

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9309-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT
FOR 2015-2016 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING
DISTRICT (NO MAJORITY PROTEST FOR LOUISE STREET AREA)

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the installation, maintenance, and servicing of certain public street lighting facilities in the City of Garden Grove Street Lighting District (Resolution No. 9280-15) for FY 2015-16 under the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code;

WHEREAS, at its meeting of May 12, 2015, the City Council considered and approved a report prepared by the City Engineer under and pursuant to the California Streets and Highways Code;

WHEREAS, the report contained an estimate of the costs of improvements, a diagram showing the assessment district and the boundaries and dimensions of the subdivisions of the land within the district, and a proposed assessment of the total amount of the costs and expenses of the improvements in relation to special benefits that parcels receive from the improvements;

WHEREAS, the City Council by Resolution No. 9284-15 fixed July 14, 2015, at 6:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, as the time and place for the Public Hearing on the question of the levy of the proposed assessment;

WHEREAS, the City Clerk has given notice of the passage of the Resolution of Intention, Resolution No. 9284-15, and of the time and place and purpose of the Public Hearing;

WHEREAS, the City has caused notices and ballots to be mailed to the record owners of properties along Louise Street, from Acacia Avenue to Stanford Avenue (hereinafter Louise Street Area) for potential addition of the Local Lighting Assessment rate;

WHEREAS, the City Clerk has filed with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of the California Streets and Highways Code;

WHEREAS, at the time and place stated in the notice, the Public Hearing was opened by the City Council and the report was considered, and all persons appearing and desiring to be heard were heard;

WHEREAS, the City Council has examined the evidence presented at the Public Hearing;

WHEREAS, the Louise Street Area ballots that were returned were tabulated, and no majority protest exists with regard to the addition of the Local Lighting Assessment rate;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the other improvements proposed; and

WHEREAS, any and all protests and objections, written and oral, made or filed in the matter of the report or assessments have been overruled and denied.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve, determine, and order as follows:

SECTION 1. The Public Hearing has been duly held, and notices thereof given as set forth in the recitals of this Resolution, and each and every step in the proceedings has been duly taken. The City Council is satisfied with the correctness of the report, including the assessment and diagram, the proceedings, and all matters relating thereto; and all protests, objections, or appeals have been heard and the same are hereby overruled and denied.

SECTION 2. Based upon its review of the report, and other reports and information presented, the City Council hereby finds and determines that: (i) the land within the District will be benefited by the improvements described in the report; (ii) the District includes all of the lands so benefited; (iii) the net amount to be assessed upon the lands within the District for FY 2015-16, in accordance with the report described above, is apportioned by a formula and method that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

SECTION 3. The City Council finds that the assessment is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and that the City Council has complied with all laws pertaining to the levy of an annual assessment. The City Council hereby confirms the diagram and assessment for the District for FY 2015-16. The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the fiscal year commencing July 1, 2015, and ending June 30, 2016, as set forth in the report.

SECTION 4. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 5. The City Council hereby orders the levy of an assessment against properties in the Louise Street Area, for which Local Lighting was proposed, for payment of the Local Lighting Assessment and authorizes the installation of local lights on that street.

SECTION 6. The City Council finds that the Southern California Edison Company is the only practical contractor capable of furnishing said improvements, and authorization is hereby granted to continue with said contractor pursuant to agreement dated July 22, 1958, without publishing any notice inviting bids or submitting said contract to competitive bidding.

SECTION 7. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the Orange County Auditor's Office.

SECTION 8. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the Orange County Auditor, for collection of the assessment on the tax roll.

Adopted this 14th day of July 2015.

ATTEST:

/s/ BAO NGUYEN

MAYOR

/s/ TERESA POMEROY, CMC

DEPUTY CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on July 14, 2015, by the following vote:

AYES: COUNCIL MEMBERS: (5) BEARD, BUI, JONES, PHAN, NGUYEN

NOES: COUNCIL MEMBERS: (0) NONE

ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ TERESA POMEROY, CMC

DEPUTY CITY CLERK