

RESOLUTION R05-22; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, REQUESTING AN ALLOCATION AND PAYMENT OF COUNTY'S HIGHWAY-THROUGH-CITIES FUNDS

WHEREAS, the City of Palos Verdes Estates ("City") is proposing to construct a new storm drain located in the vicinity of Palos Verdes Boulevard, which work is hereinafter referred to as PROJECT; and

WHEREAS, Palos Verdes Boulevard is on the Highway Element of City's General Plan and on County's Highway Plan; and

WHEREAS, PROJECT is entirely within the geographical boundaries of City; and

WHEREAS, PROJECT will catch debris and stormwater that have historically closed the road during severe rain events; and

WHEREAS, PROJECT is of general interest to City and the County of Los Angeles ("County"); and

WHEREAS, under the Highways-Through-Cities program, the County provides financial assistance from the County's road fund to cities for the improvement of highways which provide regional benefit, as provided for in Sections 1680-1683 of the California Streets and Highways Code; and

WHEREAS, the City has requested that the County provide assistance to the City under the Highways-Through-Cities program by providing funds in the amount of \$200,000 (the "Funds") to finance a portion of the total cost of PROJECT, which total is estimated to be \$490,000; and

WHEREAS, as a condition to providing the Funds, the County requires the City to adopt this resolution to be binding upon the City;

NOW, THEREFORE, the City Council of the City of Palos Verdes Estates does hereby resolve as follows:

SECTION 1. Responsibility for Project. The City's Department of Public Works shall administer and be responsible to complete the PROJECT.

SECTION 2. Consent to Expending Highways-Through-Cities funds. The City agrees to accept the Funds from County on behalf of City and to consent to the expenditure of the Funds for the aforementioned work, pursuant to all applicable provisions of the law relating to funds derived from the Highway User Tax, as provided for in Sections 1680-1683 of the California Streets and Highways Code. Provided,

however, that if the aforementioned work has not been started within 60 days from the date of delivery of the Funds as advance payment, the City shall return said entire Funds to the County. Immediately upon completion of the work, the City shall render to the Director of Public Works of County an itemized statement showing the application of the Funds or any part thereof for the proposed improvements, and if any portion of the Funds shall not have been so used and expended for the work specified, the amount of the Funds so remaining unexpended shall be returned immediately to the Director of Public Works.

SECTION 3. Indemnification. Notwithstanding the provisions of Government Code Section 895, *et. seq.*, or any other agreement between the COUNTY and the CITY (including that certain "Assumption of Liability Agreement No. 32372"), City shall release and fully indemnify, defend, and hold harmless the County of Los Angeles and its special districts, and their supervisors, officers, officials, agents, and employees for all amounts, including attorneys' and experts' fees and costs, incurred as a result of any liability, injury or damage relating to, arising from or in connection with the PROJECT.

SECTION 4. Finding of Categorical Exemption. The City Council does hereby find that the project will have no significant effect on the environment and is categorically exempt pursuant to section Section 15303, Chapter 3, Title 14, of the California Environmental Quality Act guidelines.

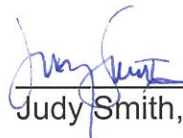
SECTION 5. Binding Effect. Upon the County providing the Funds, this resolution shall irrevocably bind the City to the terms and condition herein.

SECTION 6 Adoption. The City Council hereby instructs the City Clerk to certify the adoption of this resolution and forward a certified copy to the Director of Public Works of the County for processing.


Passed, approved and adopted this 26th day of July, 2005.


Dwight Abbott, Mayor

ATTEST:


Judy Smith, City Clerk

APPROVED AS TO FORM:


Stephanie R. Scher, City Attorney

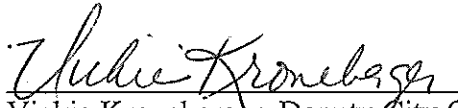
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R05-22** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 26th of July, 2005, by the following vote:

AYES: COUNCILMEMBERS: Abbott, Flood, Humphrey, Sherwood,
and Goodhart

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Vickie Kroneberger, Deputy City Clerk