

RESOLUTION NO. 13-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER ESTABLISHING THE DOWNTOWN LANCASTER PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, APPROVING THE ASSESSMENT FORMULA AND LEVYING THE ASSESSMENTS.

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq. authorizes cities to establish property and business improvement districts upon petition by a weighted majority of property owners within the proposed district and affirmative ballot; and

WHEREAS, a majority of the property owners subject to assessment, weighted according to the amount of assessment to be paid by each property owner, have petitioned the City Council to form the proposed Downtown Lancaster Property and Business Improvement District (“DLPBID”); and

WHEREAS, on May 28, 2013, the City Council adopted Resolution No. 13-14, which was the Resolution of Intention to form the DLPBID; and

WHEREAS, pursuant to California Constitution Article XIII D, ballots were mailed to property owners within the boundaries of the DLPBID, and, among those ballots returned to the City, a weighted majority of the property owners within the DLPBID have approved formation of the DLPBID; and

WHEREAS, on July 23, 2013, the City Council conducted a public hearing at 5:00 p.m. at 44933 Fern Avenue, Lancaster, CA 93534, with respect to the formation of the DLPBID; and

WHEREAS, all written and oral protests made or filed were duly heard, evidence for and against the proposed action was received, and a full, fair and complete hearing was granted and held; and

WHEREAS, a detailed engineer’s report prepared by a registered professional engineer certified by the State of California, in support of the District’s assessments, has been prepared, is incorporated in the Management District Plan, and is on file with the Office of the City Clerk and is incorporated herein by this reference. (“Engineer’s Report”).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY RESOLVE AS FOLLOWS;

Section 1. The recitals set forth herein are true and correct.

Section 2. The Downtown Lancaster Property and Business Improvement District is hereby formed and the assessment is hereby levied for Fiscal Year 2014. The annual assessment will total approximately \$277,513.61.

Section 3. The Management Plan and the Engineer’s Report are hereby approved.

Section 4. The assessment shall be imposed on properties within the DLPBID. The District includes parcels along W. Lancaster Boulevard between Sierra Highway and 10th Street West, parcels along 10th Street between W. Jackman Street and W. Milling Street, parcels along Fern Avenue between W. Jackman Street and W. Milling Street, and certain adjacent parcels.

Section 5. The cost to the parcel owner is based on benefit zone, lot size, and building size. Single family residential parcels and public easements on private parcels will not be subject to the assessment. Assessment rates may be subject to an increase of no more than three percent per year. Assessment rates for the initial year are:

Parcel Type	Lot Rate	Building Rate
Zone 1		
Commercial	\$0.08	\$0.16
Apartment Complexes	\$0.04	\$0.08
Zone 2		
Commercial	\$0.04	\$0.09
Apartment Complexes	\$0.02	\$0.045

Section 6. The Assessment Roll for the Downtown Lancaster Property and Business Improvement District, Lancaster, State of California has been filed with the City Clerk, and is hereby approved.

Section 7. The assessments shall be collected in accordance with Section 36631 of the Streets and Highways Code.

Section 8. The assessment levied for the DLPBID shall be applied towards improvements and activities which provide a special benefit to assessed parcels, including marketing and promotions, clean and safe programs, and advocacy directly to assessed parcels.

Section 9. Bonds will not be issued.

Section 10. Properties within the District are subject to any amendments to Part 7 (commencing with Section 36600) to Division 18 of the Streets and Highways Code.

Section 11. The improvements and activities to be provided in the District will be funded by the levy of the assessments specified in the assessment roll. The revenue from the levy of such assessments shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified on the Resolution of Intention, the Management District Plan, and this resolution.

Section 12. All property within the District will be benefited specially and directly by the improvements and activities funded by the assessments proposed to be levied.

Section 13. The City Clerk is directed to take all necessary actions to complete the establishment of the DLPBID. The City Clerk is directed to record in the County Recorder’s Office a notice and assessment diagram as required by Streets and Highways Code §36627.

Section 14. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phases hereof be declares invalid or unconstitutional.

Section 15. This resolution shall take effect immediately.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2013, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS,
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 13-44, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
