

RESOLUTION NO. 09-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, PASSING UPON AND GIVING PRELIMINARY APPROVAL TO THE REPORT OF THE ASSESSMENT ENGINEER, SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES FOR ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J)

WHEREAS, the City Council of the City of La Cañada Flintridge, California, (the "City Council") has instituted proceedings to finance the cost of the construction of certain public improvements and appurtenances pursuant to the provisions of the "Municipal Improvement Act of 1913" (the "Improvement Act"), being Division 12 of the Streets and Highways Code of the State of California (commencing with Section 10000), in a special assessment district known and designated as Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J) (the "Assessment District"); and,

WHEREAS, there has been prepared and filed with this legislative body a Report of the Assessment Engineer (the "Report") as provided for in and required by the Improvement Act, the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code) (the "Investigations Act"), Article XIIID of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Improvement Act, the Investigations Act, Article XIIID and the Implementation Act are referred to herein collectively as the "Assessment Law") and the Report has been presented to this legislative body for its consideration; and,

WHEREAS, a Resolution of Intention declaring the intention of the City Council to finance the cost of the construction of the subject improvements through the levy of assessments within the Assessment District was previously adopted by such City Council; and the Report as now presented shall stand as the Report for the purpose of subsequent proceedings hereunder.

NOW, THEREFORE, be it resolved by the City Council of the City of La Cañada Flintridge as follows:

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

SECTION 2. The Report referred to herein above is adopted, passed upon, and preliminarily approved, as follows:

- A. The plans and specifications for the improvements proposed to be constructed, as contained in the Report, are hereby preliminarily approved and adopted;
- B. The Assessment Engineer's estimate of the itemized and total costs and expenses of the construction of the improvements and of the incidental expenses in connection therewith contained in the Report including that portion of such costs and expenses representing the special benefit to be conferred by such improvements on those parcels within the Assessment District, and each of them are hereby preliminarily approved and adopted;

- C. The diagram showing the Assessment District referred to and described in such Resolution of Intention, and also the boundaries and dimensions of the respective subdivisions of land within such Assessment District, as the same existed at the time of the passage of such Resolution of Intention, each of which subdivisions have been given a separate number upon such diagram, as contained in the Report, is hereby preliminarily approved and adopted;
- D. The proposed assessment upon the several subdivisions of land in the Assessment District, in proportion to the estimated special benefits to be conferred on such subdivisions, respectively, by the improvements to be constructed, and of the incidental expenses thereof, as contained in the Report, are hereby preliminarily approved and adopted;
- E. The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated for the Assessment District, which would require an investigation and report under the Investigations Act, against the total area proposed to be assessed;
- F. The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed; and
- G. A description of the improvements to be constructed contained in the Report are hereby preliminarily approved and adopted.

SECTION 3. The Report shall stand as the Assessment Engineer's Report for the purpose of all subsequent proceedings had pursuant to the Resolution of Intention.

SECTION 4. 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 October 5, 2009 at 7:00 p.m.

RIGHT TO SUBMIT ASSESSMENT BALLOT

Pursuant to the provisions of the assessment law, the record owner of each parcel proposed to be 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 located within the assessment district and proposed to be subject to an 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 close of the public hearing set for October 5, 2009:

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.

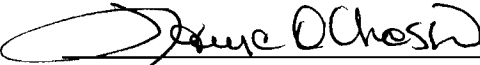
At the conclusion of the public hearing, the City Council shall cause the tabulation, pursuant to Government Code section 53753, of the assessment ballots timely received. If a majority protest, as described below, exists the City Council shall not impose an assessment within the Assessment District. 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.

SECTION 5. The City Clerk is hereby directed to mail or cause to be mailed notice of the Public Hearing and the adoption of the Resolution of Intention and of the filing of the Report, together with the assessment ballot materials, to the record owner of each parcel proposed to be assessed.

SECTION 6. The City Clerk is hereby further directed to file or cause to be filed a copy of the proposed boundary map in the Office of the County Recorder within fifteen (15) days of the adoption of the proposed boundary map; such boundary map to be in the manner and form as set forth in Division 4.5 of the Streets and Highways Code of the State of California.

SECTION 7. For purposes of tabulating the assessment ballots for these proceedings as required pursuant to the Assessment Law, the City Council hereby designates Diane R. Gladwell of Gladwell Governmental Services Inc. to act as the tabulation official to tabulate the assessment ballots submitted.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2009.



Laura Olhasso, Mayor

Attest:



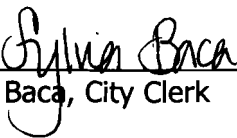
Sylvia Baca, City Clerk

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. 09-25 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 20th day of July 2009, by the following vote:

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

Dated: July 21, 2009



Sylvia Baca, City Clerk