

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_\_

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

RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF BENEFIT ZONE NO. 18 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE SOHAY PROPERTIES

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. 18 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1, was a condition of development approval for the project known as SoHay (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 to the public trail and undeveloped public open space; including landscaping and irrigation; 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, (the "City"), County of Alameda, State of California, that:

1. The Council hereby proposes the formation of new Benefit Zone No. 17 for the existing Landscaping and Lighting Assessment District No. 96-1, pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

2. The purpose of the District shall be for the maintenance and servicing of improvements to the City of Hayward described in Section 3 below.

3. Within Zone No. 17 of the District, the proposed improvements are generally described as the servicing, operations and maintenance of the public trail and undeveloped open space, landscaping, ground cover, shrubs and trees, irrigation systems, drainage systems, signage, and all other appurtenances, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

4. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution.

5. The Engineer's Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

6. The Assessment Area consists of the lots and parcels shown on the assessment diagram of the Report, on file with the City of Hayward, and reference is hereby made to such diagram for further particulars.

7. The amounts due for improvements and expenses incidental thereto, to be paid by the formation of the SoHay property into Benefit Zone No. 18 of the City of Hayward Landscaping and Lighting Assessment District 96-1 for the FY 2019-20, are fully detailed in the Engineer's Report for the City of Hayward. Reference is hereby made to said report for further regarding said formation. The maximum FY 2019-20 assessment rate is \$391.84 per Single Family Equivalent (SFE) for Zone A and \$372.24 per SFE for Zone B.

8. The public hearing for the Assessment District Benefit Zone formation shall be held before this Council in the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541 on June 4, 2019, at the hour of 7:00 PM for the purpose of allowing public testimony regarding the proposed formation and for the City's final action upon the proposed formation for Property.

9. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The mailed Notice shall be given to all property owners within the new Benefit Zone in the Assessment District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the

representative of such public entity at the address thereof known to the Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the new Benefit Zone for the Assessment District, the assessments proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessments and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. Since the property owner(s) in the proposed new Benefit Zone area will have unanimously waived the right to a 45-day balloting period, the Notice herein described shall be mailed before the date of the public hearing.

10. The assessments are proposed to be levied annually. If the proposed assessments are approved and confirmed by the City Council, the assessments may increase in future years by an amount equal to the annual change in Consumer Price Index-U for the San Francisco Bay Area as of February of each succeeding year as published by the Bureau of Labor and Statistics without a further vote or balloting process. In each subsequent year in which the assessments will be levied, an updated Engineer's Report, including a proposed budget and assessment rate, shall be prepared. The updated Engineer's Report shall be considered by the City Council at a noticed public hearing. The updated Engineer's Report shall serve as the basis for the continuation of the assessments.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

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