

**City of West Hollywood
Santa Monica Boulevard Maintenance District
Notice of Public Hearing**

The City of West Hollywood will hold a public hearing on **June 1, 2015 at 6:30 p.m.** as part of its regularly scheduled meeting at West Hollywood Park Public Meeting Room – Council Chambers 625 N. San Vicente Boulevard, West Hollywood, CA 90069, to solicit input on the levy of an assessment for the Santa Monica Boulevard Maintenance District for fiscal year 2015-2016. Prior to the June 1, 2015 public hearing, the City Council of the City of West Hollywood will consider the following draft resolution on May 18, 2015 at its regularly scheduled meeting at 6:30 p.m. at West Hollywood Park Public Meeting Room – Council Chambers 625 N. San Vicente Boulevard, West Hollywood, CA 90069.

DRAFT

RESOLUTION NO. 15 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ENGINEER, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2015-2016 FISCAL YEAR, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500), authorizes the City Council to levy an assessment against assessable lots and parcels of property to finance certain improvements.

Section 2. In 1998, the City Council adopted Resolution 98-1927 establishing the "Santa Monica Boulevard Maintenance District" (the "District").

Section 3. The boundaries of the District include properties fronting both sides of Santa Monica Boulevard from North Doheny Drive to Croft Avenue (Zone 1); Croft Avenue to Crescent Heights Boulevard (Zone 2); and from Crescent Heights Boulevard to the West Hollywood city limit east of North La Brea Avenue (Zone 3). The boundaries of the District and the zones therein are shown on a map entitled "Assessment Diagram, Santa Monica Boulevard Maintenance District, City of West Hollywood," which is on file with the City Clerk and the Department of Public Works, City Engineer, and open to public inspection.

Section 4. In accordance with Streets and Highways Code Section 22622, the City Engineer has prepared and filed with the City Clerk a report in connection with the District for fiscal year 2015-2016 consistent with Section 4 of Article XIID of the California Constitution and with the Act (the "Report"). The Report does not propose new improvements or substantial changes in existing improvements.

Section 5. Upon consideration by the City Council, the Report is hereby approved as filed.

Section 6. Having approved the Report as filed, the City Council hereby declares its intention to levy and collect an assessment against assessable lots and parcels of property within the District for fiscal year 2015-2016, in the same manner and amount as collected during fiscal year 2014-2015 ("Assessment").

Section 7. The proposed improvements shall generally include the installation, maintenance, operation and servicing of ornamental structures, including holiday decorations, banners, flags, lights in street trees and appurtenances, and the installation, maintenance and operation of sidewalks, bus benches and trash receptacles located in medians and parkways in Santa Monica Boulevard between North Doheny Drive and the West Hollywood city limit east of North La Brea Avenue. The proposed improvements are the same for all three (3) zones. There will be no new improvements or substantial changes to existing improvements for the 2015-16 fiscal year.

Section 8. Reference is hereby made to the Report, which is on file with the City Clerk and open to public inspection, for a full and detailed description of the improvements, the boundaries of the District and zones contained therein, and the Assessment.

Section 9. Parcels within the District that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless clear and convincing evidence demonstrates that such lots or parcels receive no special benefit from the proposed improvements. Plummer Park does not receive special benefits because, as a park, it is one of the amenities (infrastructure) provided by the City to the community. Additionally, Plummer Park does not front onto Santa Monica Boulevard the way the other parcels subject to the assessment do and thus, this parcel does not receive the same benefit as those parcels. Plummer Park has an ingress and egress on Santa Monica Boulevard, however the park activities are inside the park and do not face or utilize Santa Monica Boulevard. By analogy, it would have to be determined that the streets receive a special benefit from the improvements in order to find that a park receives a special benefit. Therefore, the government owned parcels listed above, with the exception of the park, will be assessed.

Section 10. NOTICE IS HEREBY GIVEN that the City Council appoints the 1st day of June, 2015, at the hour of 6:30 p.m. in the **West Hollywood Park Public Meeting Room – Council Chambers 625 N. San Vicente Boulevard, West Hollywood, California 90069**, as the time and place for the hearing of protests or objections to the levy of the proposed assessment against the lots and parcels of property within the District for the 2015-2016 fiscal year.

All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing. A written protest shall state all grounds of objection. A

protest by a property owner shall contain a description sufficient to identify the property owned by the signer thereof. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069. Any written protest which is mailed must be received at City Hall at or prior to 4:30 p.m. on June 1, 2015.

The City Clerk is hereby authorized and directed to schedule a public hearing for the hearing of protests or objections to the levy of the proposed assessment on June 1, 2015 in the West Hollywood Park Public Meeting Room – Council Chambers 625 N. San Vicente Boulevard, West Hollywood, California 90069 and to give notice of the public hearing in accordance with the law.

Section 11. The City Council hereby designates Yvonne Quarker, City Clerk, City of West Hollywood, 8300 Santa Monica Boulevard, West Hollywood, California 90069, telephone number (323) 848-6400, to answer inquiries regarding the protest proceedings.

PASSED, APPROVED and ADOPTED this 18th of May, 2015.

LINDSEY HORVATH, MAYOR

ATTEST:

YVONNE QUARKER, CITY CLERK