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**RESOLUTION NO. 19-7203**

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH OF INTENTION TO MAKE ACQUISITIONS AND IMPROVEMENTS FOR THE PROPOSED GREENWICH VILLAGE NORTH UNDERGROUND UTILITIES ASSESSMENT DISTRICT**

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**SECTION 1. Recitals.**

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1. The City Council (the “Council”) of the City of Hermosa Beach (the “City”), County of Los Angeles (the “County”), State of California, wishes to commence the conduct proceedings in and for the City’s proposed Greenwich Village North Underground Utilities Assessment District (the “Assessment District”), and there have been filed with the City written petitions from property owners within the area of the proposed Assessment District requesting such proceedings.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hermosa Beach as follows:

**1. Intention.** The public interest, convenience and necessity require, and the City intends to order the making of, the acquisitions and improvements described in Exhibit “A” (the “Improvements”) attached hereto and made a part hereof in and for the proposed Assessment District.

**2. Law Applicable.** Except as herein otherwise provided for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the “Act”).

**3. Bonds.** Serial and/or term improvement bonds (the “Bonds”) to represent unpaid assessments levied under the Act for the Assessment District will be issued under the Improvement Bond Act of 1915, Division 10 of the California Streets and Highways Code (the “Bond Law”). The Bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 39 years after the September 2 next succeeding their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as may be determined by this Council at the time of the issuance and sale of the Bonds. The provisions of Part 11.1 of the Bond Law shall apply to the calling of the Bonds. It is the intention of this Council to create a special reserve fund for the Bonds under Part 16 of the Bond Law. The

1 City will not advance available surplus funds from the City treasury to cure any deficiency in the  
2 redemption fund to be created with respect to the bonds; provided, however, that this  
3 determination shall not prevent the City from, in its sole discretion, so advancing funds. The  
4 Bonds may be refunded under Division 11.5 of the California Streets and Highways Code or other  
5 applicable laws permitting refunding of the Bonds, upon the conditions specified by and at the  
6 determination of the Council.

6 **4. Special Benefit and Boundary Map.** In the opinion of this Council, the Improvements are  
7 of more than general or ordinary public benefit, and are of special benefit to the lands within the  
8 Assessment District. The costs and expenses of the Improvements are chargeable upon the  
9 Assessment District, the exterior boundaries of which are shown on a map thereof on file in the  
10 office of the City Clerk, to which reference is hereby made for further particulars. The map  
11 indicates by a boundary line the extent of the territory proposed to be included in Assessment  
12 District and, except as modified, shall describe the extent of the Assessment District.

12 **5. Public Property.** This Council declares that all public streets, highways, lanes and alleys,  
13 and properties owned by any public agency or department of the United States of America, the  
14 State of California, the County, any city or special district, in the Assessment District and used for  
15 a public function shall be omitted from the assessment unless and to the extent found to be  
16 specially benefited by the Improvements.

17 **6. Engineer's Report.** The Improvements are hereby referred to NV5, Irvine, California,  
18 being a competent firm employed for the purpose hereof as Engineer of Work for the Assessment  
19 District (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file  
20 with the City Clerk a report in writing (the "Engineer's Report"), presenting the following:

- 21 a. Maps and descriptions of the lands and easements to be acquired, if any.
- 22 b. Plans and specifications of the Improvements, if not already installed, which need  
23 not be detailed and are sufficient if they show or describe the general nature, location, and  
24 extent of the Improvements. If the Assessment District is divided into zones, the plans and  
25 specifications shall indicate the class and the type of Improvements to be provided for each  
26 zone. The plans or specifications may be prepared as separate documents, or either or both  
27 may be incorporated in the Engineer's Report as a combined document.

1 c. A general description of works or appliances already installed and any other property  
2 necessary or convenient for the operation of the Improvements, if the works, appliances, or  
3 property are to be acquired as part of the Improvements.

4 d. An estimate of the cost of the Improvements including the cost of lands, rights-of-  
5 way, easements, and incidental expenses in connection with the Improvements, including  
6 any cost of issuing, selling and delivering the Bonds.

7 e. A diagram showing, as they existed at the time of the passage of this Resolution, all  
8 of the following:

9 i. The exterior boundaries of the Assessment District.

10 ii. The boundaries of any zones within the Assessment District.

11 iii. The lines and dimensions of each parcel of land within the Assessment  
12 District. The diagram may refer to the county assessor's maps for a detailed  
13 description of the lines and dimensions of any parcels, in which case those maps  
14 shall govern for all details concerning the lines and dimensions of the parcels. Each  
15 parcel shall be given a separate number upon the diagram.

16 f. A proposed assessment of the total amount of the cost and expenses of the  
17 Improvements upon the parcels or subdivisions of land in the Assessment District in  
18 proportion to the estimated special benefits to be received by each subdivision, respectively,  
19 from the Improvements. The assessment shall refer to the subdivisions by their respective  
20 numbers as assigned pursuant to subdivision (e). When any portion of the costs of the  
21 Improvements is to be paid from sources other than assessments, the amount of such portion  
22 shall first be deducted from the total estimated cost of the Improvements and the assessment  
23 shall include only the remainder of the estimated cost.

24 g. A proposed maximum annual assessment upon each of the several subdivisions of land in  
25 the Assessment District to pay cost incurred by the City and not otherwise reimbursed  
26 resulting from the administration and collection of assessments or from administration or  
27 registration of any associated bonds and reserve or other related funds.

28 **7. Division 4.** This Council will comply with Division 4 of the Streets and Highways Code of  
California under Part 7.5 of it. The Engineer of Work shall include in the Engineer's Report the  
information required under Part 7.5, and for which the total true value shall be estimated as the  
full cash value of the parcels of land in the Assessment District as shown on the last equalized

1 assessment roll of the County, or alternatively, by means of a current appraisal on such terms as  
2 may be prescribed by this Council.

3 **8. Use of Surplus.** Any excess that shall be realized from the assessment, including the  
4 proceeds of the Bonds, shall be used, in such amounts as this Council may determine, in  
5 accordance with the applicable provisions of the Act.

6 **9. ~~Contracts.~~** ~~The City will enter into agreement(s) with public agency(ies) or public~~  
7 ~~utility(ies) under Chapter 2 (commencing with Section 10100) of the Act for the Improvements, to~~  
8 ~~provide for the construction, ownership, operation and/or maintenance by such agency or utility of~~  
9 ~~the Improvements, and for the providing of service to the properties in the Assessment District by~~  
10 ~~such agency or utility in accordance with its rates, rules and regulations, and that such agreement~~  
11 ~~shall become effective after proceedings have been taken for the levy of the assessments and sale~~  
12 ~~of bonds and funds are available to carry out the terms of any such agreement. This Council~~  
13 ~~determines that the public interest will not be served by allowing the property owners in the~~  
14 ~~Assessment District to take any contract for the construction of the improvements and therefore~~  
15 ~~that, under Section 20487 of the California Public Contract Code, no notice of award of contract~~  
16 ~~shall be published.~~

17 **10. Location of and Grades for Improvements.** All of the Improvements are to be  
18 constructed at the places and in the particular locations, of the forms, sizes, dimensions and  
19 materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles  
20 and specifications to be made therefore and approved by the City. This Council does hereby adopt  
21 and establish as the official grades for the Improvements the grades and elevations to be shown  
22 upon the plans, profiles and specifications. All such grades and elevations are to be in feet and  
23 decimals thereof with reference to the datum plane of this City. Notice is hereby given of the fact  
24 that if the Improvements will result in a grade different from that formerly existing, the grades are  
25 hereby changed and the Improvements will be done to the changed grades.

26 **11. Work on Private Property.** In cases where there is any disparity in level or size between  
27 the Improvements and private property and where it is more economical to eliminate such  
28 disparity by work on the private property than by adjustment of the work on public property, it is  
hereby determined that it is in the public interest and more economical to do such work on private  
property to eliminate such disparity. In such cases, the work on private property shall, with the

1 written consent of the owner of the property, be done and the actual cost thereof may be added to  
2 the proposed assessment of the lot on which the work is to be done.

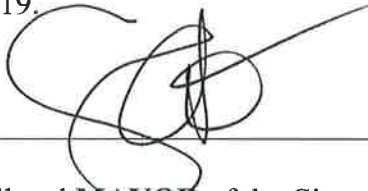
3 **12. Descriptions--General.** The descriptions of the Improvements and the termini of the work  
4 for them are general in nature. All items of work do not necessarily extend for the full length of  
5 the description thereof. The plans and profiles of the Improvements and maps and descriptions  
6 referenced in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling  
7 as to the correct and detailed description thereof.

8 **13. Professionals Appointed.** The City hereby confirms the appointment of Jones Hall, A  
9 Professional Law Corporation, San Francisco, California, as bond counsel, and NHA Advisors,  
10 San Rafael, California, as municipal advisor.

11 **14. Contact Person.** Reed Salan, Associate Engineer, is hereby designated as the person to  
12 answer inquiries regarding the assessment proceedings to be had herein, and may be contacted  
13 during regular office hours at City Hall, 1315 Valley Drive, Hermosa Beach, CA 90254;  
14 telephone: (310) 318-0239.

15 **15. Effective.** This resolution shall be effective immediately. The City Clerk shall certify to  
16 the passage and adoption of this Resolution; shall cause the original of the same to be entered  
17 among the original resolutions of the City Council; shall make a minute of the passage and  
18 adoption thereof in the minutes of the City Council meeting at which the same is passed and  
19 adopted; and shall transmit a copy of this Resolution to the Applicant.

20 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Hermosa  
21 Beach on this 23<sup>rd</sup> day of July 2019.




22 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

23 **ATTEST:**

24 **APPROVED AS TO FORM:**

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27 City Clerk

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City Attorney

1 **EXHIBIT A**

2 **CITY OF HERMOSA BEACH**  
3 **GREENWICH VILLAGE NORTH**  
4 **UNDERGROUND UTILITIES ASSESSMENT DISTRICT**

5 **DESCRIPTION OF WORK**

6  
7 Within the City of Hermosa Beach, (the "City") County of Los Angeles, State of California, the  
8 construction and acquisition of the following public improvements, including the acquisition of all  
9 lands, easements, rights-of-way, licenses, franchises, and permits and the construction of all  
10 auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans  
11 and specifications to be approved by the City:  
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13 The installation of new, underground facilities to replace existing overhead utility lines,  
14 including without limitation the following: removal of pavement; trenching, backfilling  
15 and repaving; installation of substructures, conduits, pull boxes, vaults, and all related  
16 fixtures and appurtenances; the removal of existing overhead electric, telephone, internet  
17 and CATV utility lines, transformers, wireless equipment, other overhead equipment, and  
18 related poles and structures; and all related fixtures appurtenances thereto. Such  
19 improvements shall be constructed in and along Hermosa Avenue from 27th Street to north  
20 of 34th Street.  
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STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF HERMOSA BEACH

I, Carol Cowley, Interim Deputy City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 19-7203 was duly and regularly passed, approved, and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on July 23, 2019 by the following vote:

AYES: Duclos, Fangary, Massey, Mayor Armato  
NOES: None  
ABSENT: Campbell  
ABSTAIN: None

Dated: July 23, 2019

  
Carol Cowley, Interim Deputy City Clerk