

RESOLUTION NO. 08-07

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA
FLINTRIDGE, CALIFORNIA DECLARING ITS INTENTION TO MAKE CHANGES IN
ASSESSMENTS FOR CERTAIN PARCELS WITHIN ASSESSMENT DISTRICT NO. 04-1
(SEWER PROJECT NO. 3A) AND SETTING THE TIME AND PLACE FOR A PUBLIC
HEARING THEREON

WHEREAS, the City Council of the City of La Cañada Flintridge (the "City") previously undertook proceedings pursuant to the provisions of Division 12 of the Streets and Highways Code of the State of California (the "Improvement Act"), to form and did form an assessment district known and designated as Assessment District No. 04-1 (Sanitary Sewer Project Nos. 3A & 3B) (the "Assessment District") for the purpose of financing the construction of sewer improvements, including local gravity flow sewer lines and lateral lines connecting the gravity flow sewer lines to the property lines of the properties within the Assessment District, and appurtenances and appurtenant work, including the slurry sealing of streets within which the sewer lines are installed and the payment of connection fees necessary to provide sewer treatment plant capacity to serve the properties within the Assessment District; and

WHEREAS, as a part of the proceedings to consider formation of the Assessment District, an Engineer's Report was prepared as required by the Improvement Act and Article XIID of the Constitution of the State of California ("Article XIID"); and

WHEREAS, the Engineer's Report included, among other information, the recommended method of apportionment of the costs of the construction of the sewer improvements among the parcels that would specially benefit parcels within the Assessment District by making a sanitary sewer system available to serve such properties; and

WHEREAS, the City Council did, following a public hearing and a determination that a majority protest to the levy of assessments within the Assessment District did not exist, approve the Engineer's Report, confirm the levy of assessments on the properties within the Assessment District and order the construction of the sewer improvements; and

WHEREAS, an assessment was levied on three parcels then under common ownership located at the northeast corner of Tondolea Lane and Lone Pine Lane and further identified by a single Assessor's Parcel No. 5806-010-012 (the "Original Parcels") for a single sewer connection; and

WHEREAS, subsequent to the formation of the Assessment District, the owner of the Original Parcels sold the parcels located at 2021 Tondolea Lane (further identified as Assessor's Parcel No. 5806-010-026) ("2021 Tondolea Lane") and at 2027 Tondolea Lane (further identified as Assessor's Parcel No. 5806-010-025) ("2027 Tondolea Lane") to separate buyers; and

WHEREAS, the current owners of 2021 Tondolea Lane and 2027 Tondolea Lane (the "Owners") have submitted applications for City Sewer Disposal Permits that would permit such properties to be connected to and served by the City's sewer system; and

WHEREAS, the Engineer's Report provided that when a request to connect to the sewer system was made for parcels not originally assessed for the sewer improvements, a fair share of the Assessment District's costs should be collected as a precondition to providing the sewer connection for such parcel; and

WHEREAS, the Owners have requested that they be permitted to pay off their fair share of the Assessment District's costs for their respective parcels over time by modifying the assessment roll established for the District to reflect the levy of the unpaid amount of the assessment on their respective parcels; and

WHEREAS, the provisions of Chapter 4.5 of the Improvement Act ("Chapter 4.5") provide that the City Council may, upon notice and hearing, make changes in the assessment levied within the Assessment District; and

WHEREAS, Article XIID provides that no assessment may be levied or increased unless such levy or increase in assessment complies with the provisions of Article XIID; and

WHEREAS, each Owner has entered into a Sewer Connection Agreement and Stipulation for Entry of Judgment (each, a "Sewer Agreement") with the City pursuant to which such Owner has knowingly and voluntarily waived each and every right accorded to such Owner under Article XIID, including but not limited to the right that any public hearing conducted by the City Council to consider the modification of assessment roll to reflect the full amount of the assessment on such Owner's parcel be held not less than 45 days after the notice of such public hearing is mailed to such Owner; and

WHEREAS, in response the request of the Owners and in reliance upon the waivers given by each Owner in the Sewer Agreement, this City Council desires to declare its intention to modify the assessment roll to reflect the levy of the unpaid amount of the assessment against 2021 Tondolea and 2027 Tondolea.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of La Cañada Flintridge as follows:

1. The foregoing Recitals are true and correct.
2. This City Council hereby declares its intention to modify the assessment roll for the Assessment District to reflect the levy of an assessment of \$22,210.19 against 2021 Tondolea Land and an assessment of \$22,210.19 against 2027 Tondolea Lane.
3. NOTICE IS HEREBY GIVEN THAT a public hearing to consider protests to the proposed assessments is hereby scheduled to be held at the City Council meeting room of the City of La Cañada Flintridge located at 1327 Foothill Boulevard, La Cañada Flintridge, California on May 19, 2008 at 7:00 p.m.

Pursuant to the provisions of Article XIID, the record owner of each parcel proposed to be so assessed has the right to submit an assessment ballot in favor of or in opposition to the assessment proposed to be levied on such parcel.

Assessment ballots will be mailed to the record owner of each parcel subject to the proposed assessment. Each such owner may complete such assessment ballot and thereby indicate such owner's support for or opposition to the proposed assessment. All such assessment ballots must be received by the city clerk at the following address at or before the time set for the close of the public hearing:

City Clerk
City of La Cañada Flintridge
1327 Foothill Boulevard
La Cañada Flintridge, California 91011-2137

An assessment ballot received after the close of the public hearing will not be tabulated even though the postmark on the envelope transmitting the assessment ballot is dated on or before the date of the public hearing.

At the conclusion of the public hearing, the City Council shall cause the tabulation, pursuant to Government Code section 53753, of the assessment ballots timely received. If a majority protest, as described below, exists the City Council shall not impose an assessment within the Assessment District. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in favor of such assessment. In tabulating the assessment ballots, each assessment ballot shall be weighted by the amount of the proposed assessment to be imposed upon the identified parcel for which such assessment ballot was submitted.

4. The City Clerk is hereby directed to mail or cause to be mailed notice of the Public Hearing and the adoption of this Resolution of Intention, together with the assessment ballot materials, to the record owner of each parcel proposed to be assessed.

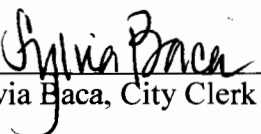
5. For purposes of tabulating the assessment ballots for these proceedings as required pursuant to the Assessment Law, the City Council hereby designates the City Clerk to act as the tabulation official to tabulate the assessment ballots submitted.

PASSED, APPROVED AND APPROVED this 5th day of May, 2008.



Stephen A. Del Guercio, Mayor

ATTEST:



Sylvia Baca, City Clerk

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Sylvia Baca, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No.08-07 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 5th day of May 2008, by the following vote:

AYES: COUNCILMEMBERS: Brown, Spence, Voss, Olhasso, Del Guercio
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Dated: May 6, 2008



Sylvia Baca, City Clerk