

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-___

Introduced by Council Member _____

RESOLUTION OF INTENTION TO PRELIMINARILY APPROVE THE ENGINEER'S REPORT, DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2024 FOR CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONES 1-18, AND SETTING JUNE 27, 2023, AS THE PUBLIC HEARING DATE

WHEREAS, On May 7, 1996, the Consolidated Landscaping and Lighting District No. 96-1, Zones 1-6 (the "District") was established by the adoption of Resolution No. 96-93 and, subsequently, Zones 7-18 were respectively annexed to the District, and

WHEREAS, the District consists of properties as shown on the Assessment Roll which will be available on file in the Office of the Hayward City Clerk on June 27, 2023; and

WHEREAS, it is the intention of the City Council to order the levy and collection of assessments for the maintenance of the storm drainage pumping station and storm drain conduit pursuant to Part 3, Chapter 26 of Division 7 of the California Streets and Highways Code (commencing with Section 5820 thereof).

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

1. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare a Final Engineer's Report in accordance with Article XIII D of the California Constitution.
2. The Engineer of Work has prepared a Preliminary Engineer's Report in accordance with the provisions of Article XIII D, Section 4, of the California Constitution, provisions of the Landscaping and Lighting Act of 1972, Section 22500 et seq. of the California Streets and Highways Code. Said report has been made, filed, and duly considered by this City Council and is hereby deemed sufficient and intended to be preliminarily approved. Said report shall stand as the report for all subsequent proceedings relating to the proposed levy of District assessments for Fiscal Year 2024.
3. It is the intention of the City Council to order the levy and collection of assessments within the District for Fiscal Year 2024.

4. The improvements consist of the construction, operation, maintenance, rehabilitation, and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant (pertaining to something that attaches) facilities including but not limited to; personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the satisfactory operation of these services and facilities.
5. Maintenance means the furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste; the cleaning, sandblasting, and painting of street lights and other improvements to remove graffiti.
6. The proposed assessments for Zones 6, 14, 15 and 18 are unchanged from the previous year's assessments.
7. The proposed assessments for Zones 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, and 17 are more than the previous year's assessments.
8. Reference is hereby made to the aforementioned report on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the proposed District, and the proposed assessments upon assessable lots within said District.
9. On June 27, 2023, at the hour of 7:00 p.m., in the regular meeting place of this City Council, City Council Chambers, 777 B Street, Hayward, California, a public hearing will be held on the levy of the proposed assessments. Prior to the conclusion of said public hearing, any interested person may file a written protest with the City Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest by a property owner shall contain a description sufficient to identify the property owned by such owner.
10. The City Clerk is hereby directed to cause a notice of said meeting and hearing to be made in the form and manner provided by applicable laws.

IN COUNCIL, HAYWARD, CALIFORNIA June 6, 2023,

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