

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PASADENA INCREASING THE ASSESSMENTS FOR THE LAKE WASHINGTON – BLOCK 5 PARKING LOT MAINTENANCE ASSESSMENT DISTRICT

WHEREAS, the Board of Directors (now referred to as “City Council”) of the City of Pasadena (“City”) on December 10, 1991, adopted Resolution No. 6646, through which, after approving and confirming the plans, specifications, maps and descriptions of lands, estimate of costs and expenses contained in the Engineer’s Report, and determining that each of the several subdivisions of land described therein would be specially benefited by the improvements at least in the amount of the assessment apportioned against the subdivisions of land, and after conducting a protest hearing pursuant to the Municipal Improvements Act of 1913 and the Special Assessment Investigation, Institutions and Majority Protest Act of 1931, the City created the Lake Washington Area Parking Assessment District (now referred to as the “Lake Washington – Block 5 Parking Lot Maintenance Assessment District” and referred to hereinbelow as “District”), assessing on the subject property owners the total amount of \$12,228 per year.

WHEREAS, the City Council on January 8, 1996, approved an increase in the assessment on the subject property owners to a total of \$27,620 per year.

WHEREAS, on November 5, 1996, the voters of the State of California approved Proposition 218, enshrining in California Constitution Article XIID, Section 4, procedures and requirements for all assessments;

WHEREAS, in 1997, the California Legislature enacted Government Code Section 53753, the notice, protest, and hearing requirements which superseded any statutory provisions applicable to the levy of a new or increased assessment then in existence on the effective date of that section.

WHEREAS, the City has not increased the assessment on the District since 1996, and from time to time subsidizes - over and above the City’s proportional assessed dollar amount - repairs and improvements to District property from the general funds after District assessment funds have been exhausted.

WHEREAS, the general public should not be required to pay for special benefits for the few, and the few specially benefited should not be subsidized by the general public.

WHEREAS, the owners of the property within the assessment district entered into that certain Reciprocal Easement Agreement, dated January 2, 1992 and recorded on May 21, 1992 as Document No. 92-921675 in the office of the County Recorder of the County of Los Angeles, in which they agreed to pay for the maintenance and

repair of the parking improvements within the district through a maintenance assessment district.

WHEREAS, pursuant to Government Code Section 53753 and Pasadena Municipal Code Chapter 4.65, the City Council hereby finds and determines that:

Section I. Findings.

A. The City readopts, reapproves and reconfirms the plans, specifications, maps and descriptions of lands, cost-estimate formulas and calculations contained in the Engineer's Report referenced hereinabove in Resolution No. 6646 and as adjusted per this resolution to assess on the subject property owners the total amount of \$64,978.89 per year.

B. The City caused notice of public hearing concerning the proposed increase of the Lake Washington – Block 5 Parking Lot Maintenance Assessment District and the proposed levy of assessments within such district to be duly mailed, as required by law, to the record owner of each parcel proposed to be assessed within the District.

C. A public hearing concerning the proposed increase of the Lake Washington – Block 5 Parking Lot Maintenance Assessment District and the proposed levy of assessments within such District was held on June 5, 2023, at the hour of 5:30 p.m. in Council Chambers, Room S249 or City Hall located at 100 North Garfield.

D. At the public hearing, the testimony of all interested persons for or against the proposed increase of the Lake Washington – Block 5 Parking Lot Maintenance Assessment District, the levy of assessments within such District, and the type or types of improvements and activities to be funded with the revenues from the assessments was heard and considered, and a full, fair and complete hearing was held.

E. The City Council heard and considered all objections or protests to the proposed assessments and tabulated the assessments ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessments. The City Council hereby finds that a majority protest does not exist as defined by Section 4(e) of Article XIID of the California Constitution and Section 53753 of the California Government Code. All objections or protests, both written and oral, are hereby duly overruled.

F. The public interest, convenience and necessity require the increase of the Lake Washington – Block 5 Parking Lot Maintenance Assessment District.

G. In the opinion of the City Council, the property within the Lake Washington – Block 5 Parking Lot Maintenance Assessment District will be

benefited by the improvement and activities to be funded by the assessments, and no assessment has been imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Section II. Description of Parking District. The boundaries of the Parking District include 11 commercial properties at the southeast corner of E. Washington Boulevard and N. Lake Avenue, and generally bounded by E. Washington Boulevard on the north, N. Lake Avenue on the north, and N. Mentor Avenue on the east, and an east-west line approximately 400 feet south of E. Washington Boulevard, as shown in Exhibit A ('Block 5 Parking Lot Maintenance Assessment District').

Section III. Amount of Assessment.

A. Except where funds are otherwise available, an assessment will be levied annually on properties in the Parking District to pay for all the improvements and activities to be provided within the Parking District, commencing with fiscal year 2024.

B. The total amount of the proposed assessment to be levied and collected for the fiscal year 2024 shall be \$36,734.07, with subsequent increases to \$48,856.31 in fiscal year 2025, and finally \$64,978.89 in fiscal year 2026 and in all future years unless amended.

C. The method and basis of levying the assessment is set forth in the Engineer's Report for the "Lake Washington - Block 5 Parking District" on file in the office of the City Clerk, and hereby finally approved.

Section IV. Fund. There is created a special fund designated as the "Lake Washington - Block 5 Parking District," into which all revenue derived from assessments levied pursuant to the Resolution shall be placed, and such funds shall be used only for the purposes specific in this Resolution. This fund shall be subject to an annual independent audit of financial statements.

Section V. Use of Revenues. The improvement and activities for the Parking District include sanitation, cleaning, landscaping, and maintenance and improvement of the parking lot surface. The above revenue from the levy of the assessments within the District shall not be used to provide improvements or activities outside the Parking District or for any purpose other than the purposes specified in Resolution No. 6646 and/or this Resolution of the City Council.

Section VII. Levy of Assessment. The adoption of this Resolution and the recordation of the notice and assessment diagram pursuant to applicable law constitutes the levy of an assessment in each of the fiscal years referred to herein. Each year, the County Auditor of the County of Los Angeles shall enter on the

County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessment shall then be collected at the same time and in the same manner as the County taxes are collected.

Adopted at the regular meeting of the City Council on the 5th day of June, 2023, by the following vote:

AYES:

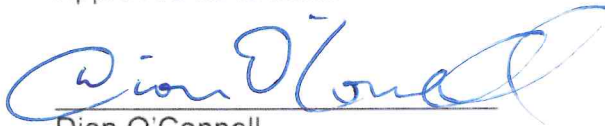
NOES:

ABSENT:

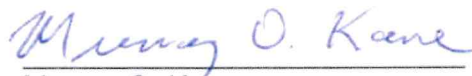
ABSTAIN:

MARK JOMSKY, CITY CLERK

Approved as to form:

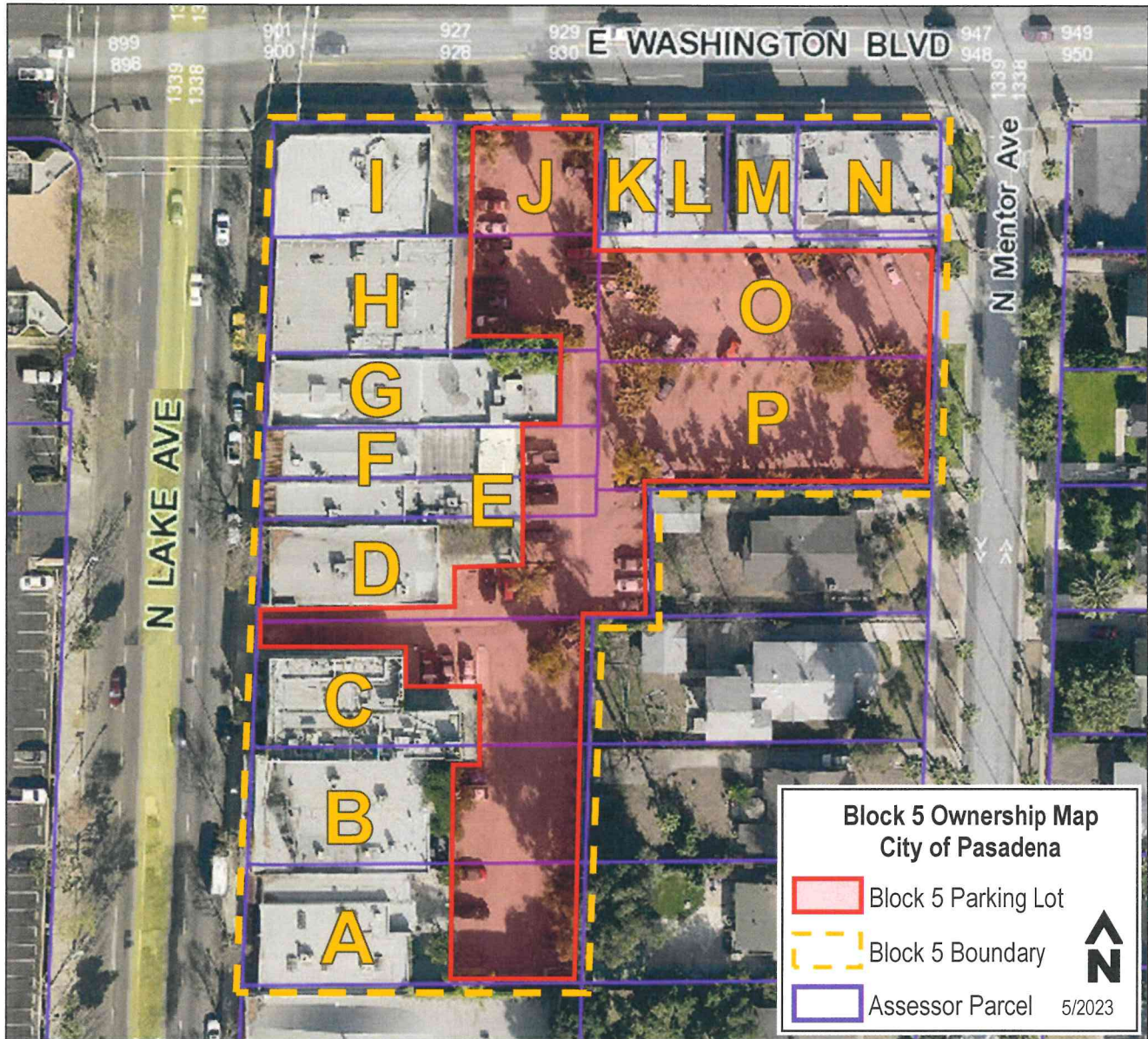


Dion O'Connell
Deputy City Attorney



Murray O. Kane
City Outside Counsel
KANE, BALLMER & BERKMAN

EXHIBIT A
BLOCK 5 PARKING LOT MAINTENANCE ASSESSMENT DISTRICT



Parcel	Owner	Parcel
A	NMM Investments LLC	5740-001-010
B	Tony Wang Trust	5740-001-009
C	Lake Acquisitions	5740-001-028
D	Rosemary Robey Trust	5740-001-031
E	Sonia M. De Perez	5740-001-006
F	Manuel and Miriam Bueno	5740-001-005
G	Stanislowski Enterprises	5740-001-004
H	Stanislowski Enterprises	5740-001-003
I	B. G. and M. M. Dilsizian Trust	5740-001-001
J	Colorado Boulevard Real Estate Investments LLC	5740-001-002 (parking lot)
K	Colorado Boulevard Real Estate Investments LLC	5740-001-024
L	B. and W. Ho Trust	5740-001-023
M	Nicole Butler	5740-001-022
N	SAB 4 LLC	5740-001-021
O	City of Pasadena	5740-001-900 (parking lot)
P	Stanislowski Enterprises	5740-001-019 (parking lot)