

ORDINANCE NO. 177776

An Ordinance establishing the Encino Commons Property and Business Improvement District ("District") and levying assessments, pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

**WHEREAS**, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

**WHEREAS**, petitions were filed by property owners in the Encino Commons business community who would pay more than 50 percent of the total amount of assessments to be levied, requesting that the City Council establish the Encino Commons Business Improvement District; and

**WHEREAS**, the City Council, on May 24, 2006 adopted Ordinance No. 177580 declaring its intention to establish the Encino Commons 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 July 25, 2006 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 July 25, 2006 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 Encino Commons 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 02-2217 and by this reference incorporate them here as though fully set forth.

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; and

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; and

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; and

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. DISTRICT BOUNDARIES. The City Council hereby reaffirms that the boundaries of the District are as detailed in the Management District Plan. A general description of the exterior boundaries of the District is as follows: properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east.

Sec. 9. THE DISTRICT'S ASSESSMENT. The City Council hereby reaffirms that the District's total annual assessment for the first year is estimated to be \$123,919.

Sec. 10. IMPROVEMENTS AND ACTIVITIES. The City Council hereby reaffirms that the District's activities and improvements are detailed in the Management District Plan and include but are not limited to, image enhancement, maintenance services, special projects, capital reserves, and administration. The District will not issue bonds.

Sec. 11. 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. 177580. The District will not issue bonds.

Sec. 12. BENEFIT TO PROPERTIES WITHIN THE DISTRICT. The City Council finds and declares that the properties within the District will be benefited by the improvements and activities funded by the assessments to be levied.

Sec. 13. The City Council declares that the properties within the District shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

Sec. 14. DISTRICT OPERATIONAL PERIOD. The District's operational period shall begin on January 1, 2006 and end on December 31, 2015.

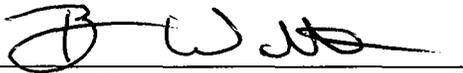
Sec. 15. PERIOD TO REQUEST DISESTABLISHMENT. There shall be a 30-day period in each year of the District's operation during which property owners may request disestablishment of the District. The first such period shall begin one year after the effective date of this Ordinance and shall continue for 30 days. The next such 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 16. SPECIAL FUND ESTABLISHMENT. The revenue from the assessment shall be collected and placed in the Special Trust Fund to be established and to be known as the Encino Commons Business Improvement District Fund ("Fund"). All interest and other earnings attributable to assessments, contributions and other revenue deposited in the Special Fund shall be credited to the Fund.

Sec. 17. CERTIFICATION. 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 JUL 26 2006.

FRANK T. MARTINEZ, City Clerk

By   
Deputy

Approved on \_\_\_\_\_.

  
ANTONIO R. VILLARAIGOSA, Mayor

Date AUG 07 2006

**Approved as to Form and Legality**  
ROCKARD J. DELGADILLO, City Attorney

By   
~~Assistant~~ City Attorney  
Deputy

**CHRISTY NUMANO-HIURA**

Date 7-6-06

Council File No. 02-2217