ORDINANCE NO. 175870

An Ordinance declaring the Los Angeles City Council's intention to order, in accordance with the "Improvement Act of 1911," being Division 7 of the California Streets and Highways Code and Section 20410 to 20464 of the California Public Contract Code, the improvement of **VALERIO STREET (NEAR RADFORD AVENUE) IMPROVEMENT NO. A'11-E2000468**; describing the district to be benefitted by the work or improvement and to be assessed to pay the costs and expenses thereof; determining that bonds shall be issued to represent the costs and expenses; fixing a time and place for hearing objections to the work, improvement, or district; fixing a time and place for hearing objections to a finding and determination that the public convenience and necessity require such improvement pursuant to Sections 6.1 to 6.15 of the Los Angeles Administrative Code; and conducting an assessment ballot proceeding pursuant to Article XIII D of the California Constitution and the Government Code commencing with Section 53753; and advising that public funds shall be allocated.

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

Section 1. Public interest, convenience and necessity require and the Los Angeles City Council, in accordance with the "Improvement Act of 1911," being Division 7 of the Streets and Highways Code, and the California Public Contract Code Sections 20410 to 20464 intends to order the following:

Improvement of:

VALERIO STREET (north side)
between approximately 100 feet west and about 700 feet west of Radford Avenue; and on Radford Avenue (east side) between Valerio Street and about 150 feet north of Valerio Street with mainline sewer, house connection sewers, appurtenant structures, and related work.

Sec. 2. All of the said work or improvement shall be done in accordance with plans D-32373 and specifications referred to thereon, all on file in the office of the City Engineer.

In many cases, the improvement may alter the elevation of existing streets.

Said plan, maps and specifications are hereby referred to for a full and detailed description of said work or improvement and the proposed grades.

Sec. 3. In the Council's opinion, said work is of such nature that they should assess the costs and expenses in proportion to estimated benefits, and the Council hereby makes the assessable costs and expenses chargeable upon a district, which the Council declares to be the district benefitted by said work or improvement and to be assessed to pay said costs and expenses.

Said district is described by Map A-20926, on file in the office of the City Clerk. Said map shall govern for all details as to the extent of said assessment district. All public streets and ways, or portions thereof, within said district shall be omitted from the assessment to be made to cover costs and expenses of the work or improvement.

Sec. 4. Serial bonds in registered form bearing interest at the rate of nine percent (9%) per annum shall be issued to represent each assessment of one hundred fifty dollars ($150) or more remaining unpaid for thirty (30) days from the recordation of the warrant. Said serial bonds shall extend over a period ending not more than nine (9) years from the second day of January next succeeding the next September first following their date. The bonds shall mature in accordance with the following schedule of number of years from the second of January following the first day of September after the bonds' issue:

Amount of Bond	Number of Years
$ 150.00 - 299.99	1
$ 300.00 - 399.99	2
$ 400.00 - 499.99	3
$ 500.00 - 599.99	4
$ 600.00 - 699.99	5
$ 700.00 - 799.99	6
$ 800.00 - 899.99	7
$ 900.00 - 999.99	8
$1,000.00 and more	9

Payments on the principal of unpaid assessments and interest shall be made by the property owners to the City Treasurer and the same shall be disbursed by him to the bond holder as shown on the Bond Register, all as provided in the Improvement Act of 1911. The redemption provisions of said bonds shall provide a premium of five percent (5%) of said unmatured principal.

Sec. 5. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the A Improvement Act of 1911,≅ being Division 7 of Streets and Highways Code.

Sec. 6. On the 21 day of MAY 2004 at 10:00 A.M. in the Council Chamber, in the City Hall, in the City of Los Angeles is the day, hour and place when and where a public hearing will be held to allow protest and testimony regarding the enactment of the proposed assessment and, when and where any and all persons having any objections to the proposed work, or work and acquisition (when required), or the extent of the district to be assessed, or to all, may appear before the Council and show cause why said proposed work or work and acquisition, should not be carried out in accordance with this ordinance. However, such objections must be in writing and delivered to the City Clerk at any time not later than the hour above set for the commencement of the hearing of such objections and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and no other protests or objections shall be considered. If signers are not shown on the last equalized assessment roll as owners, said protest must show or be supported by written evidence such signers are owners. Any person having a question regarding the hearing proceedings may telephone (213) 847-5583 and state such question to the city engineer, who has been designated by the Council to answer inquiries regarding the hearing proceedings.

Sec. 7. At the conclusion of the public hearing the Council shall tabulate the assessment ballots submitted, and not withdrawn, in support or opposition to the proposed assessment. The Council shall not impose the assessment if there is a majority protest. A majority protest exists 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. The assessment ballots are weighed by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. Upon adoption of the tabulated assessment ballots the Council may confirm or abandon the proposed assessments.

Sec. 8. The proposed improvements are hereby referred to the City Engineer and the Street Lighting Director. Said Director is hereby directed to make and file with the Clerk of said City an engineer's report in writing. The presented and filed detailed Engineer's Report is pursuant to the requirement of Article XIII D, Section 4(b) of the California Constitution.

Sec. 9. The estimated total cost of the proposed improvement is $206,177, which includes the estimated costs of construction, utility facilities, and right of way (if any), and the estimated amount of other incidental expenses. The assessable portion of other incidental expenses [as defined in Streets and Highways Code Section 5024, except subsection (i) and (l)] shall not exceed 60 percent of the assessable portion of the cost of construction, utility facilities, and right of way.

Sec. 10. The Council proposes to find and determine at the hearing provided for herein that the public convenience and necessity require such work, or work and acquisition (when required). After such public hearing, if the Council, by no less than a four-fifths vote of all members thereof, finds and determines that the public convenience and necessity require such improvement, it may order such improvement without further proceedings in respect to debt limitation or majority protest, pursuant to Section 6.1 - 6.15 inclusive of the Los Angeles Administrative Code.

Sec. 11. Notices of adoption of this ordinance and assessment ballots shall be mailed by the City Clerk to the owners of real property proposed to be assessed, in this assessment ballot proceeding, all in the manner and in the form required by law, pursuant to Article XIII D, Section 4 of the California Constitution and the Government Code commencing with Section 53753.

Sec. 12. In the event the work is not completed within the time limit specified in the contract or within such further time as may be extended, the City will deduct from the amount to be paid to the contractor, liquidated damages in the amount of $400 for each calendar day of delay until the delayed work is completed.

Sec. 13. Connections to sewers described above are the responsibility of property owners. Connections will be permitted upon payment of fees required by Sections 64.11.3 to 64.19 inclusive of the Los Angeles Municipal Code. Special attention is directed to the Sewerage Facilities Charge. The Sewerage Facilities Charge will be applied at the rate in effect at the time this ordinance is adopted. To qualify for this rate, the connection must be made within one year after the acceptance of the completed sewer construction by the Board of Public Works.

Sec. 14. Payment in advance by the contractor of all or any part of the incidental expenses is hereby waived and the same shall be paid by the contractor upon the delivery to the contractor of the warrant, assessment and diagram.

Sec. 15. Payment for any work defrayed from public funds not included in Section 17 will be made to the contractor after acceptance of such work by the Board of Public Works.

Sec. 16. Public funds in the estimated amount of $45,810 from the Sewer Capital Fund shall be allocated to pay for a portion of the incidental expenses, contingencies, and overhead and those improvements referred to in Section 17.

Sec. 17. Progress payments based upon bid prices in the estimated amount of $28,120 from Sewer Capital Fund shall be made to the contractor for the cost of 160 lineal feet of off-site sewer, and related work.

Sec. 18. It is the opinion of this Council that the public interest will not be served by allowing the property owners to take the contract for the work to be done under these proceedings.

Sec. 19. The Council hereby determines, pursuant to Section 5104 of said Code, that it is in the public interest and more economical to do certain work on private property than to adjust the work on public property to eliminate any disparity in level or size between the improvement and driveways, house walks and sewers.

Such work on private property may be performed as a part of these proceedings providing the written consent of the owner is first obtained, and the actual cost of such work may be assessed against such property.

Sec. 20. 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 in the Main street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall if Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles at its meeting of MAR 2 4 2004.

J. MICHAEL CAREY, City Clerk

By _____
Deputy

Approved 3-2-04

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Mayor

APR 0 1 2004

Approved as to Form and Legality

_____
ROCKARD J. DELGADILLO, City Attorney

By _____
Deputy

Council File No. 92-1346 (A'11-E2000468)