



City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

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## PROJECT DELAY NOTICE

Underground Utility District 05-2

Assessor Parcel Number: «APN»

Situs: «Situs\_Address» «Situs\_Street», «Situs\_CityStateZIP»

«Owner\_Spouse\_FirstMiddle» and «Owner\_First\_Name» «Owner\_Last\_»

«Owner\_2»

«Mail\_AddressStreet»

«Mail\_City\_State\_ZIP»

Dear Property Owner,

As you know, Underground Utility District 05-2 was approved by a majority vote of the affected property owners and subsequently formed by the Manhattan Beach City Council on November 21, 2005. Since that time, staff has been working diligently with the utility companies to prepare the final design plans and obtain open market bids to initiate the construction project.

However, on December 21, 2005, a lawsuit was filed with the County of Los Angeles against the City of Manhattan Beach to stop the undergrounding projects in Districts 2 and 6 (*John Chaykowski, Beverly Simons-Morse and Nancy McKeever vs. City of Manhattan Beach*). Resolving this lawsuit could take anywhere from 90 days to 2 years, and will depend on the initial ruling of the trial court and any subsequent appeals. With this lawsuit pending, we are precluded from selling the bonds necessary to complete the financing of the project and thus construction cannot commence unless and until the litigation has been resolved in the City's favor.

At this time, how the delay will affect the cost of construction is unknown. If construction prices increase incidentally and can be fully covered by the project contingency, then there will be no change in the assessments already presented to residents. However, if construction costs exceed the project contingency, then future public meetings will be held to determine a course of action (which may include initiating a subsequent ballot process for any cost increase). **Please note that your assessment WILL NOT increase unless new balloting procedures are initiated and approved by a majority of affected property owners.**

### WHAT THIS DELAY MEANS TO YOU:

- **Construction will not begin in April 2006**, as originally planned. Assuming the City is successful in defending the Assessment Districts, construction can be expected to begin approximately 3-5 months after the final ruling and appeal period if costs have not increased beyond the total assessments approved.
- **The existing cash collection deadline of has been extended indefinitely.** Residents will be notified of the new cash collection deadline by mail at least 30 days in advance. The new deadline will be no sooner than June 30, 2006, and may even be much later. Our website will have the most current information and can be accessed at any time ([www.citymb.info](http://www.citymb.info)) under the Utility Undergrounding link.

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201

Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101

Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301

City of Manhattan Beach Web Site: <http://www.citymb.info>

- ***A refund of any assessments already prepaid to the City will be refunded upon request.*** Funds may also remain with the City but interest will not accrue. To receive a refund, requests must be made by filling out the form below and mailing to the address provided.

We will keep you informed of the progress of this lawsuit as new information becomes available. Meanwhile, if you have any questions about this issue, please contact me directly at 310/802-5368 or via email at [skatsouleas@citymb.info](mailto:skatsouleas@citymb.info).

Sincerely,

Stephanie Katsouleas, P.E.  
Senior Civil Engineer

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## REQUEST FOR REFUND OF UNDERGROUND ASSESSMENT PREPAYMENT

Any property owner in the subject districts who has prepaid his/her assessment(s) may request a refund by completing this form. Processing of refund will take approximately 2 to 3 weeks. Alternately, prepaid funds may remain with the city but will not accrue interest. If requesting a refund, please fill in all of the information requested below and return this form either in person or by mail to:

**City of Manhattan Beach  
Finance Department – Assessment Refunds  
1400 Highland Avenue  
Manhattan Beach, CA 90266**

<b><i>Please Make Check Payable To and Mail To:</i></b>	Utility District Number: 05- _____
_____ Name (please print)	Assessor Parcel Number: _____
_____ Mail Address (please print)	Parcel Street Address: _____
_____ City, State, Zip (please print)	Parcel Owner: _____
	Contact Phone Number: _____
	Check Number: _____
	Amount Paid: _____

I understand that due to a pending lawsuit, the deadline for pre-payment for utility assessment districts 2 and 6 has been extended indefinitely. I submit this request authorizing such a refund of the amount I prepaid.

\_\_\_\_\_  
Signature