

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-__

Introduced by Council Member _____

RESOLUTION APPROVING THE ENGINEER'S REPORT,
RECONFIRMING BASE MAXIMUM ASSESSMENTS,,
CONFIRMING THE ASSESSMENT DIAGRAMS AND FISCAL
ASSESSMENTS, AND ORDERING LEVY AND COLLECTION OF
FISCAL ASSESSMENTS FOR FISCAL YEAR 2017 FOR THE
LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONES 1-13

WHEREAS, a noticed public meeting was held on May 19, 2016, to provide information and allow affected owners an opportunity to speak. Two property owners from Zone 10 attended the meeting and all of their comments were addressed; and

WHEREAS, by adopting Resolution No.16-315 on June 28, 2016, this City Council approved the preliminary Engineer's Report and declared intention to levy assessments for Fiscal Year 2017 in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, said report was duly made and filed, and duly considered by this City Council and found to be sufficient in every particular, whereupon it was determined that said report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that July 19, 2016, at the hour of 7:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, was appointed as the time and place for a hearing before this City Council on the question of the levy of the proposed assessments, notice of which proceedings was duly published; and

WHEREAS, notice of the proposed assessment and City Council Hearing was published once in *The Daily Review* newspaper and mailed to each property owner or record owner of each parcel in Zones 1-13 at least 10 days prior to the scheduled time and place of said hearing; and

WHEREAS, this City Council thereby confirmed the diagram and assessment for Zones 1-13, prepared by and made a part of the report of said engineer to pay the costs and expenses thereof, and acquired the ability to order said levy for Zones 1-13.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

1. The proposed assessments for Zones 3, 5, 6, 7, 9, and 13 are unchanged from the previous year's assessments.
2. The proposed assessments for Zones 1, 8, 10, 11 are less than the previous year's assessments.

3. The proposed assessments for Zones 6 and 12 are at their base maximum assessments.

4. The increases in base maximum assessments in benefit zones 3, and 7 thru 13, and increases in fiscal collection amounts in benefit zones 2, 4 and 12, from the previous fiscal year are in compliance with the provisions of Proposition 218 because assessments do not exceed the established assessment formula when these benefit zones were formed, or amended.

5. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

6. The public interest, convenience, and necessity require that a levy on each lot or parcel in Zones 1-13, the exterior boundaries of which are shown by a map thereof filed in the office of the City Clerk and made a part hereof by reference, which is benefitted by the proposed base maximum assessment, be made as follows:

Zone 1	\$295.83
Zone 2	\$193.39
Zone 3	\$871.03
Zone 4	\$180.00
Zone 5	\$258.67
Zone 6	\$2.61
Zone 7	\$911.06
Zone 8	\$651.59
Zone 9	\$173.98
Zone 10	\$1,037.44
Zone 11	\$1,471.46 (Current Development)
Zone 11	\$1,471.46 (Future Development)
Zone 12	\$194.98
Zone 13	\$1,106.48

6. Said Engineer's Report, as a whole and each part thereof, is hereby approved, confirmed and incorporated herein, including, but not limited, to the following:

(a) The Engineer's estimate of the itemized and total costs and expenses of maintaining said improvements, and of the incidental expenses in connection therewith; and

(b) The diagram showing the zones of the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) The assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots or parcels in said zone of the district be made in proportion to the estimated benefits to be received by such lot or parcel, respectively, from said maintenance and of the expenses incidental thereto, is approved and confirmed and incorporated herein.

7. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this City Council.

8. The assessments to pay the costs and expenses of the maintenance of said improvements in Zones 1-13 for Fiscal Year 2017 are hereby levied. The following fiscal assessment amounts are hereby ordered to be collected for Fiscal Year 2017:

Fund 266	Zone 1	\$175.00
Fund 267	Zone 2	\$153.58
Fund 268	Zone 3	\$797.06
Fund 269	Zone 4	\$145.20
Fund 272	Zone 5	\$198.50
Fund 273	Zone 6	\$2.61
Fund 274	Zone 7	\$563.52
Fund 275	Zone 8	\$150.00
Fund 276	Zone 9	\$20.00
Fund 277	Zone 10	\$175.00
Fund 279	Zone 11	\$155.96 (Current Development)
Fund 279	Zone 11	\$82.60 (Future Development)
Fund 278	Zone 12	\$194.98
Fund 281	Zone 13	\$361.00

9. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessments with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

10. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance is hereby directed to establish under the distinctive designation of said Consolidated Landscaping and

Lighting Assessment District 96-1, Zones 1-13. Monies in said improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA July 19, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward