

MEETING DATE: **06.06.11**

AGENDA ITEM: **Adoption of a Resolution Approving the Engineer's
Report and Declaring the City Council's Intention to
Form the West Washington Boulevard Benefit
Assessment District Number 3.**

ATTACHMENTS

	<u>Pages</u>
1. Area Improvement Plan Map	1
2. Conceptual Plans	2-3
3. Engineer's Report	4-18
4. Resolution	19-20



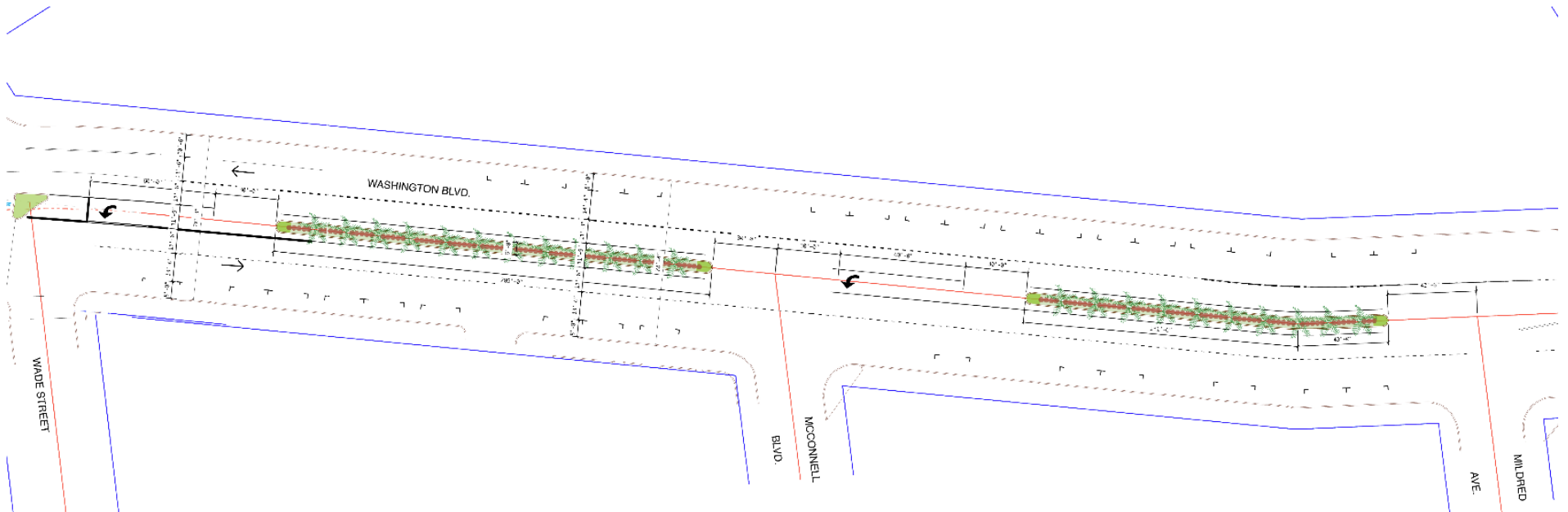
GIS PROGRAM
AUGUST 04, 2009



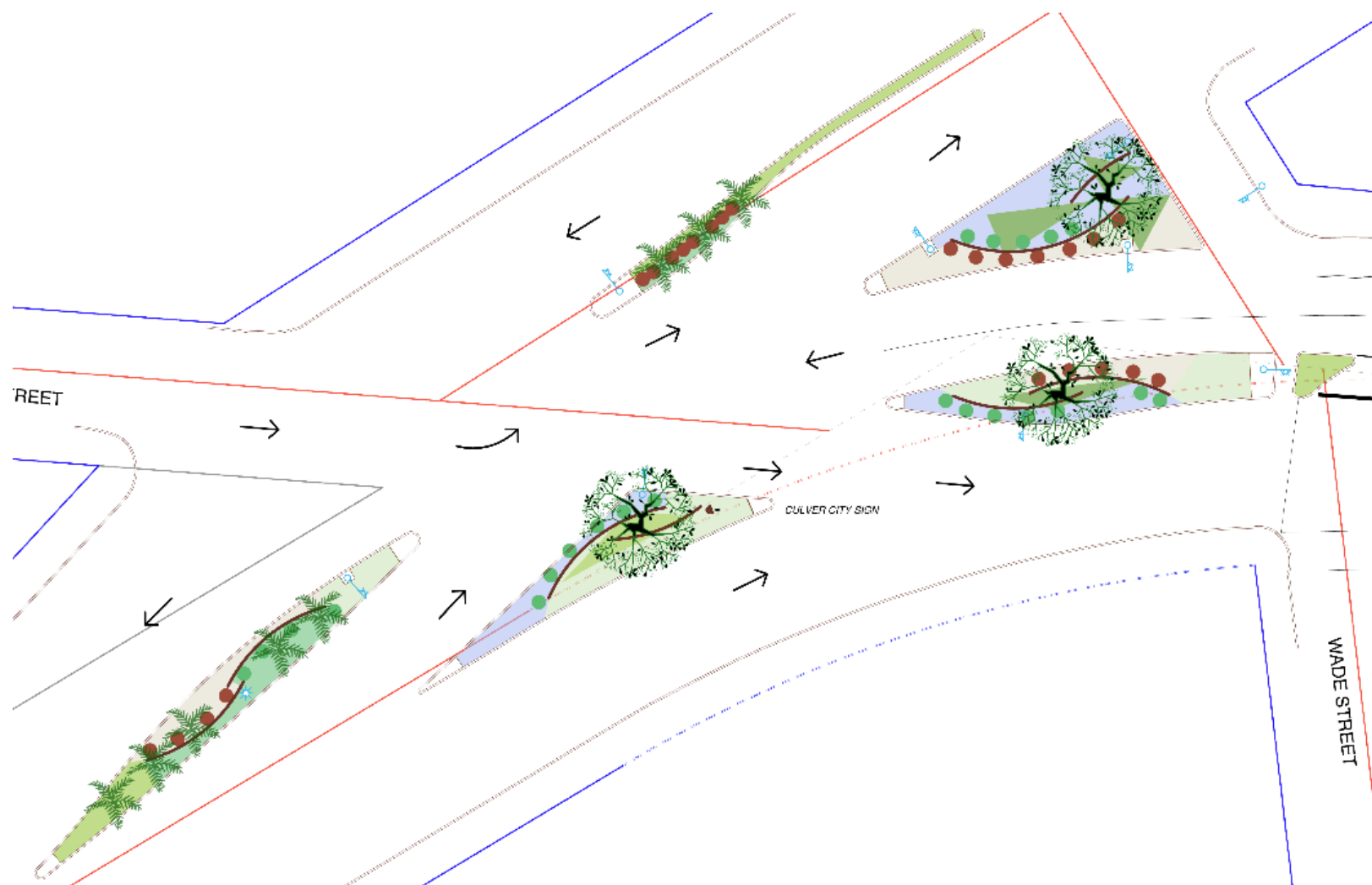
Area Improvement Plan West Washington

- Phase
- 1
 - 2
 - 3
- Demonstration Areas
- City Boundary

PHASE III NEW MEDIANS
(between Mildred Avenue and Wade Street)



PHASE III CONCEPTUAL PLANS





City of Culver City

Formation Engineer's Report

**Benefit Assessment District
West Washington Boulevard No. 3**

June 6, 2011

Main Office

32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office

870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

**CITY OF CULVER CITY
BENEFIT ASSESSMENT DISTRICT
WEST WASHINGTON BOULEVARD NO. 3
9770 Culver Blvd.
Culver City, CA. 90232
Phone - (310) 253-5700**

CITY COUNCIL

Micheál O' Leary, Mayor

D. Scott Malsin, Vice Mayor

Christopher Armenta, Council Member

Jeffrey Cooper, Council Member

Andrew Weissman, Council Member

CITY STAFF

John Nachbar, City Manager

Sol Blumenfeld, Community Development Director

Charles D. Herbertson, Public Works Director

Martin Cole, Assistant City Manager/City Clerk

Todd Tipton, Redevelopment Administrator

Mate Gaspar, Engineering Services Manager

Elaine Gerety Warner, Senior Management Analyst

NBS

Pablo Perez, Client Services Director

John M. Brudin, Assessment Engineer

Sara Mares, Senior Consultant

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ENGINEER'S LETTER

WHEREAS, on September 27, 2010, the City Council of the City of Culver City (the "City"), State of California, under the Culver City Municipal Code (the "CCMC"), adopted Resolution No. 2010-R074 Initiating Proceedings for the Formation and Levy of Annual Assessments for a benefit assessment district known and designated as "Benefit Assessment District West Washington Boulevard No. 3", (hereafter referred to as the "District"); and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations and servicing of the improvements, a diagram showing the area and properties to be assessed and an estimate of the costs of the maintenance, operations and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received, in accordance with Section 15.01.055 of the CCMC, Article XIIID of the Constitution of the State of California ("Article XIIID") and Proposition 218 Omnibus Implementation Act ("Proposition 218").

NOW THEREFORE, the following assessment is made to cover the portion of the estimated costs of maintenance, operation, servicing and administration of said improvements to be paid by the assessable real property within the District in proportion to the special benefit received:

SUMMARY OF MAXIMUM ASSESSMENT

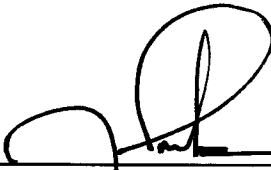
	Estimated 2011/12 Costs
Direct Maintenance and Administrative Costs	\$21,554.08
Reserve Fund Contribution	0.00
Total Maximum Budget Costs	\$21,554.08
Total District Parcels	13
Total Assessable Linear Front Footage	1,486.57
Total Assessable Building Square Footage	94,001.00
Proposed Maximum Assessment Per Linear Front Foot	\$10.15
Proposed Maximum Assessment Per Building Square Foot	\$0.07

In making the assessments contained herein pursuant to the Resolution of Initiation and the CCMC:

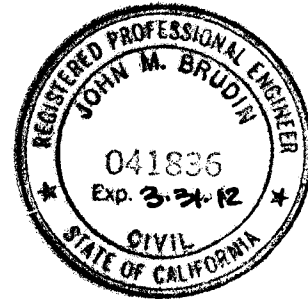
1. I identified all parcels (the "Specially Benefited Parcels") which will have a special benefit conferred upon them from the improvements described in Section 2.2 to this Engineer's Report. For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy of which is included in Section 5 of this Engineer's Report.
2. I have assessed the costs and expenses of the improvements upon the Specially Benefited Parcels. In making such assessment:
 - a. The proportionate special benefit derived by each Specially Benefited Parcel from the improvements was determined in relationship to the entirety of the maintenance costs of the improvements;

- b. No assessment has been imposed on any Specially Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements; and
- c. The general benefits from the improvements have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagram herein have been prepared and computed in accordance with the order of the City Council of the City of Culver City, the CCMC, Article XIIID and Proposition 218.



John M. Brudin, P.E., Assessment Engineer



INTRODUCTION

Reason for Proposed Assessment

Approval of the proposed assessment covered by this Engineer's Report will generate the revenue necessary to:

- A. Provide for the maintenance and servicing of the improvements described in the Plans and Specifications. Maintenance may include but is not limited to, all of the following: the upkeep, repair, removal or replacement of all or any part of any improvement or facility, providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury as well as the removal of trimmings, rubbish, debris, and other solid waste. Servicing means the furnishing of water for the irrigation of landscaping, the furnishing of electricity, gas or other illuminating energy for the lighting of landscaping or appurtenant facilities. This shall also include material, vehicle, equipment, capital improvements and administrative costs associated with the annual administration and operation of the District.
- B. Provide for maintenance and servicing in future years as costs increase due to inflation or due to the increased costs of utilities beyond the City's control by establishing an annual cost of living inflator.

Process for Proposed Assessment

The City cannot increase assessments within the District without complying with the procedures specified in Article XIID and Proposition 218. In November 1996, the voters in the State of California added Article XIID to the California Constitution imposing, among other requirements, the necessity for the City to conduct an assessment ballot procedure to enable the owners of each property on which assessments are proposed to be enacted or increased, the opportunity to express their support for, or opposition to, the proposed assessment or increase in such assessment. The basic steps of the assessment ballot procedure are outlined below.

The City must prepare a Notice of Public Hearing ("Notice"), which describes, along with other mandated information, the reason for the proposed assessments and provide a date and time of a public hearing to be held on the matter. The City must also prepare an assessment ballot, which clearly gives the property owner the ability to sign and mark their assessment ballot either in favor of, or in opposition to, the proposed assessment. The Notice and assessment ballot are mailed to each affected property owner within the District a minimum of 45 days prior to the public hearing date as shown in the Notice. The City may also hold community meetings with the property owners to discuss the issues facing the District and to answer property owner questions directly.

After the Notice and assessment ballot are mailed, property owners are given until the close of the public hearing, stated in the Notice, to return their signed and marked assessment ballot. During the public hearing, property owners are given the opportunity to address the City Council and ask questions or voice their concerns. After the public hearing, the returned assessment ballots received prior to the close of the public hearing are tabulated, weighted by the proposed assessment amount on each property and the results are announced by the City Council.

Article XIID provides that if, as a result of the assessment ballot proceeding, a majority protest is found to exist, the City Council shall not have the authority to increase the assessments as proposed. A majority protest exists if the assessments represented by ballots submitted in opposition exceed those submitted in favor of the assessment. All returned ballots are tabulated and weighted according to the financial obligation of each particular parcel.

If there is no majority protest as described above, the City Council may approve the proposed District assessments.

PLANS AND SPECIFICATIONS

The District provides for the continued administration, maintenance, operations, and servicing of various improvements located within the public right-of-way and dedicated easements within the boundaries of the District.

Description of the Boundaries of the District

The District is located in the City of Culver City. The boundaries of the District are generally described as that area located east of Zanja Street, west of Boise Avenue and along West Washington Boulevard.

Description of Improvements and Services

The improvements are the construction, operation, maintenance and servicing of medians, landscaping, lighting, and appurtenant facilities, including, but not limited to, labor costs, utilities, material, contracting services and any other items necessary for the satisfactory maintenance and operation of the these improvements as described below.

Reference is made to the plans and specifications for the improvements, which are on file with the Culver City Redevelopment Agency. The table below lists specific improvements within the District to be maintained:

Medians
Landscaping
Lighting
Irrigation

ESTIMATE OF COSTS

The estimated cost of administration, maintenance, operations, and servicing the improvements as described in the Plans and Specifications are summarized below. Each year, as part of the assessment district levy calculation process, the costs and expenses are reviewed and the annual costs are projected for the following fiscal year.

District Budget

DIRECT MAINTENANCE COSTS	MAXIMUM BUDGET FISCAL YEAR 2011/12	ACTUAL BUDGET FISCAL YEAR 2011/12
Maintenance Costs	\$4,396.00	\$4,396.00
Water for Irrigation	1,438.72	1,438.72
Lighting	3,500.00	3,500.00
Mulch Replenishment	1,600.00	1,600.00
Plant Replacement	3,500.00	3,500.00
Electrical Usage	1,669.36	1,669.36
Irrigation Replacement	1,600.00	1,600.00
Subtotal Direct Costs	\$17,704.08	\$17,704.08
ADMINISTRATION COSTS		
City Administration	\$1,000.00	\$1,000.00
Consultants	2,500.00	2,500.00
County Fee*	350.00	350.00
Subtotal Administration Costs	\$3,850.00	\$3850.00
Subtotal of Direct & Administrative Costs	\$21,554.08	\$21,554.08
Amount to be carried over from Improvement Fund	\$0.00	\$0.00
Contributions from other Sources	0.00	0.00
Reserve Fund Contribution	0.00	0.00
Total Budget Costs	\$21,554.08	\$21,554.08
Rounding Adjustment	0.00	(0.13)
Total Balance to Levy	\$21,554.08	\$21,553.95
Total District Parcels	13	13
Total Assessable Linear Front Footage	1,486.57	1,486.57
Total Assessable Building Square Footage	94,001.00	94,001.00
Assessment Per Linear Front Foot	\$10.15	\$10.15
Assessment Per Building Square Foot	\$0.07	\$0.07

*Includes a \$250 initial set up fee in addition to an annual fee of \$50 per District, plus \$0.25 per parcel.

It is the intent of the City of Culver City to establish a reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. The reserve balance information for the District is as follows:

Estimated Fiscal Year Ending June 30, 20011 Reserve Fund Balance	\$0.00
Initial Operating Reserve Collection – Fiscal Year 2011/12	0.00
Estimated Fiscal Year Ending June 30, 2012 Reserve Fund Balance	\$0.00

Definitions of Budget Items

The following definitions describe the services and costs included in the District Budget:

Direct Costs:

Maintenance Costs includes all regularly scheduled labor, material and equipment required to properly maintain and ensure the satisfactory condition of all medians, palm trees, landscaping, and appurtenant facilities, on a bi-monthly basis.

Water for Irrigation includes the furnishing of water required for the operation and maintenance of the landscape and irrigation systems.

Lighting includes the furnishing of electricity required for the operation and maintenance of the palm tree uplights.

Mulch Replenishment includes once annually replenishment of mulch as required for the operation and maintenance of the landscaping and median facilities.

Plant Replacement includes the replacement of plants as required to ensure the satisfactory condition of the landscaping and median facilities (does not include replacement of palm trees).

Irrigation Replacement includes the ongoing repair and replacement of the irrigation systems, including solar controller and rain sensor.

Administration Costs:

City Administration includes the cost to all particular departments and staff of the City for providing the coordination of the District services, operations and maintenance of the improvements, response to public concerns and education, and procedures associated with the levy and collection of assessments.

Consultants include the costs associated with contracting with professionals to provide services specific to the administration of the annual assessment levy.

County Fee includes fees charged by the County of Los Angeles for placing the assessments onto the tax rolls on a yearly basis. This fee is \$0.25 per parcel plus \$50 per District. Also, included for Fiscal Year 2011/12 is an initial set up fee of \$250.00

Operating Reserve Collection:

Operating Reserve Collection is the amount collected to maintain reserves to enable the City to pay for the operation and maintenance costs to December 10 of the fiscal year. The Reserve Fund Contribution will continue until such a time the Reserve Fund balance is approximately one half of the annual costs. The funds will be allowed to build up gradually in anticipation of any unforeseen expenses not normally included in the yearly maintenance costs. This may include, but is not limited to, palm tree replacement, repair or damaged equipment due to vandalism, storms, and other similar events.

METHOD OF APPORTIONMENT

General

Pursuant to the CCMC and Article XIID, all parcels that have a special benefit conferred upon them as a result of the maintenance and operation of improvements and services shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the maintenance and operation of improvements. The net amount to be assessed may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels. Proposition 218, approved by the voters in November 1996, requires the Agency to separate general benefit from special benefit, where as only special benefit is assessed.

Each parcel within the District receives special and direct benefit from the improvements and associated appurtenances located within the public rights-of-ways located within the District, due to the proximity of said improvements.

Special Benefit

The landscape and median improvements will be installed by the Culver City Redevelopment Agency and the continued maintenance is guaranteed through the establishment (formation) of the District. Since these improvements are for the benefit of the properties within the District and those properties also benefit from the maintenance of the improvements, only the property owners within the District are assessed for the said maintenance of improvements.

In addition, the improvements confer a particular and distinct special benefit upon all parcels within the District because of the nature of the improvements. The ongoing and proper maintenance of landscaping improves the aesthetic appeal of the properties within the District providing a positive representation as well as the enhanced desirability of properties through association with the improvements. This increase in the value provides a distinct special benefit to the parcels within the District, which includes higher occupancy rates, increased rentals and lower vacancies. According to Judith Guido, Director of Marketing for LandCareUSA, landscaping can speed up the sale of a building by 6 weeks. The installation and maintenance of raised medians improve both pedestrian and traffic safety to those either walking or driving within the District. According to the US Department of Transportation Federal Highway Administration, raised medians provide pedestrian protection by “reducing pedestrian involved crashes by 45 percent and fatalities by 78 percent” and after analysis of crash data in seven states, “raised medians reduce crashes by over 40 percent in urban areas.” The parcels within the District receive a distinct special benefit as their primary use is business/retail, and studies have proven that greenery and associated landscaping attract shoppers to the area as well as stimulate economic growth (Kathleen Wolf, University of Washington: Economic and Public Value of Urban Forests). Also, according to Virginia Cooperative Extension, a recent study has found that consumers are willing to pay a premium of up to 12% for goods purchased in retail establishments that are accompanied by quality landscaping. The ongoing and proper maintenance of the landscaping and appurtenant facilities specially benefits parcels within the District by enhancing the environmental quality of the parcels and making them more desirable by improving air quality, providing shade from solar radiation, reducing temperatures through evaporation and transpiration and absorbing heat (according to data from Planet, professional landscape network). All of the above mentioned items contribute to a specific enhancement and special benefit of the properties within the District.

General Benefit

In addition to the special benefits received by the parcels within the District, there are incidental general benefits conferred by the proposed improvements. It is recognized that the proper maintenance of the medians and landscaping improvements provide only an incidental and derivative benefit to the public at large, including traffic and pedestrian safety for those passing through the District. Also, according to

Projectevergreen.com Economic Fact Sheet, the installation and proper maintenance of landscaping can protect the City's drainage systems. In addition, the proper maintenance of landscaping, lighting and appurtenant facilities reduces property relating crimes (especially vandalism) against properties located in the vicinity of the improvements (Diane Relf, Extension Specialist and Environmental Horticulture of Virginia Tech). Finally, the proper maintenance of landscaping provides a positive visual experience to persons passing through the District, which is only an incidental and derivative benefit. All of the aforementioned constitutes incidental and derivative general benefits conferred by the improvements.

The total benefits thus are a combination of the special benefits to the parcels within the District and the general benefits to the public at large and to the adjacent properties. Because the median and landscaping improvements are located immediately in front of the properties within the District, and is maintained for the benefit of said properties, any benefit received by properties outside the District is merely coincidental. Nonetheless, the Agency has agreed to ensure that no property is assessed in excess of the reasonable cost of the proportional special benefit conferred upon that property.

Method of Apportionment Spread

Each of the parcels within the District is deemed to receive special benefit from the improvements. Each parcel that has a special benefit conferred upon them as a result of the maintenance and operation of improvements are identified and the proportionate special benefit derived by each identified parcel is determined in relationship to the entire costs of the maintenance and operation of the improvements. The maximum assessment per linear front foot and building square foot is determined as follows:

$$\begin{aligned} \text{Assessment per Linear Front Foot} &= (\text{Total Costs} \times 0.70) / \text{Total District Linear Front Feet} \\ \text{Assessment per Building Square Foot} &= (\text{Total Costs} \times 0.30) / \text{Total District Building Square Feet} \end{aligned}$$

Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received, in accordance with the formula listed below:

$$\text{Parcel's Linear Front Foot X Assmnt per Linear Foot} + \text{Parcel's Building Square Foot X Assmnt per Building Square Foot} = \text{Maximum Assmt Per Parcel}$$

There are 13 total parcels within the District, with 1,486.57 total linear front feet and 94,001.00 total building square feet. The maximum assessment is spread as follows:

Fiscal Year 2011/12 Maximum Budget Costs	\$21,554.08
Total District Linear Front Footage	1,486.57
Total District Building Square Footage	94,001.00
Proposed Fiscal Year 2011/12 Maximum Assessment per Linear Front Foot	\$10.15
Proposed Fiscal Year 2011/12 Maximum Assessment per Building Square Foot	\$0.07

Cost of Living Inflation

The proposed maximum assessment sets the initial maximum assessment and is stated in Fiscal Year 2011/12 dollars. Each fiscal year beginning Fiscal Year 2012/13, the maximum assessment amount shall be increased by the February Consumer Price Index for All Urban Consumers for the Los Angeles, Riverside and Orange County area. The annual assessment shall not exceed the maximum assessment, unless the appropriate Proposition 218 proceedings are conducted by the City to authorize an increase beyond the maximum assessment amount.

ASSESSMENT DIAGRAM

An Assessment Diagram for the District has been submitted to the City Clerk in the format required under the provision of the CCMC. The lines and dimensions shown on maps of the County Assessor of the County of Los Angeles for the current year are incorporated by reference herein and are made a part of this Report.

ASSESSMENT DIAGRAM
BENEFIT ASSESSMENT DISTRICT WEST WASHINGTON BOULEVARD NO. 3

CITY OF CULVER CITY
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CULVER CITY,
THIS ____ DAY OF ____, 20__.

CITY CLERK
CITY OF CULVER CITY
LOS ANGELES COUNTY, CALIFORNIA

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS
____ DAY OF ____, 20__.

SUPERINTENDENT OF STREETS
CITY OF CULVER CITY
LOS ANGELES COUNTY, CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED ON THE ____ DAY OF ____, 20__ ; THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THAT CITY ON THE ____ DAY OF ____, 20__. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

CITY CLERK
CITY OF CULVER CITY
LOS ANGELES COUNTY, CALIFORNIA

FILED THIS ____ DAY OF ____, 20__, AT THE HOUR OF ____ O'CLOCK __M. IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

COUNTY RECORDER
LOS ANGELES COUNTY, CALIFORNIA

NOTES:

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSORS PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR OF THE COUNTY OF LOS ANGELES.

Assessment ID	APN
1	4231-019-049
2	4231-019-050
3	4231-019-055
4	4231-019-064
5	4231-019-066
6	4231-022-039
7	4231-023-003
8	4231-023-004
9	4231-023-005
10	4231-023-006
11	4231-023-047
12	4231-024-048
13	4231-024-049



ASSESSMENT ROLL

Parcel Identification, for each lot or parcel within the District, shall be the parcel as shown on the Los Angeles County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District, along with the assessment amounts, is included on the following page. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel(s) shall be based on the method of apportionment spread approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amounts applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment spread rather than a proportionate share of the original assessment.

ATTACHMENT 3

CITY OF CULVER CITY
Benefit Assessment District West Washington Boulevard No. 3

Fiscal Year 2011/12 Assessment Roll

Assmnt ID	APN	Owner	Linear Front Footage	Building Square Footage	Linear Front Ft Assmnt	Building Sq Ft Assmnt	Total Assmnt	Rounding	Total Levy Amount
1	4231-019-049	Samuel V Kardashian	90.71	1,680.00	\$920.66	\$115.57	\$1,036.22	\$0.00	\$1,036.22
2	4231-019-050	12601 W Washington LLC	60.00	0.00	608.97	0.00	608.97	(0.01)	608.96
3	4231-019-055	Jeffrey & Dayna Paul	263.49	7,890.00	2,674.28	542.74	3,217.02	0.00	3,217.02
4	4231-019-064	SL & GL Enterprises LLC	272.03	14,077.00	2,760.95	968.34	3,729.29	(0.01)	3,729.28
5	4231-019-066	Washington Crossroads LLC	80.00	11,267.00	811.96	775.04	1,587.00	0.00	1,587.00
6	4231-022-039	Ross & Robin Yamamoto	140.41	11,620.00	1,425.08	799.33	2,224.41	(0.01)	2,224.40
7	4231-023-003	Ida Sheppard	40.94	1,917.00	415.52	131.87	547.39	(0.01)	547.38
8	4231-023-004	Butler Real Estate Investments LLC	40.94	1,228.00	415.52	84.47	499.99	(0.01)	499.98
9	4231-023-005	John & Carmel Matteson	40.38	1,917.00	409.83	131.87	541.70	0.00	541.70
10	4231-023-006	John & Carmel Matteson	48.12	1,800.00	488.39	123.82	612.21	(0.01)	612.20
11	4231-023-047	Mark & Shelley Calde	122.82	7,462.00	1,246.55	513.30	1,759.86	0.00	1,759.86
12	4231-024-048	JMTV LLC	126.37	22,535.00	1,282.58	1,550.16	2,832.74	0.00	2,832.74
13	4231-024-049	International Church Foursquare Gospel	160.36	10,608.00	1,627.56	729.71	2,357.28	0.00	2,357.28
TOTALS			1,486.57	94,001.00	\$15,087.86	\$6,466.22	\$21,554.08	(\$0.06)	\$21,554.02

RESOLUTION NO. 2011-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORT, DECLARING ITS INTENTION TO ORDER THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE BENEFIT ASSESSMENT DISTRICT WEST WASHINGTON BOULEVARD NO. 3, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

WHEREAS, on September 27, 2010, the City Council, pursuant to Section 15.01.060 of the Culver City Municipal Code ("CCMC"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Proposition 218) did by previous Resolution No. 2010-R074 initiate proceedings to form Benefit Assessment District West Washington Boulevard No. 3 (the "District") and ordered the preparation of an Assessment Engineer's Report (the "Engineer's Report") for the levy and collection of annual assessments within said District; and,

WHEREAS, the City Council desires to declare its intention to form the District and to provide for the levy and collection of annual assessments, beginning with Fiscal Year 2011-2012, to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements (defined below) within the District; and,

WHEREAS, the Engineer's Report has been filed with the City Clerk and submitted to the City Council in accordance with Section 15.01.060 of the CCMC and Proposition 218; and,

WHEREAS, the City Council has carefully examined and reviewed the Engineer's report as presented and is preliminary satisfied with the proposed formation, each and all of the budget items and documents as set forth therein and is satisfied that the levy amounts, on a preliminary basis, have been spread in accordance with the special benefit

1 received from the improvements, operation, maintenance and services within the District as set
2 for in said Engineer's Report.

3 NOW, THEREFORE, the City Council of the City of Culver City, DOES HEREBY
4 RESOLVE as follows:

5 1. The Engineer's Report as presented, consisting of the following: a
6 description of improvements, the estimated costs of improvements, a diagram for the District
7 and the District assessment roll containing the Fiscal Year 2011-2012 levy for each Assessor's
8 parcel within the District, is hereby approved on a preliminary basis and ordered to be filed in
9 the Office of the City Clerk as a permanent record and to remain open for public inspection.

10 2. It is the intention of the City Council to order the formation of the District
11 and to levy and collect assessments to pay the annual costs and expenses for the maintenance
12 and servicing of improvements within said District. The improvements are generally described
13 as: five medians, landscaping, lighting, irrigation and appurtenant facilities including any other
14 improvements authorized by the CCMC within the boundaries of the District. Services provided
15 include all necessary service, operations, administration and maintenance required to keep the
16 improvements in a healthy, vigorous and satisfactory condition.

17 3. The proposed District is located generally west of Centinela Avenue, east
18 of Neosho Avenue, and along West Washington Boulevard. The District is designated by the
19 name of "Benefit Assessment District West Washington Boulevard No. 3."

20 4. The Engineer's Report, as preliminary approved by the City Council, is on
21 file with the City Clerk and open for public inspection. Reference is made to the Engineer's
22 Report for a full detailed description of the improvements to be maintained, the boundaries of
23 the District and the proposed assessments upon assessable lots and parcels of land within the
24 District.

25 5. Notice is hereby given that a Public Hearing is scheduled to be held at
26 Mike Balkman Council Chambers, 9770 Culver Boulevard, Culver City, California, on July 25,
27
28

ATTACHMENT 4

1 2011 at 7:00pm. All interested persons shall be afforded the opportunity to hear and be heard.
2 The City Council shall consider all oral statements or written communication made or filed by
3 any interested person in regards to the proposed District.

4 6. The City Clerk is hereby directed to give notice of the Public Hearing by
5 causing the resolution of intention, or summary thereof, to be published, posted and mailed as
6 provided in Section 15.01.050 of the CCMC. Pursuant to Section 4 of Article XIID, the City is
7 hereby directed to give notice of the Public Hearing and assessment ballot proceedings
8 together with the assessment ballot materials, to the record owners of all real property
9 proposed to be assessed.

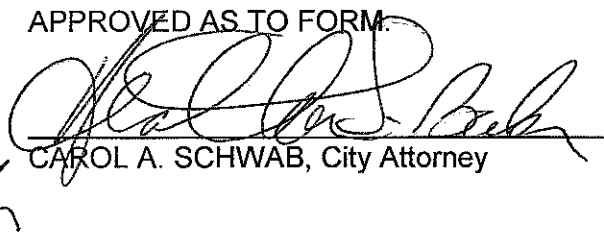
10
11 APPROVED and ADOPTED this _____ day of _____ 2011.

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14 MICHEÁL O'LEARY, Mayor
City of Culver City, California

15
16 ATTEST:

APPROVED AS TO FORM.

17
18 _____
MARTIN R. COLE, City Clerk

19 
CAROL A. SCHWAB, City Attorney

20 A11-00267
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