

ORDINANCE NO. _____

An ordinance establishing the Highland Park Property Business Improvement District (District) and levying assessments, 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 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 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, 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; and

WHEREAS, the City Council, on Tuesday, October 6, 2009, adopted Ordinance No. 180,894 declaring its intention to establish the Highland Park Business Improvement District and levy assessments; and

WHEREAS, the City Clerk gave notice, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment that a public hearing would be held on Tuesday, December 1, 2009, concerning establishment of the District; and

WHEREAS, the City Council held a public hearing concerning establishment of the District shortly after 10:00 a.m. on Tuesday, December 1, 2009, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California; and

WHEREAS, the City Council has heard all testimony and received all evidence concerning the establishment of the District and desires to establish the District.

NOW, THEREFORE,

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

Section 1. ESTABLISHMENT OF DISTRICT AND LEVY OF ASSESSMENTS. The City Council hereby establishes the Highland Park Property Business Improvement District and levies an assessment on each property within the District for each fiscal year referred to in the Management District Plan.

Sec. 2. MAJORITY PROTEST. The City Council hereby finds that there was no majority protest against the establishment of the District and levy of assessments.

Sec. 3. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby reaffirms its adoption, approval, and confirmation of the Engineer's Report and the Management District Plan included in Council File No. 09-2013.

Sec.4. 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 is imposed, are identified in the Management District Plan.

Sec. 5. PROPORTIONAL BENEFIT. The City Council hereby reaffirms that the assessment imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

Sec. 6. 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. 7. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT. The City Council hereby reaffirms that all assessments are supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the state of California.

Sec. 8. FUNDING OF IMPROVEMENTS AND ACTIVITIES. The City Council declares that the improvements and activities to be provided in the District will be funded by the levy of assessments on properties within the District. The revenue from the levy of assessments within the District shall not be used to provide improvements and activities outside the District or for any purpose other than the purposes specified in Ordinance No. 180,894.

Sec. 9. BENEFIT TO PROPERTIES WITHIN THE DISTRICT. The City Council finds and declares that the properties within the District will be benefitted by the improvements and activities funded by the assessments to be levied.

Sec. 10. SUMMARY OF THE MANAGEMENT DISTRICT PLAN.

(a) DISTRICT BOUNDARIES. A description of the District boundaries is as follows: In general, the boundaries include 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.

(b) IMPROVEMENTS AND ACTIVITIES. The improvements and activities include, but are not limited to: security, maintenance, administration, corporate identity, and contingency/reserve.

(c) ANNUAL ASSESSMENT. The 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.

(d) BASIS FOR CALCULATING ASSESSMENTS. The annual assessment for each property is based upon the property/land square footage. A full and complete description of the basis upon which the assessment was calculated is contained in the Engineer's Report and the Management District Plan.

Sec. 11. DISTRICT OPERATIONAL PERIOD. The District's operational period shall begin on January 1, 2010 and end on December 31, 2019.

Sec. 12. PERIOD TO REQUEST DISESTABLISHMENT. There shall be a 30-day period in each year of the District's operation during which property owners may request disestablishment of the District. The first period shall begin one year after the effective date of this ordinance and shall continue for 30 days. The next 30-day period shall begin two years after the effective date of this ordinance and continue for 30 days. For each successive year of the District's operation, the 30-day period shall begin on the anniversary of the effective date of this ordinance and continue for 30 days.

Sec. 13. SPECIAL FUND ESTABLISHMENT. The revenue from the assessments levied by this ordinance shall be collected and placed in a special trust fund to be established and to be known as the Highland Park Property Business Improvement District Fund (Fund). All interest and other earnings attributable to assessments, contributions and other revenue deposited in the Fund shall be credited to the Fund.

Sec. 14. 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 _____.

JUNE LAGMAY, City Clerk

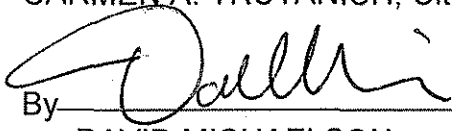
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date 11/22/09

File No. 09-2013