

**RESOLUTION NO. 09-35**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION IN PROPOSED ASSESSMENT DISTRICT NO. 09-1 (SANITARY SEWER PROJECT AREAS 5, 6E & 6J), DETERMINING THE EXISTENCE OF A MAJORITY PROTEST AND ABANDONING THE PROCEEDINGS TO FORM SUCH ASSESSMENT DISTRICT AND TO LEVY ASSESSMENTS THEREIN**

**WHEREAS**, the City Council of the City of La Cañada Flintridge (the "City"), California, has previously initiated proceedings to consider the formation of an assessment district and the levy of assessments therein for the purpose of financing the construction of certain public improvements, together with appurtenances and appurtenant work, in a special assessment district pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California (the "Improvement Act"), Article XIIIID of the Constitution of the State of California ("Article XIIIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act" and, together with the Improvement Act and Article XIIIID, the "Assessment District Law") such assessment district known and designated as Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J) (the "Assessment District"); and,

**WHEREAS**, by adoption of Resolution No. 09-25, the City Council (a) set the time and place for conducting a public hearing for the purpose of hearing protests to the proposed construction of the improvements and the assessment proposed to be levied on land within the Assessment District and (b) ordered that the record owner of each parcel proposed to be assessed have the right to submit an assessment ballot in favor of or in opposition to the assessment proposed to be levied on such parcel; and

**WHEREAS**, notices of such hearing accompanied by assessment ballot materials were regularly mailed to each such record owner in the time, form and manner required by the Assessment District Law, a full hearing has been given, and at this time all assessment ballots submitted pursuant to the Assessment District Law have been tabulated by the tabulation official appointed by the City (the "Tabulation Official"), all in the manner provided by the Assessment District Law; and,

**WHEREAS**, the Tabulation Official has prepared and submitted to this legislative body a Certificate of Tabulation Official and Statement of Assessment Ballots Submitted (the "Certificate of the Tabulation Official"), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference, which reflects the results of the tabulation of the assessment ballots; and

**WHEREAS**, at this time based upon the Certificate of Tabulation Official this City Council determines that the assessment ballots received by the City in opposition to the proposed assessment and weighted as required by the Assessment District Law exceed the assessment ballots received in favor of the assessment and similarly weighted and, therefore, a majority protest pursuant to the Assessment District Law does exist; and

**WHEREAS**, as a result of the existence of such majority protest, the Assessment District Law prohibits this City Council from forming the Assessment District and levying the proposed assessments therein; and

**WHEREAS**, as the further result of the existence of such majority protest, this City Council desires to abandon the proceedings to form the Assessment District and to levy assessments therein.

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

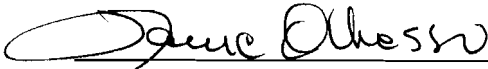
SECTION 1. **Recitals.** The above recitals are all true and correct.

SECTION 2. **Assessment Ballot Tabulation.** The assessment ballots submitted pursuant to the Assessment District Law in opposition to the proposed assessment and weighted as required by the Assessment District Law exceed the assessment ballots submitted in favor of the proposed assessment and similarly weighted and it is therefore determined pursuant to Assessment District Law that a majority protest does exist.

SECTION 3. **Abandonment of Proceedings.** As a result of the existence of a majority protest to the levy of assessments within the proposed Assessment District that prohibits this City Council from forming the Assessment District and levying assessments therein as proposed, this City Council hereby orders that all proceedings to form the Assessment District and levy assessments therein as proposed be abandoned.

SECTION 4. **Recordation of Resolution.** The City Clerk is hereby ordered and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of the County of Los Angeles as provided for pursuant to Streets and Highways Code Section 3117.

PASSED, APPROVED AND APPROVED this 2nd day of November, 2009.

  
\_\_\_\_\_  
Laura Olhasso, Mayor

Attest:

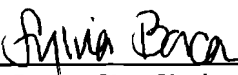
  
\_\_\_\_\_  
Sylvia Baca, City Clerk

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. 09-35 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 2nd day of November 2009, by the following vote:

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

Dated: November 3, 2009

  
\_\_\_\_\_  
Sylvia Baca, City Clerk

**EXHIBIT A  
 CERTIFICATE OF TABULATION OFFICIAL  
 AND STATEMENT OF BALLOTS SUBMITTED  
 ASSESSMENT DISTRICT 09-1, Project Areas 5, 6E, & 6J**


STATE OF CALIFORNIA )  
 COUNTY OF LOS ANGELES ) ss.  
 CITY OF LA CAÑADA FLINTRIDGE )

The undersigned, a duly authorized tabulation official appointed by the City Council of the City of La Cañada Flintridge, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the ballots submitted pertaining to Assessment District Number 09-1 (Project Areas 5, 6E and 6J).

I FURTHER CERTIFY that this Statement of ballots received shows the ballots submitted in favor of the assessment and the ballots submitted in opposition to the assessment, each total weighted according to the estimated potential financial obligation of the affected properties for which the ballots were submitted.

Ballots received <u>in favor</u> of the assessment:	(142) 8,181,810.33 (estimated assessment)
Ballots received <u>in opposition</u> to the assessment:	(313) 18,540,596.99 (estimated assessment)

This certification is executed this 8th day of October, 2009 in La Cañada Flintridge, California.

  
 Tabulation Official  
 Diane R. Gladwell, MMC

**CERTIFICATION OF CITY CLERK  
PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 3117**

**ATTEST AND CERTIFICATION**

State of California  
County of Los Angeles  
City of La Cañada Flintridge

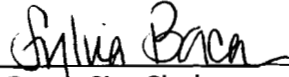
I, Sylvia Baca, the duly appointed and acting City Clerk of the City of La Cañada Flintridge, California, hereby certify that foregoing hereto is a true, correct and complete copy of Resolution No. 09-35 adopted by the City Council of the City of La Cañada Flintridge on November 2, 2009 (the "Resolution of Abandonment"), that such resolution has not been amended, supplemented or repealed, and that such resolution remains in full force and effect as of the date of this certificate.

The Resolution of Abandonment abandons the proceedings to consider the formation of Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J) and to levy assessments therein previously initiated by the adoption on July 20, 2009 of the following resolutions:

- Resolution No. 09-23 Adopting a Map Showing the Proposed Boundaries of Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J) ("Resolution No. 09-23");
- Resolution No. 09-24 Declaring Intention to Order the Construction of Certain Improvements in Proposed Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J); Declaring the Improvements to be of Special Benefit; Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Providing for the Issuance of Bonds and Adopting an Addendum to the 2003 Mitigated Negative Declaration; and
- Resolution No. 09-25 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).

Pursuant to Resolution No. 09-23, a map entitled "Proposed Boundaries of Assessment District No. 09-1 (Sanitary Sewer Project Areas 5, 6E & 6J), City of La Cañada Flintridge, County of Los Angeles, State of California" was recorded in the office of the Los Angeles County Registrar/Recorder on July 24, 2009 in Book 193 of Maps of Assessment and Community Facilities Districts on pages 26 and 27 thereof as Instrument No. 20091126066.

The Resolution of Abandonment is being recorded pursuant to California Streets and Highways Code Section 3117.



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Sylvia Baca, City Clerk  
City of La Cañada Flintridge  
County of Los Angeles  
State of California