RESOLUTION NO. 2008-


WHEREAS, Section 6.04.060 of the Anaheim Municipal Code empowers the Director of Emergency Services of the City of Anaheim to proclaim the existence or threatened existence of a local emergency when the City of Anaheim is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on or about February 9, 2005, conditions of extreme peril to the safety of persons and property constituting a local emergency (the “Local Emergency”) arose within the City of Anaheim caused by the continuing movement and displacement of land in the vicinity of 357, 365 and 373 Ramsgate Drive, Anaheim, California (the “Emergency Area” or “Disaster Area”) as more particularly described and shown on Exhibit A of the Proclamation of the Existence of a Local Emergency by the Director of Emergency Services of the City of Anaheim” issued on February 9, 2005, (the "Proclamation"); and

WHEREAS, on February 9, 2005, the Director of Emergency Services of the City of Anaheim did issue the Proclamation, at which time the City Council was not in session; and

WHEREAS, on February 10, 2005, the Director of Emergency Services of the City of Anaheim did issue “Order No. 1 of the Director of Emergency Services Pursuant to Proclamation of the Existence of a Local Emergency Issued on February 9, 2005” (“Order No. 1”), a copy of which Order No. 1 was attached to City Council Resolution No. 2005-17; and

WHEREAS, on February 15, 2005, the City Council adopted its Resolution No. 2005-17 finding that the aforesaid conditions of extreme peril (the “impending peril”) did warrant and necessitate proclamation of the existence of a local emergency and the issuance of said Proclamation by the Director of Emergency Services, and for such reasons, the City Council ratified said Proclamation and Order No. 1 issued pursuant thereto; and

WHEREAS, on March 2, 2005, at which time the City Council was not in session, the Director of Emergency Services did issue “Order No. 2 of the Directory of Emergency Services Pursuant to Proclamation of the Existence of a Local Emergency issued on February 9, 2005 (“Order No. 2"), a copy of which Order No. 2 was attached to City Council Resolution No.
WHEREAS, on March 8, 2005, the City Council adopted its Resolution No. 2005-27 (i) reviewing the need for continuing the local emergency, (ii) determining that the need for continuing the local emergency continued to exist, (iii) authorizing and ratifying certain acts and orders by the Director of Emergency Services including said Order No. 2, and (iv) approving and authorizing certain additional remedial actions relating to the impending peril; and

WHEREAS, on March 29, 2005, and April 12, 2005, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, on April 18, 2005, at which time the City Council was not in session, the Director of Emergency Services did issue “Order Number 3 of the Director of Emergency Services of the City of Anaheim Pertaining to Expanding the Area Subject to Proclamation of Local Emergency” (“Order No. 3”) pursuant to the Proclamation of the Existence of a Local Emergency issued on February 9, 2005, a copy of which Order No. 3 was attached to City Council Resolution No. 2005-50; and

WHEREAS, on April 26, 2005, the City Council adopted its Resolution No. 2005-50 (i) reviewing the need for continuing the local emergency, (ii) determining that the need for continuing the local emergency exists, (iii) authorizing and ratifying certain acts and orders by the Director of Emergency Services including said Order No. 3, and (iv) approving and authorizing certain additional remedial actions relating to the impending peril; and

WHEREAS, between April 26, 2005, and December 8, 2005, the City Council periodically reviewed the need for continuing the local emergency as required by Section 8630 of the Government Code of the State of California and, based upon information provided to the City Council at or prior to each such review, has determined the need for continuing the local emergency and has determined not to terminate the local emergency; and

WHEREAS, on December 8, 2005, at which time the City Council was not in session, the Director of Emergency Services did issue “Emergency Order Number 4" entitled “An Order of the Director of Emergency Services of the City of Anaheim Ordering (1) the Continued Temporary Availability of Henning Way as Vehicular Access for Emergency Vehicles, Public and Private Services, and Residents and Property Owners and Their Invitees to the Properties in the Hidden Grove Lane/Fox Glen Drive Area Until Alternative Vehicular Access to said Affected Area is Available, (2) Emergency Work by City Personnel and Contractors to Provide, Construct and Maintain Alternative Vehicular Access to said Affected Area, and (3) the Construction of Erosion Control, and a Detention Basis to Protect Downstream Public Drainage Facilities in the Vicinity of Hidden Grove Lane” (“Order No. 4") pursuant to the Proclamation of the Existence of a Local Emergency issued on February 9, 2005; and
WHEREAS, on December 20, 2005, the City Council adopted its Resolution No. 2005-231 (i) reviewing the need for continuing the local emergency, (ii) determining that the need for continuing the local emergency exists, (iii) authorizing and ratifying certain acts and orders by the Director of Emergency Services including said Order No. 4, and (iv) approving and authorizing certain additional remedial actions relating to the impending peril; and

WHEREAS, the City of Anaheim, through a private contractor, has completed implementation of the provisions of Order No. 4 by constructing a temporary paved emergency access road along Hidden Grove Lane to restore vehicular access for emergency vehicles, public and private services, and residents and property owners and their invitees to said thirteen properties in the Hidden Grove Lane/Fox Glen Drive area; said project included the addition of approximately 1,000 cubic yards of imported soil along the base of the landslide, re-grading a portion of the easterly slope of Hidden Grove Lane, lining of the slope with jute mat, installation of K-rail concrete barriers, construction of a temporary drainage system with desilting basins, and installation of the temporary single-lane paved access road; and

WHEREAS, on March 22, 2006, following the completion of said project implementing Order No. 4, the Director of Emergency Services issued Order No. 5 (i) rescinding Paragraph 1 of Order No. 4 which had required the continued temporary availability of Henning Way as vehicular access for emergency vehicles, public and private services, and residents and property owners and their invitees to the thirteen properties in the Hidden Grove Lane/Fox Glen Drive area; and (ii) issuing certain additional orders relating to said local emergency; and a copy of which Order No. 5 was attached to City Council Resolution No. 2006-051; and

WHEREAS, on March 28, 2006, the City Council adopted its Resolution No. 2006-051 (i) reviewing the need for continuing the local emergency heretofore proclaimed by the Director of Emergency Services of the City as ratified by Resolution No. 2005-17, (ii) determining that the need for continuing the local emergency exists, and (iii) authorizing and ratifying certain acts and orders by the Director of Emergency Services including said Order No. 5; and

WHEREAS, on April 11, 2006 and April 25, 2006, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before May 16, 2006, the City Council adopted its Resolution No. 2006-099 on May 30, 2006, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and

WHEREAS, on June 20, 2006, July 11, 2006, July 25, 2006, and August 8, 2006, the City Council did review the need for continuing the local emergency and, by motion duly
adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, Section 8630 of the Government Code of the State of California requires that the City Council shall review, at least every 21 days, the need for continuing the local emergency and to proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before August 29, 2006, the City Council adopted its Resolution No. 2006-209 on September 12, 2006, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and

WHEREAS, on October 3, 2006, and October 17, 2006, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before November 7, 2006, the City Council adopted its Resolution No. 2006-239 on November 13, 2006, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and

WHEREAS, on November 28, 2006, and December 12, 2006, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before January 2, 2007, the City Council adopted its Resolution No. 2007-005 on January 9, 2007, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and

WHEREAS, on January 30, 2007, February 13, 2007, March 6, 2007, and March 20, 2007, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before April 10, 2007, the City
Council adopted its Resolution No. 2007-047 on April 17, 2007, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and

WHEREAS, on May 8, 2007, May 15, 2007, June 5, 2007, and June 19, 2007, the City Council did review the need for continuing the local emergency and, by motion duly adopted at each such meeting, did determine that the need for continuing the local emergency continued to exist, and, for such reason, did not take action to terminate the local emergency; and

WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not thereafter reviewed by the City Council on or before July 10, 2007, the City Council adopted its Resolution No. 2007-125 on July 17, 2007, reissuing the Proclamation and determining that the need for the local emergency continued to exist; and


WHEREAS, because the need for continuing the local emergency as heretofore proclaimed was not most recently reviewed by the City Council on or before June 3, 2008, it is necessary for the City Council, by adoption of this resolution, to reissue the proclamation of the existence of a local emergency as theretofore proclaimed by the Director of Emergency Services and ratified by the City Council by the adoption of its Resolution No. 2005-17; and

WHEREAS, the City Council hereby finds that the need for continuing the local emergency continues to exist at this time; and

WHEREAS, pursuant to Section 866(a) of the Government Code of the State of California, and on the basis of expert opinion or other reasonable basis, the City Council hereby finds as follows:

1. The aforesaid Emergency Area is the subject of gradual earth movement as defined in Government Code Section 866(a); and

2. An impending peril to persons and/or property exists as a result of said gradual earth movement; and

3. The City Council has determined appropriate remedial action to abate such impending peril in the manner hereinafter set forth; and

WHEREAS, the City Council heretofore determined and/or hereby determines
that
those certain measures identified in the Proclamation, Order No. 1, Order No. 2, Order No. 3,
Order No. 4 and Order No. 5 (collectively referred to herein as the “remedial measures”) constitute appropriate remedial actions to abate said impending peril; and

WHEREAS, pursuant to Section 8630 of the Government Code of the State of California, the City Council has this date reviewed the need for continuing the local emergency.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines that the need exists for continuing the local emergency due to the continued existence of the impending peril.

BE IT FURTHER RESOLVED that the City Council hereby proclaims and reissues the Proclamation of the Existence of a Local Emergency as heretofore proclaimed by the Director of Emergency Services on February 9, 2005, and ratified by the City Council by its Resolution No. 2005-17 as adopted on February 15, 2005.

BE IT FURTHER RESOLVED that, pursuant to Section 866(a) of the Government Code of the State of California, the City Council hereby determines that those certain remedial measures identified in the Proclamation, Order No. 1, Order No. 2, Order No. 3, Order No. 4 and Order No. 5 constitute appropriate remedial actions to abate the impending peril.

BE IT FURTHER RESOLVED that the officers, employees, agents and contractors of the City of Anaheim are hereby authorized to implement said remedial measures, and the acts heretofore undertaken to implement said remedial measures are hereby ratified and approved.


THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 10th day of June, 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:
CITY OF ANAHEIM

By

MAYOR OF THE CITY OF

ANAHEIM
ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM

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