

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-__

Introduced by Council Member_____

RESOLUTION APPROVING THE ENGINEER'S REPORT,
CONFIRMING THE ASSESSMENT DIAGRAM AND FISCAL
ASSESSMENT, AND ORDERING LEVY AND COLLECTION OF
ASSESSMENTS FOR FISCAL YEAR 2017 FOR MAINTENANCE
DISTRICT NO. 2: EDEN SHORES WATER BUFFER ZONE AND
PRE-TREATMENT POND

WHEREAS, by adopting Resolution No. 16-317 on June 28, 2015, this City Council approved the preliminary Engineer's Report and declared intention to levy assessments for FY 2017 in accordance with the provisions of Section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a noticed public meeting was held on May 19, 2016, to provide information and allow affected property owners an opportunity to speak on the proposed levy of assessments, and no property owners attended and had no comments; 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, has been appointed as the time and place for a hearing by this City Council for approval of the Engineer's Report and levy of assessments; and

WHEREAS, at the appointed time and place 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 this City Council; and

WHEREAS, the base maximum assessment amount is clarified and adjusted to be \$876.78 per parcel.

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 the levy be assessed;

2. The properties benefitted by the improvements and to be assessed in order to reimburse the costs and expenses thereof, and the exterior boundaries thereof are shown on the maintenance district diagram attached hereto as Exhibit "A" and included in the Engineer's Report;
3. Said Engineer's Report as a whole and each part thereof, to wit:
 - (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;
 - (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property owner;
 - (c) the maintenance district diagram;
 - (d) the map of the maintenance district showing the boundaries and the respective parcels within the district; and are finally approved and confirmed and incorporated herein.
4. The public interest, convenience and necessity require that a levy on each parcel in the District, 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, be made at \$198.95 per parcel.
5. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram, the assessment 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 this City Council.
6. The assessment in the amount of \$198.95 per parcel 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 adequate to cover a portion of the assessments for FY 2017, and 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 Engineer's Report, and it is hereby determined to order the collection of \$198.95 per parcel.
7. Based on the oral and documentary evidence offered and received, including the Engineer's Report, this 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;
- (b) that there is substantial evidence to support this finding and determination as to special benefit;
- (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.

- 8. 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 assessment 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.
- 9. 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, 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, 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

EXHIBIT 'A'

