

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_

Introduced by Council Member\_\_\_\_\_

RESOLUTION APPROVING THE FINAL ENGINEER'S REPORT, CONFIRMING MAXIMUM BASE ASSESSMENT AMOUNT, CONFIRMING THE FISCAL ASSESSMENT RATE, CONFIRMING THE ASSESSMENT DIAGRAM, AND ORDERING THE LEVY AND COLLECTION OF THE FISCAL ASSESSMENT FOR FISCAL YEAR 2023 FOR MAINTENANCE DISTRICT NO. 2: EDEN SHORES WATER BUFFER ZONE AND PRE-TREATMENT POND

WHEREAS, by adopting Resolution No. 22-160 on June 21, 2022, this City Council approved the Preliminary Engineer's Report and declared intention to levy assessments for FY 2023 in accordance with the provisions of Section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, the Preliminary Engineer's Report was duly made and filed, and duly considered by the City Council and found to be sufficient in every particular, and

WHEREAS, a date of July 5, 2022, at the hour of 7:00 p.m. was appointed as the date and time for a public hearing before the City Council on the question of the levy of the proposed assessments, a notice of which proceedings was duly published; and

WHEREAS, a public notice of the proposed assessment and of the City Council public hearing was published once in East Bay Times newspaper (June 24, 2022) and a postcard notice mailed (June 3, 2022) to each property owner of record for each parcel in Maintenance District No.2; and

WHEREAS, at the appointed date and time, said hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by the City Council; and

WHEREAS, the City Council thereby confirms the maximum base assessment, assessment diagram, and fiscal assessment for Maintenance District No.2 prepared by and made a part of the Final Engineer's Report to pay the costs and expenses thereof, and acquired the ability to order said levies for Maintenance District No.2.

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

1. The public interest, convenience, and necessity require that a levy be assessed for Maintenance District No.2.
2. That the properties benefitted by the improvements are to be assessed in order to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district assessment diagram attached hereto as Exhibit "A" and included in the Final Engineer's Report.
3. Said Final 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 zone 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.
4. Based on the oral and documentary evidence offered and received, including the Final Engineer's Report, the City Council expressly finds and determines:
  - (a) That each of the parcels in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the parcel; and
  - (b) That there is substantial evidence to support this finding and determination as to special benefit; and
  - (c) Any public property owned by any public agency and in use in the performance of a public function within the district shall not be assessed.
5. The public interest, convenience, and necessity require that a levy on each lot of parcels in MD No.2 be no more than the annually calculated Maximum Base Assessment rate for FY 2023, which is \$1,069.14.

6. That the fiscal assessment in the amount of \$240.22 per parcel is required to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are to cover the expenses for FY 2023.
7. Adoption of the Final Engineer's Report as a whole, the Maximum Base Assessment Rate, the fiscal assessment, the assessment diagram, the estimate of the costs and expenses, and the collection of fees 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 by or made by the City Council.
8. The City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in this resolution and described in the Final Engineer's Report, and it is hereby determined to order the collection of \$240.22 per parcel.
9. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, a certified copy of this resolution, the assessment diagram, and the fiscal assessment shall be filed 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 fiscal 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 a Special Revenue Fund 271, under the distinctive designation of said Maintenance District No.2 - Eden Shores Water Buffer Zone and Pre-treatment Pond. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the Engineer's Report, referenced in this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_,2022

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

EXHIBIT A

