

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray
Dept:	City Manager	Dept:	Public Works
Subject:	PUBLIC HEARING – ESTABLISHING AN ANNUAL ASSESSMENT FOR THE MAIN STREET ASSESSMENT DISTRICT NO. 1	Date:	June 28, 2011

OBJECTIVE

To hold a Public Hearing to consider the adoption of the proposed resolution confirming the proceedings and assessments for the Main Street Assessment District No. 1 (MSAD) for the Fiscal Year (FY) 2011-12.

BACKGROUND

In 1977, the City Council formed the MSAD per the Landscape and Lighting Act of 1972 (LLA). 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 10, 2011, the Main Street Commission reviewed and recommended approval of the MSAD budget for the FY 2011-12. Assessments will remain unchanged for FY 2011-12 and will total \$26,700. Expenditures are estimated to be \$25,832. There are no major improvements scheduled and all maintenance activities, such as, street cleaning and landscape maintenance remain the same.

On April 12, 2011, the City Council adopted Resolution No. 9037-11 describing the proposed MSAD improvements and directed the City Engineer to prepare and file an Engineer's Report.

On May 24, 2011, City Council adopted Resolution No. 9042-11 which:

- Stated the intention to levy and collect assessments for maintenance of the street improvements for the FY 2011-12.
- Approved the Engineer's Report, which summarized the projected service costs for FY 2011-12.
- Set the Protest Hearing date of June 28, 2011.

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 2011-12.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that City Council:

- Open the public hearing and take public comment.
- Adopt the attached Resolution confirming the proceedings and assessments against the individual parcels and ordering the proposed maintenance to be completed in accordance with the Engineer's Report; and
- Direct the City Clerk to file and record the assessments with the County Auditor.



WILLIAM E. MURRAY, P.E.
Director of Public Works/City Engineer



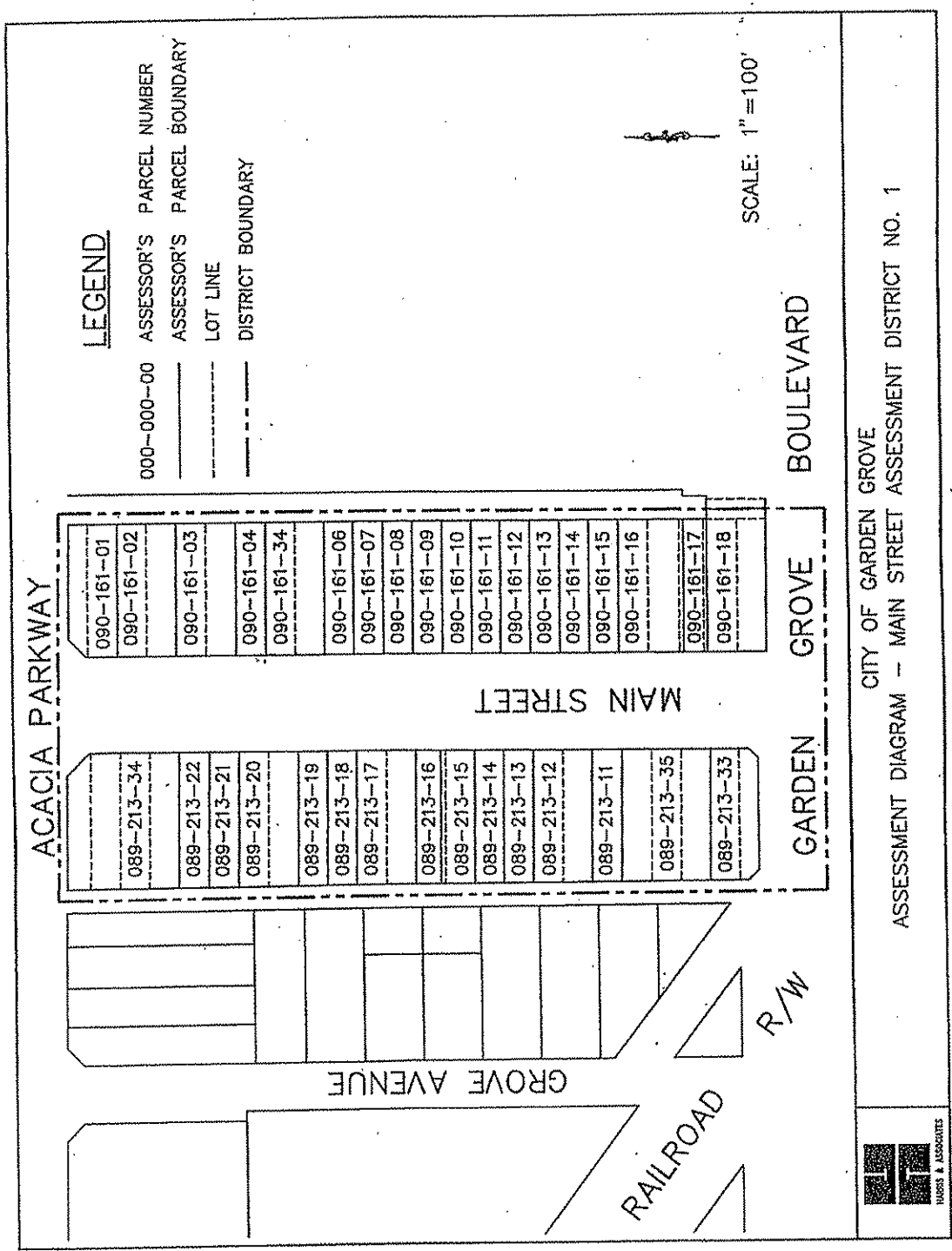
By: Ann Eifert
Sr. Administrative Analyst

Attachment 1: Assessment Diagram
Attachment 2: Resolution

Approved for Agenda Listing



Matthew Fertal
City Manager



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 THE MAIN STREET ASSESSMENT DISTRICT NO. 1

WHEREAS, the City Council, by Resolution No. 9042-11, 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. 9042-11, 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 (which is on file in the City Clerk's Office and incorporated herein by reference), and a proposed assessment of the total amount of 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. 9042-11, the City Council fixed the date of June 28, 2011, at 6:30 p.m. (or as soon thereafter as the City Council may hear same) in the Community Meeting Center, Council Chamber, 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 the notices of the passage of the Resolution of Intention, Resolution No. 9042-11, and of the time and place of purpose of the Public Hearing, all as required by the Act;

WHEREAS, the City Clerk has on file its affidavit setting forth the time and manner of the compliance with the requirements of the Act for publishing of the notices;

WHEREAS, at the time and place stated in the notices, a Public Hearing was conducted by the City Council at which Public 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 Public 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 Public 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 notices given as set forth in the recitals, and each and every step in the proceedings prior to and including the Public 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 Fiscal Year 2011-12.

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.