

ORDINANCE NO. 180894

An Ordinance of Intention to establish a Landscaping, Security, Programming and Maintenance Property Business Improvement District to be known as the Highland Park Property Business Improvement District (District) pursuant to the provisions of the City's Landscaping, Security, Programming and Maintenance District Ordinance (Division 6, Chapter 9, Los Angeles Administrative Code).

WHEREAS, the Landscaping, Security, Programming and Maintenance District Ordinance authorizes the establishment of Landscaping, Security, Programming and Maintenance Property Business Improvement Districts within specifically defined commercial districts of the City located within "special economic incentive zones" and the levying of assessments on real property within the districts to pay for improvements, maintenance and activities within the districts; and

WHEREAS, the proposed District is a commercial district located within the following "special economic incentive zones": Avenue 57 Transit Oriented District, Highland Park Los Angeles Neighborhood Initiative Area and the Highland Park Targeted Neighborhood Initiative Area; and

WHEREAS, the Highland Park Property Business Improvement District was originally established by City Council in 2001, and operated its inaugural term from January 1, 2002 to December 31, 2009; and

WHEREAS, property owners within the District, who will pay more than 30 percent of the total assessments proposed to be levied, filed written petitions requesting the City Council to establish a district.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. DECLARATION. Pursuant to the provisions of the Landscaping, Security, Programming and Maintenance District Ordinance, the City Council hereby declares its intention to establish a Landscaping, Security, Programming and Maintenance Property Business Improvement District to be known as the Highland Park Property Business Improvement District (District).

Sec. 2. ADOPTION OF ENGINEER'S REPORT, MANAGEMENT DISTRICT PLAN AND PRELIMINARY REPORT OF THE CITY CLERK. The City Council hereby adopts, approves and confirms the Engineer's Report, the Management District Plan, and the Preliminary Report of the City Clerk, all of which are included in Council File No. 09-2013.

Sec. 3. PARCELS WITHIN THE DISTRICT. The City Council hereby reaffirms its finding that all parcels, which will have a special benefit conferred upon them and upon which an assessment will be imposed, are identified in the Management District Plan.

Sec. 4. PROPORTIONAL BENEFIT. The City Council hereby reaffirms that the assessment proposed to be imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

Sec. 5. SEPARATION OF GENERAL AND SPECIAL BENEFITS. The City Council hereby reaffirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel.

Sec. 6. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT. The City Council hereby reaffirms that all proposed assessments are supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the state of California.

Sec. 7. DISTRICT BOUNDARIES. The City Council hereby declares that the boundaries of the proposed District are as described and illustrated in the Management District Plan and the Preliminary Report of the City Clerk. A description of the proposed District boundaries is as follows: parcels fronting the northwest and southeast sides of North Figueroa Street, and is bounded on the southwest by Avenue 50 and on the northeast by Piedmont Avenue. Also included within the BID boundaries are the peripheral public parking lots to the northwest and southeast of Figueroa Street, and the contiguous parcels between said public parking lots and those parcels fronting Figueroa Street.

Sec. 8. IMPROVEMENTS AND ACTIVITIES. The City Council hereby declares that the proposed levy of assessments is to fund the improvements and activities detailed in the Management District Plan. They include, but are not limited to: security, maintenance, administration, corporate identity, and contingency/reserve.

Sec. 9. ANNUAL ASSESSMENT AND DURATION. The proposed District's total annual assessment for the first year is estimated to be \$361,606.82. The annual assessment for subsequent years may be adjusted based upon the Consumer Price Index for the Los Angeles region or by a flat percentage rate, not to exceed five percent (5%) of the previous year's assessment. The annual assessment shall be levied for a period of 10 (ten) years, which is the proposed duration of the District and the period during which the improvements and activities will be provided.

Sec. 10. BASIS FOR CALCULATING ASSESSMENTS. The proposed annual assessment for each property is based upon the property square footage, building square footage and street frontage. A full and complete description of the basis upon

which the proposed assessment was calculated is contained in the Engineer's Report and the Management District Plan.

Sec. 11. COLLECTION OF ASSESSMENTS. The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as County ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the County tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the County in sufficient time for the County to collect the assessments with the County ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices (Statement of Assessment Due) to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due 45 calendar days after the date of the Statement of Assessment Due.

Sec. 12. NOTICE, PROTESTS AND HEARING PROCEDURES. The City Clerk shall comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750, *et seq.*).

Sec. 13. SUMMARY OF PROCEDURES FOR COMPLETION AND RETURN OF BALLOTS. This Ordinance of Intention and a ballot (in the form of attached Exhibit A incorporated here by this reference) shall be mailed by first-class mail to each property owner in the proposed District.

The ballot may be completed by the person(s) or entity owning the property within the proposed District. To complete the ballot, the property owner should do the following: (1) verify that the information listed on the ballot is correct; (2) indicate his or her decision to either approve or disapprove of the District assessment by marking an "X" or other verifiable mark in the appropriate place; (3) sign the ballot; (4) insert the completed ballot into the secrecy envelope provided; and (5) place the secrecy envelope inside the return envelope and mail to the City Clerk's Office.

Sec. 14. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to establish the District and levy assessments on DEC 01 2009, at 10 a.m., or as soon thereafter as City Council business permits, and on any days for continued hearing as ordered by the City Council, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the public hearing, the City Council shall hear the testimony of all interested persons for or against the establishment of the proposed District, the boundaries of the proposed District, or the furnishing of specified types of improvements or activities of the proposed District.

Sec. 15. NOTICE TO RECORD OWNERS. The City Clerk shall give notice of the public hearing, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment. The notice shall be given at least 45 days before the public hearing date and shall specify that the public hearing will be to determine whether the Council will establish the District and levy assessments.

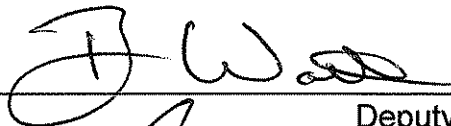
Sec. 16. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the public hearing, the City Clerk shall tabulate all assessment ballots that have been submitted and not withdrawn. To be included in the tabulation, assessment ballots must be received by the City Clerk either at the address indicated in the notice required by Government Code Section 53753 or at the site of the public hearing prior to the conclusion of the public hearing. The City Clerk will certify the results of the tabulation to the City Council during its meeting on DEC 02 2009, at 10:00 a.m., or as soon thereafter as City Council business permits, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012.

Sec. 17. MAJORITY PROTEST. If there is a majority protest against the imposition of the assessment, the City Council will not impose an assessment. A majority protest will exist if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

Sec. 18. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of OCT 06 2009.

JUNE LAGMAY, City Clerk

By 
Deputy


Approved _____


Mayor

OCT 09 2009

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
David Michaelson, Chief Assistant City Attorney

Date 9-11-09

File No. 09-2013