

**RESOLUTION NO. 04-55**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY  
ORDERING THE FORMATION OF THE OCEAN HARBOR HOUSE GEOLOGIC  
HAZARD ABATEMENT DISTRICT**

WHEREAS, on March 16, 2004, this City Council adopted a resolution entitled "A Resolution of Intention of the Monterey City Council to Form the Ocean Harbor House Geologic Hazard Abatement District" (the "Resolution of Intention") initiating proceedings pursuant to Section 26500 et seq. of the California Public Resources Code (the "Code") to form the Ocean Harbor House Geologic Hazard Abatement District (the "GHAD"); and

WHEREAS, the Resolution of Intention referenced a Plan of Control for the proposed GHAD and called for a public hearing on April 6, 2004 to determine whether a majority of property owners within the proposed GHAD object to the formation of the GHAD; and

WHEREAS, the Resolution of Intention directed that the Board of Directors of the Ocean Harbor House Homeowners Association (the "Board") provide notice of the public hearing as required by and in conformance with the Code, and the City Clerk has provided a written certification confirming that notice of the public hearing has been given consistent with all applicable requirements of the Code; and

WHEREAS, this City Council has held the public hearing and has duly considered any and all written objections to the formation of the GHAD filed by owners of real property within the GHAD and which contain the statements and signatures required by Section 26564 of the Code in order to be valid objections; and

WHEREAS, it appears to this City Council that the owners of less than 50 percent of the assessed valuation of the proposed GHAD object to its formation, and this City Council now desires to order the formation of the GHAD.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that:

Section 1. The City Council hereby finds and determines that owners of not more than 50 percent of the assessed valuation of the area to be included in the proposed GHAD filed written objections to the formation of the GHAD.

Section 2. Pursuant to Section 26567 of the Code, the City Council hereby orders the formation of the Ocean Harbor House Geologic Hazard Abatement District, subject to the execution and delivery by the GHAD of an Indemnification and Insurance Agreement in a form acceptable to the City Attorney.

Section 3. The City Council hereby appoints the following five owners of real property within the GHAD to be the initial board of directors of the GHAD, with the term of each such initial boardmember to expire April 1, 2008: (1) Mary Sciorscn, (2) Henry Coil, (3) Steve Morgan, (4) Doug Koster and (5) George Kern. Following their initial terms, the Board of Directors of the GHAD shall be elected as provided in Section 26583 of the Code.

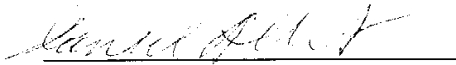
Section 4. As stated in Section 26570 of the Code, the GHAD is not an agency or

instrumentality of the City of Monterey, and City of Monterey shall have no responsibility or liability whatsoever for any action of the GHAD or failure of the GHAD to act. The City of Monterey shall have no responsibility or liability whatsoever with respect to the plan of control of the GHAD and makes no representation as to its sufficiency for purposes of the Code or otherwise.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6<sup>th</sup> day of April 2004, by the following votes:

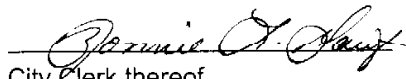
AYES:	5	COUNCILMEMBERS:	ALBERT, CANEPA, DELLA SALA ROBERSON, VREELAND
NOES:	0	COUNCILMEMBERS:	
ABSENT:	0	COUNCILMEMBERS:	

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APPROVED:



Mayor of Said City

ATTEST:

  
City Clerk thereof