

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray
Dept:	City Manager	Dept:	Public Works
Subject:	PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, GARDEN GROVE PARK MAINTENANCE DISTRICT AND GARDEN GROVE STREET LIGHTING DISTRICT, (FY 2013-14); AND ADOPTION OF RESOLUTIONS LEVYING ANNUAL ASSESSMENTS		

OBJECTIVE

To hold Public Hearings prior to adoption of the FY 2013-14 assessments under the Landscape and Lighting Act of 1972 and to adopt Resolutions levying assessments for 1) the Garden Grove Street Lighting District No. 99-1, 2) the Garden Grove Park Maintenance District, and 3) the Garden Grove Street Lighting District. A separate Public Hearing will be held for each District.

BACKGROUND/DISCUSSION

On May 14, 2013, the City Council adopted Resolution Nos. 9184-13, 9183-13, 9185-13, declaring its intention to levy and collect annual assessments for the 2013-14 fiscal year to pay for the street lighting and park maintenance. The City Engineer, as required by state law, has prepared and filed a report for each district. The purpose of the Public Hearings are to hear testimony on the question of the annual assessments for parcels located within the Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District.

Properties throughout the City of Garden Grove have been paying assessments to fund street lighting and community park maintenance. The proposed assessments are based on rates and methodology as previously adopted in FY 1997-98 by the City Council for the Garden Grove Street Lighting District and the Garden Grove Park Maintenance District. The Engineer's Reports, detailing property owner's annual assessments are available in the City Clerk's Office.

The boundaries of the Garden Grove Street Lighting District No. 99-1 include two zones, the first involving an area easterly of Dale Street between Lampson Avenue and Chapman Avenue, including an area west of Fairview Street approximately 900 feet south of Trask Avenue, and the second involving an area on Gail Lane, north of Chapman Avenue. Property owners approved this district on June 22, 1999 through a special ballot proceeding.

FINANCIAL IMPACT

The adoption of street lighting and park maintenance assessments will raise approximately \$1,300,000 in street lighting revenue and \$700,000 in park maintenance revenue. The assessments will be collected by placement on the tax rolls.

PUBLIC HEARINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, GARDEN GROVE PARK MAINTENANCE DISTRICT AND GARDEN GROVE STREET LIGHTING DISTRICT, (FY 2013-14); AND ADOPTION OF RESOLUTIONS LEVYING ANNUAL ASSESSMENTS

June 11, 2013

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RECOMMENDATION

It is recommended that the City Council take the following actions:

1. For the Garden Grove Street Lighting District No. 99-1:

- 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 assessment in Street Lighting District No. 99-1 for FY 2013-2014, and order the proposed work to be completed in accordance with the Engineer's Report. (Resolution is Attachment 1 to the Agenda Report)

2. For the Garden Grove Park Maintenance District:

- 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 assessment in the Garden Grove Park Maintenance District for FY 2013-2014, and order the proposed work to be completed in accordance with the Engineer's Report. (Resolution is Attachment 2 to the Agenda Report)

3. For the Garden Grove Street Lighting District:

- Conduct the Public Hearing for the proposed annual levy of assessments,
- Receive the report of the City Clerk regarding protests received for the annual general levy; and
- Assuming that there is not a majority protest on the general assessment, adopt the Resolution confirming all of the proposed assessments in the Garden Grove Street Lighting District, and order the proposed work to be completed in accordance with the Engineer's Report. (Resolution is Attachment 3 to the Agenda Report)


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


By: Ana Neal
Administrative Analyst

Approved for Agenda Listing


Matthew Fertal
City Manager

Attachment 1: Resolution for Garden Grove Street Lighting District No. 99-1

Attachment 2: Resolution for Garden Grove Park Maintenance District

Attachment 3: Resolution for Garden Grove Street Lighting District

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 ASSESSMENT
FOR 2013-2014 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING
DISTRICT NO. 99-1

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 No. 99-1 (Resolution No. 9180-13) for FY 2013-2014 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 14, 2013, 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. 9184-13 fixed June 11, 2013, at 6:30 p.m. in the Council Chamber of 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. 9184-13, and of the time and place and purpose of the Public Hearing;

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, 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 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 to it, 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 the 2013-2014 fiscal year, 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 Article XIIIID of the California Constitution and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

SECTION 4. The City Council hereby confirms the diagram and assessment for the District for fiscal year 2013-2014. 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, 2013, and ending June 30, 2014.

SECTION 5. The City Council hereby orders the proposed improvements to be made in accordance with the report and these proceedings.

SECTION 6. The City Engineer is hereby authorized to update the report and assessments to the most current available parcel listings as provided by the County Auditor's Office.

SECTION 7. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the County Auditor for collection of the assessment on the tax roll.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK
MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR
2013-2014 FISCAL YEAR

WHEREAS, the City Council of the City of Garden Grove initiated proceedings to order the maintenance of public parks in the City of Garden Grove (Resolution No. 9181-13) for FY 2013-2014 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 14, 2013, 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. 9185-13 fixed June 11, 2013, at 6:30 p.m. in the Council Chamber of 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. 9185-13 and of the time and place and purpose of the Public Hearing;

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, 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 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 to it, 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 the 2013-2014 fiscal year 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 fiscal year 2013-2014. 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, 2013, and ending June 30, 2014.

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

SECTION 6. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the County Auditor for collection of the assessment on the tax roll.

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 ASSESSMENT
FOR 2013-2014 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING
DISTRICT

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. 9179-13) for FY 2013-2014 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 14, 2013, 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. 9183-13 fixed June 11, 2013, at 6:30 p.m. in the Council Chamber of 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. 9183-13, and of the time and place and purpose of the Public Hearing;

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, 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 to it, 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 the 2013-2014 fiscal year, 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 fiscal year 2013-2014. 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, 2013, and ending June 30, 2014.

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

SECTION 6. The City Clerk is hereby directed to file and record the diagram and assessment, or a certified copy thereof, with the County Auditor, for collection of the assessment on the tax roll.