

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew Fertal	From:	Keith G. Jones
Dept:	City Manager	Dept:	Public Works
Subject:	PUBLIC RIGHT-OF-WAY MAIN STREET ASSESSMENT DISTRICT NO. 1 ASSESSMENT PROTEST HEARING	Date:	June 23, 2009

OBJECTIVE

The purpose of this hearing is to enable the City Council to conclude the Main Street Assessment District No. 1 process by conducting a public hearing and considering and adopting a proposed Resolution (Attachment 1), after making determinations and confirming the diagram and assessments (Attachment 2).

BACKGROUND

The special improvements on Main Street were created and are maintained through the Main Street Assessment District No. 1. The improvements include sidewalks, streetlamps, drinking fountains, centerline gutters, stamped pavers, trees, planters, parking, trash receptacles, bollards, benches, and other items on Main Street. All properties located along Main Street between Acacia Parkway and Garden Grove Boulevard are in the District.

On March 12, 2009, the Parking and Main Street Commission reviewed and recommended approval of the district budget for the Fiscal Year 2009-10.

On April 14, 2009, the City Council approved the Resolution describing the proposed district improvements and directed the City Engineer to prepare and file an Engineer's Report.

The budget requires an assessment, which is proposed to be \$26,700.00. The assessment is a status quo amount for the 19th straight year. The service costs are assessed on a prorated basis determined by the total front footage for each parcel. This results in an assessment of \$19.92 per linear front foot or \$497.50 for a typical 25-foot frontage parcel.

On May 26, 2009, City Council adopted a Resolution that:

- Stated the intention to levy and collect assessment for maintenance of the street improvements for the FY 2009/10;
- Approved the Engineer's Report which summarized the projected service costs for the aforementioned fiscal year; and
- Set a protest hearing date of June 23, 2009.

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 attached proposed Resolution for the Fiscal Year 2009/10.

FINANCIAL IMPACT

The impact to the Main Street Assessment District No. 1 is an assessment of \$26,700.00 or \$19.92 per linear front foot of the Main Street property owners. There is no impact to the City's General Fund.

COMMUNITY VISION IMPLEMENTATION

Not applicable.

RECOMMENDATION

Staff recommends that City Council adopt the attached proposed Resolution:

- Confirming the proceedings and assessments against the individual parcels;
- Ordering the proposed maintenance to be completed in accordance with the Engineer's Report; and
- Directing the City Clerk to file and record the assessments with the County Auditor.


KEITH G. JONES
Director of Public Works

By: Ron Meislahn
Facilities Manager

Approved for Agenda Listing


Matthew Fertal
City Manager

Attachment 1: Proposed Resolution
Attachment 2: Diagram and Assessment List

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. 8891-09 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"); and

WHEREAS, by Resolution No. 8891-09 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; and

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 (which is on file in the City Clerk's Office and incorporated herein by reference), 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; and

WHEREAS, by Resolution No. 8891-09 the City Council fixed the date of June 23, 2009 at the hour of 6:30 p.m. (or as soon thereafter as the City Council may hear same) in the City Council Chamber, located at 11300 Stanford Avenue, Garden Grove, California, as the time and place for the hearing on the question of the levy of the proposed assessment; and

WHEREAS, the City Clerk has given the notices of the passage of the Resolution of Intention, Resolution No. 8891-09 and of the time and place of purpose of the hearing, all as required by the Act; and

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 notices; and

WHEREAS, at the time and place stated in the notices, a hearing was opened 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; and

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 hearing has been duly held, and notices 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 protest, 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 fiscal year 2009-10.

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.

