

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF BENEFIT ZONE NO. 14 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE LA VISTA PROPERTY

WHEREAS, the City of Hayward provides for the maintenance and improvement of street lighting, parks, and setback landscaping, through the City's Landscaping and Lighting Assessment District No. 96-1 ("District"); and

WHEREAS, these maintenance services and improvements provide direct and special benefits to properties in the District; and

WHEREAS, the formation of new Benefit Zone No. 14 of the existing District was a condition of development approval for the project known as the La Vista development (the "Property"); and

WHEREAS, this proposed benefit zone formation would provide direct and special benefits to the Property by providing for the maintenance and improvement of street lighting, setback landscaping and irrigation for the Property; and

WHEREAS, the procedures for the proposed formation will provide owners of the Property with the opportunity to submit ballots for the proposed formation and assessment of levies that would fund the maintenance for services and improvements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, (the "City"), County of Alameda, State of California, that:

1. The Council hereby proposes the formation of new Benefit Zone No. 14 for the existing Landscaping and Lighting Assessment District No. 96-1, pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

ATTACHMENT II

2. The purpose of the District shall be for the maintenance and servicing of improvements to the City of Hayward described in Section 3 below.

3. Within Zone No. 14 of the District, the proposed improvements are generally described as the servicing, operations and maintenance of ground cover, shrubs and trees, irrigation systems, drainage systems, street lights, paved trails, bioswales and tree bio-treatment wells and all necessary appurtenances, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

4. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution.

5. The Engineer's Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. Such report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

6. The Assessment Area consists of the lots and parcels shown on the assessment diagram of the Engineer's Report, on file with the City of Hayward, and reference is hereby made to such diagram for further particulars.

7. The amounts due for improvements and expenses incidental thereto, to be paid by the formation of the La Vista subdivision into Benefit Zone No. 14 of the District for the FY 2017, are fully detailed in the Engineer's Report for the City of Hayward. Reference is hereby made to said Engineer's Report for further particulars regarding said formation. The maximum FY 2017 assessment rate is \$589.73 per Single Family Equivalent (SFE).

8. The public hearing for the Assessment District Benefit Zone formation shall be held before this Council in the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541 on June 14, 2016, at the hour of 7:00 PM for the purpose of allowing public testimony regarding the proposed formation and for the City's final action upon the proposed formation for Property.

9. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited

ATTACHMENT II

APPROVED AS TO FORM:

City Attorney of the City of Hayward