

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Allan L. Roeder From: William E. Murray
Dept: Interim City Manager Dept: Public Works
Subject: PUBLIC HEARING - Date: July 14, 2015
 ADOPTION OF RESOLUTION
 ESTABLISHING AN ANNUAL
 ASSESSMENT FOR THE
 MAIN STREET ASSESSMENT
 DISTRICT NO. 1

OBJECTIVE

For the City Council to conduct a Public hearing and then to adopt the proposed Resolution confirming the proceedings and levying the assessments for the Main Street Assessment District No. 1 (MSAD) for the Fiscal Year (FY) 2015-16.

BACKGROUND

In 1977, the City Council formed the MSAD per the Landscape and Lighting Act of 1972 . The MSAD was established to fund the construction and maintenance of special public improvements, such as planters, sidewalks, and streetlights along Main Street. The MSAD funds the maintenance costs for these improvements with an annual assessment. All properties located along Main Street between Acacia Parkway and Garden Grove Boulevard are in the MSAD (see Attachment 1 for Assessment Diagram).

On March 12, 2015, the Main Street Commission reviewed and recommended approval of the MSAD budget for FY 2015-16. Assessments will remain unchanged for FY 2015-16 and will total \$26,700. Expenditures are estimated to be \$38,582. There are no major improvements scheduled and all maintenance activities, such as street cleaning and landscape maintenance, remain the same.

On May 12, 2015, City Council adopted Resolution Nos. 9287-15, 9288-15, and 9289-15 that:

- Described the proposed MSAD improvements;
- Directed the City Engineer to prepare and file and Engineer's Report;
- Stated the intention to levy and collect assessments for maintenance of the street improvements for the FY 2015-16;
- Approved the Engineer's Report, which summarized the projected service costs for FY 2015-16; and
- Set the Protest Hearing date of July 14, 2015.

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DISCUSSION

These proceedings and the notification regarding the levying of an annual assessment have been followed in accordance to the Landscaping and Lighting Act of 1972. The remaining action for the City Council is to hold the Protest Hearing and, after conducting the hearing, adopt the proposed Resolution (Attachment 2) for the FY 2015-16.

FINANCIAL IMPACT

There is no impact to the City's General Fund. The impact to the MSAD is an assessment of \$26,700 or \$19.92 per linear front foot of the Main Street property owners.

RECOMMENDATION

Staff recommends that the City Council:

- Conduct the Public Hearing for the proposed annual levy of assessments;
- Receive the report of the City Clerk regarding protests received; and
- Assuming that there is no majority protest, adopt the Resolution confirming the proceedings and levying assessments against the individual parcels in Main Street Assessment District No. 1; and ordering the proposed work to be completed in accordance with the Engineer's Report.


WILLIAM E. MURRAY, P.E.
Public Works Director

By: Ana V. Neal
Sr. Administrative Analyst

Attachment 1: Assessment Diagram

Attachment 2: Resolution

Approved for Agenda listing


Allan L. Roeder
Interim City Manager

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS
IN THE MATTER OF MAIN STREET ASSESSMENT DISTRICT NO. 1

WHEREAS, the City Council has, by its Resolution No. 9287-15 declared its intention to order the maintenance of certain improvements and appurtenances within the Main Street Assessment District No. 1 under the provisions of the Landscaping and Lighting Act of 1972, Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code (herein "the Act");

WHEREAS, by Resolution No. 9288-15 the City Council has approved a report prepared by the City Engineer under and pursuant to the Act and, in particular Section 22622 of the Streets and Highways Code;

WHEREAS, the report contained among other things, an estimate of the cost of maintenance, a diagram showing the assessment district and boundaries and dimensions of the subdivisions of land within the assessment district (Attachment "A"), and a proposed assessment of the total amount of the costs and expenses of maintenance upon several subdivisions of land in the assessment district in direct proportion to the estimated benefits to be received by the subdivisions respectively from the maintenance;

WHEREAS, by Resolution No. 9289-15 the City Council fixed the date of July 14, 2015, at 6:30 p.m. (or as soon thereafter as the City Council may hear same) 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. 9289-15, and of the time and place of purpose of the hearing, all as required by the Act;

WHEREAS, the City Clerk has filed with the City Council its affidavit setting forth the time and manner of the compliance with the requirements of the Act for publishing of the notice;

WHEREAS, at the time and place stated in the notice, a Public Hearing was conducted by the City Council at which hearing the report was duly presented and public testimony solicited and heard in the matter of the proposed assessment, and a full, fair, and complete hearing has been held and the City Council has been fully informed;

WHEREAS, the City Council has examined and considered the assessment prepared in the report and proceedings prior thereto, and the evidence presented at the hearing;

WHEREAS, protests were not made by the owners of more than one-half of the area of the property to be assessed for the 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 notice given as set forth in the recitals, and each and every step in the proceedings prior to and including the hearing has been duly and regularly 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. The City Council does hereby confirm the proceedings and the assessment.

SECTION 2. The City Council orders the proposed maintenance to be made in accordance with the report and these proceedings.

SECTION 3. The City Council does hereby determine that the amounts to be assessed against the individual parcels shown on the assessment diagram contained in the report are hereby approved and confirmed, and the City Clerk is hereby directed to endorse the fact and date of approval of the report.

SECTION 4. The adoption of this Resolution constitutes the levy of an assessment for FY 2015-16 as set forth in the report.

SECTION 5. The City Clerk is hereby directed to file and record the diagram and assessment, as required by Section 22641 of the California Streets and Highways Code, with the County Auditor for collection of the assessment on the tax roll.

