

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-__

Introduced by Council Member _____

RESOLUTION APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2018 FOR THE FORMATION OF BENEFIT ZONE NO. 15 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE CADENCE 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. 15 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1, is a condition of development approval for the project known as Cadence (the "Assessment Area"); and

WHEREAS, this proposed benefit zone formation would provide direct and special benefits to the Assessment Area by providing for the maintenance and improvement to the adjacent Public Park; including landscaping, irrigation, and lighting facilities; and

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

WHEREAS, this Council designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file an Engineer's Report; and

WHEREAS, the Engineer's Report ("Report") was duly made and filed with the Council and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report should stand as the Engineer's Report for all subsequent proceedings; and

WHEREAS, pursuant to Article XIID and Government Code §53753, a joint notice and mail ballot was duly and regularly given, including the notice that this Council would be conducting a public hearing on January 17, 2017, on the question of the proposed benefit zone formation; and

WHEREAS, on January 17, 2017, at the hour of 7:00 PM, at the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541, the public

hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the benefit zone formation and levies were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, at the public hearing, the City Clerk, as directed by the City Council, tabulated the mail ballots and found that a majority protest as defined by Article XIIID did not exist, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessments prepared by and made a part of the Report to pay the costs and expenses thereof.

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

1. The weighted assessment ballot submitted in favor of the formation of Benefit Zone No. 15 of the City of Hayward Landscaping and Lighting Assessment District 96-1 for the Cadence property exceeded those weighted ballots submitted in opposition to the formation and assessments.
2. The property benefitted by the maintenance and service of the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by maps thereof filed in the office of the Council, which maps are made a part hereof by reference thereto.
3. The Engineer's Report as a whole and each part thereof, to include:
 - a. The Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith; and
 - b. The diagram showing the Assessment Area, 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 costs and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Assessment Area in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto.
4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimates of the costs and expenses, the diagram and the assessments, as contained in the Report as hereinabove determined and ordered, is intended to and shall refer and apply to the 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 Council.

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