the collection and
27 enforcement of County taxes shall apply to the collection of the assessments.
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13. Upon receipt of monies representing assessments collected by the County, the City shall deposit the monies into a special fund known as the "Fund for Benefit Assessment District West Washington Boulevard No. 2," which shall be established upon the creation of the District.

14. The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 2010 and ending June 30, 2011.

APPROVED, AND ADOPTED this _____ day of July, 2010.

CHRISTOPHER ARMENTA, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A10-00240