



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE July 28, 1998

AGENDA ITEM 10

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: **CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONE 7** - Form Zone 7 within Consolidated Landscaping and Lighting District No. 96-1, consisting of properties within Tract No. 7015, to provide for the maintenance of landscaping along Mission Boulevard and Industrial Parkway frontage and the neighborhood park.

RECOMMENDATION:

That the City Council:

- 1) Approve the Engineer's Report on the proposed annexation; and
- 2) Form Zone 7 within Consolidated Landscaping and Lighting District No. 96-1, confirm the diagram and assessment and set \$198.21 as the collection amount for fiscal year 1998-99.

DISCUSSION:

The conditions of approval of Tentative Tract Map 7015 required the developer to agree to the formation of a landscape and lighting assessment district or other financing mechanism to maintain all public and common area landscaping, lighting and improvements associated with development of the project, including:

- a. Planting, irrigation, the multi-use path, and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the collector street (Arrowhead Way);
- d. Bus shelters;

**Mayor and City Council
Meeting of July 28, 1998**

- e. Walls and fences that face Mission Boulevard, Industrial Parkway, the entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
- f. Any specialty street or landscape lighting; and
- g. Neighborhood park. (Park maintenance costs are not included in the initial assessment, since the neighborhood park will not be accepted until sometime prior to the approval of the certificates of occupancy of 50% of the units.)

When all affected landowners within the annexation area give their written consent to be annexed to a Landscaping and Lighting District, which has occurred here, no further notice or public hearing is necessary. The resolution adopting the Engineer's Report, annexing the territory and approving the assessments may take place at one meeting as a legislative act of the City Council.

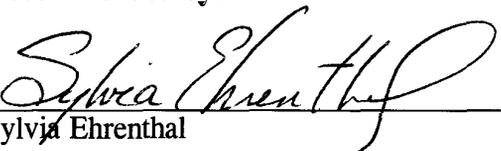
The attached Engineer's Report provides a background of the district, a description of the facilities to be maintained, an estimate of the costs for fiscal year 1998-99, and apportions the costs to the properties that benefit from the maintenance.

Prepared by:



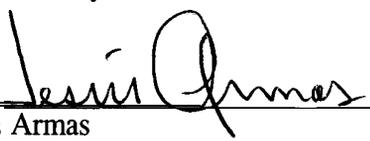
Jeanette E. Peck, P.E.
Development Review Services Engineer

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesus Armas
City Manager

Exhibits:

- A. Engineer's Report
- B. Landowner's Consent to Annexation into Maintenance District
Draft Resolution(s)

CITY OF HAYWARD

FORMATION OF ZONE 7 WITHIN

CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1

MISSION BOULEVARD, INDUSTRIAL PARKWAY, ARROWHEAD WAY

LANDSCAPING AND LIGHTING ACT OF 1972

(FISCALYEAR **1998-99**)

ENGINEER'S REPORT

CONTENTS

1. Background, including Apportionment Methodology
2. Certifications
3. Apportionment Methodology, including Estimate of Costs
4. Engineer's Cost Estimate
5. Assessment Roll 1998-99 Fiscal Year
6. Assessment Diagram 1998-99 Fiscal Year
7. Plans indicating Proposed Facilities Maintained by the District are on File in the Office of the City Clerk

BACKGROUND

On June 24, 1997, by Resolution No. 97-104, the City Council approved Final Tract Map 7015, a subdivision of Lots 1 through 53 along Arrowhead Way and Arrowhead Court for single-family homes, of Parcels A and B for the proposed golf course, of Parcel C for the neighborhood park and of Lot 56 for the expanded golf course and park located south of Industrial Parkway. Ultimately it is anticipated that in all there will be 343 single-family homes: in the future, Lot 54 will be divided into 183 single-family parcels and Lot 55 will be divided into 107 single-family parcels.

Pursuant to Resolution No. 96-246, adopted by the City Council on December 17, 1996, the City Council, approved Vesting Tentative Tract Map 7015 which included a condition of approval that required the developer to agree to the formation of a Landscaping and Lighting District.

The facilities that would be maintained by the district are as follows:

- a. Planting, irrigation, the multi-use pathway, and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the collector street (“A” Drive);
- d. Bus shelters;
- e. Walls and fences that face Mission Boulevard, Industrial Parkway, the entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
- f. Any specialty street or landscape lighting; and
- g. Neighborhood park.

The City may hire a licensed landscape contractor to maintain the landscaping and the street side of the wall.

In accordance with the adopted map approvals, the cost of the formation of Zone 7 will be borne by the developer. The developer will also be responsible for maintaining the landscaping for a minimum of a one-year period following the acceptance of the tract improvements, which will likely extend through fiscal year 1998-99.

APPORTIONMENT METHODOLOGY

The homes within the tract are/will be contiguous to each other. The architecture, landscaping features and masonry wall set these developments off as a distinct and separate community. Given the extent of the improvements and the resulting aesthetics that benefit the developments, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance. Therefore, responsibility for maintaining the additional improvements has been assumed by the City - subject to the City recovering the costs of such maintenance through the formation of Zone 7, which will include these of the properties, within Final Tract Map 7015 to Consolidated Landscaping and Lighting District No. 96-1 and through subsequent yearly assessments.

The benefit derived by the individual residential lots within the district is indistinguishable between lots; therefore, all lots derive the same benefit and the method of assessment will be based on a per lot basis.

Lot 54 will be subdivided in the near future to include 183 single-family lots and therefore, the special benefit for Lot 54 is established to be the special benefit received by 183 residential lots. Lot 55 will be subdivided in the near future to include 107 single-family lots and therefore, the special benefit for Lot 55 is established to be the special benefit received by 107 residential lots.

Four of the parcels have been designated for future golf course or neighborhood park uses. Based on Proposition 218 reversal of earlier exemptions of public agencies from assessments, these parcels, which are owned by the City, receive minimal special benefit, since they contain no residents. Therefore, the special benefit for each of the four parcels is established as equal to the special benefit received by one residential lot.

Pursuant to the Landscaping and Lighting Act of 1972, each year the legislative body must determine what assessment will be levied for that fiscal year.

The project's total incidental cost for the Zone 7 area includes costs for preparation of formation documents and noticing, preparation of the specifications for and administration of the landscape maintenance contract, a cash flow fund to cover cost expenditures prior to receipt of 1999-2000 assessments from the County, irrigation and plant replacement funds and County collection charges. This results in a per parcel assessment of \$198.21 for fiscal year 1998-99. The Engineer's Cost Estimate reflects costs for all the items to show the level of costs that are expected to occur within the district in the future, including the neighborhood park maintenance costs. Since the park will not be accepted until sometime prior to the approval of the certificates of occupancy for 50% of the units, the park costs will not be assessed until the year that the park is accepted.

**FORMATION OF ZONE 7
WITHIN**

**CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT No. 96-1**

**CERTIFICATIONS
FISCAL YEAR 1998-99**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with an estimate of costs as set forth in Column (1) page 5 and the assessment diagram, all within and a part of said report, was filed with this office on _____, 1998.

City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimate of Costs on page 5 of the foregoing report, and the breakdown of estimated costs on page 7 of this report have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 98-___, duly adopted by said Council on _____, 1998.

Dated: _____

7/21/98

By: *Janette E. Peck*
City of Hayward
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Estimate of Cost as shown in Column (3) under Estimate of Costs on page 4 and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on _____, 1998, Resolution No. 98-___, subject documents are a part of the Engineer's Report of subject district which is on file in this office.

City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Diagram was filed in the office of the County Auditor of the County of Alameda, California, on _____, 1998.

City Clerk

ASSESSMENT

WHEREAS, on _____ 1998, by Resolution No. 98-____, the City Council of the City of Hayward, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Initiating and Approving Formation of Zone 7 within Consolidated Landscaping and Lighting Assessment District No. 96-1.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council of said City, hereby select the method of spreading assessments utilizing a per lot basis as most accurately distributing the costs in proportion to benefits received.

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	ESTIMATE OF COSTS		
	(1)	(2)	(3)
	As Filed	As Preliminarily Approved	As Finally Approved
	_____	_____	_____
Cost of Maintenance	\$0.00		
Incidental Expenses	\$ 77,609.33		
ASSESSMENT FOR FY 1998-99	\$77,609.33		
Estimated Surplus from Developer's Deposit	[\$ 10,000.00]		
COUNTYCOLLECTIONCHARGES	\$1,168.90		
AMOUNT TO BE COLLECTED FOR FY 1998-99	\$68,778.22		

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram.

I do hereby assess the net amount to be assessed upon all assessable lots within said assessment district by apportioning that amount among the lots in proportion to the estimated benefits to be received by each such lot from the landscape improvements, and more particularly set for in the list hereto attached and by reference made a part hereof. The method of spreading assessments utilizing a per lot basis was selected as most accurately distributing the costs in proportion to benefits received.

The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said lots.

Each lot is described in the assessment roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 1998-99 and includes all of such parcel.

For line and dimensions of the lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivision reference is hereby made to the Final Map of Tract 7015, filed in the Office of the Recorder of Alameda County on November 20, 1997.

Dated: _____

7/21/98

Jeanette E. Peck, P.E.
Engineer of Work

FORMATION OF ZONE 7 WITHIN

CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT No. 96-1
MISSION BOULEVARD, INDUSTRIAL PARKWAY, ARROWHEAD WAY

Engineer's Cost Estimate
Fiscal Year 1998-99

MAINTENANCE

(a)	Irrigation water (Park irrigation)	\$ 11,000.00	(\$ 7,500)*
(b)	Electrical energy (Park electricity)	\$ 1,500.00	(\$ 300)**
(c)	Irrigation maintenance (Park irrigation maintenance)	\$ 11,350.00	(\$ 2,300)*
(d)	Landscaping maintenance including debris removal, weeding, trimming, spraying (Park landscape maintenance)	\$ 89,850.00	(\$33,500)*
(e)	Walls, monuments and fences, including repair and graffiti removal	\$ 1,500.00	
(f)	Bus Shelters	\$ 1,500.00	
(g)	Street Lights	\$ 1,500.00	
(h)	Contingency	\$4,252.50	
	Total Maintenance Cost**	\$122,452.50**	(\$43,600)*

* Park maintenance costs are included within parentheses for reference only. Since the neighborhood park will not be accepted until sometime prior to the approval of the certificates of occupancy for 50% of the units, these costs will not be assessed until the fiscal year of park acceptance.

** Maintenance Costs will not be assessed Fiscal Year 1998-99, since the developer will maintain the landscaping for one fiscal year following landscaping acceptance.

INCIDENTALS

(a)	Administration (City) (Park Administration)	\$12,000.00	
			(\$ 2,400)
(b)	Engineer's Report, preparation of documents, printing, and advertising	\$5,000.00	
(c)	Cash Flow Fund to cover maintenance cost expenditures from 7/1/98 to 1/1/99 until first installment is received from County (calculated at 33 % of estimated total maintenance cost)	\$40,409.33	
(d)	Irrigation Replacement Fund, including sprinklers (Park irrigation replacement)	\$13,500.00	
			(\$ 2,900)
(e)	Plant Replacement Fund	\$	
	Incidental Cost	\$77,609.33	
	Total Assessable Cost	\$77,609.33	
	Assessment per Parcel	\$ 223.66	
	Developer's Contribution	\$10,000.00	
	County Collection Charges	\$ 1,168.90	
	Total to be Collected for FY 1998-99	\$68,778.22	
	No. of Assessable Single-Family Parcels	53	
	No. of Assessable Future Residential Parcels	290	
	No. of Assessable Future Gulf/Park Parcels	4	
	Total Number of Assessable Parcels	347	
	Collection per Parcel	\$ 198.21	

- * Park maintenance costs are included within parentheses for reference only. Since the neighborhood park will not be accepted until sometime prior to the approval of the certificates of occupancy for 50% of the units, these costs will not be assessed until the fiscal year of park acceptance.

- ** Maintenance Costs will not be assessed Fiscal Year 1998-99, since the developer will maintain the landscaping for one fiscal year following landscaping acceptance.

CONSOLIDATION AND ANNUAL LEVY REPORT
 LANDSCAPING AND LIGHTING DISTRICT NO. 96-T
 (LID NO. 96-T)

ENGINEER'S COST ESTIMATE
 FISCAL YEAR 1998-99

ZONE 7

MISSION BOULEVARD, INDUSTRIAL PARKWAY AND ARROWHEAD WAY

MAINTENANCE*

(a)	Irrigation water	\$11,000.00
(b)	Electrical energy	\$1,500.00
(c)	Irrigation maintenance	\$11,350.00
(d)	Landscaping maintenance including debris removal	\$89,850.00
(e)	Masonry wall (surface maintenance) weeding, trimming, spraying and irrigation	\$1,500.00
(f)	Bus shelters	\$1,500.00
(g)	Street lights	\$1,500.00
(h)	Contingency (15%)	\$4,252.50

*MAINTENANCE COSTS WILL NOT BE ASSESSED FISCAL YEAR 1998-99, SINCE THE DEVELOPER WILL MAINTAIN THE LANDSCAPING FOR ONE FISCAL YEAR FOLLOWING LANDSCAPING ACCEPTANCE

INCIDENTALS

(a)	Administration (City)	\$12,000.00
(b)	Engineer's Report, preparation of documents, printing and advertising	\$5,000.00
(c)	Cash flow fund to cover maintenance cost is received from County calculated at 3% of expenditures from 7/1/98 to 1/99 until 1st installment	\$40,409.33
(d)	annual Total Maintenance Cost (Irrigation Replacement Fund, including sprinklers)	\$13,500.00
(e)	Plant Replacement Fund	\$3,350.00
(f)	Street Light Replacement Fund	\$3,350.00

TOTAL INCIDENTAL COSTS \$77,609.33

TOTAL ASSESSABLE COSTS W/COUNTY COLLECTION CHARGES \$77,609.33

NUMBER OF ASSESSABLE SINGLE FAMILY PARCELS ES

NUMBER OF ASSESSABLE FUTURE GOLF/PARK PARCELS 4

TOTAL NUMBER OF ASSESSABLE PARCELS LPE

ASSESSMENT PER PARCEL \$223.66

TOTAL ANTICIPATED SURPLUS FUNDS (DEVELOPER'S CONTRIBUTION) \$10,000.00

TOTAL TO BE COLLECTED FOR FY 1998-99 W/O COUNTY COLLECTION CHARGES \$67,609.33

COUNTY CHARGES FOR COLLECTION (1.7%) \$1,168.90

TOTAL TO BE COLLECTED FOR FY 1998-99 \$68,778.22

CURRENT AMOUNT IN IRRIGATION REPLACEMENT FUND

CURRENT AMOUNT IN PLANT REPLACEMENT FUND

CURRENT AMOUNT IN STREET LIGHT REPLACEMENT FUND

CURRENT AMOUNT IN CASH FLOW FUND

CURRENT ADDED \$0.00

\$13,500.00

\$3,350.00

\$3,350.00

\$40,409.33

TOTAL \$40,409.33

CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
78G 265101500	629	3627243	ZONE 7, MISSION AND INDUSTRIAL
78G 265101600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265101700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265101800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265101900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200100	629	2120847	ZONE 7, MISSION AND INDUSTRIAL
78G 265200200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200500	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265200900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201000	629	19821	ZONE 7; MISSION AND INDUSTRIAL
78G 265201100	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201500	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265201900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202000	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202100	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202500	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265202900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203000	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203100	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203500	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265203900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204000	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204100	629	19821	ZONE 7, MISSION AND INDUSTRIAL

CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1
 COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
78G 265204200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204500	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204600	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204700	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204800	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265204900	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265205000	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265205100	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265205200	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265205300	629	19821	ZONE 7, MISSION AND INDUSTRIAL
78G 265205400	629	19821	ZONE 7, MISSION AND INDUSTRIAL
TOTAL		6877887	

LANDOWNER CONSENT TO ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONE 7 AND LEVY
OF FISCAL YEAR 1998-99 ASSESSMENT

(Pursuant to the Landscaping and Lighting Act of 1972 and the Proposition 218 Omnibus
Implementation Act)

The undersigned are the owners of the land described as Tentative Tract 7015, Assessor's Parcel
Numbers 786-2650-002-04 and 786-2650-001-02.

The undersigned hereby request and consent to the annexation to the City of Hayward Consolidated
Landscaping and Lighting District No. 96-1 pursuant to the Landscaping and Lighting Act of 1972
(Sections 22500 and following, California Streets and Highways Code) for the purpose of providing
maintenance of the following improvements:

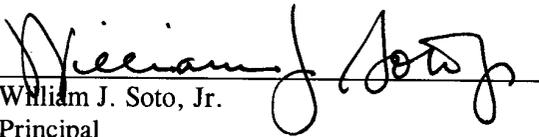
- a. Planting, irrigation, the multi-use path, and other associated improvements located
within the landscape easements and street right-of-way along Mission Boulevard and
Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles, including
the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the Arrowhead Way;
- d. Bus shelters;
- e. Walls and fences that face Mission Boulevard, Industrial Parkway, the entrance roads,
the golf course and along the Line N drainage channel (including graffiti removal);
- f. Any specialty street or landscape lighting; and
- g. Neighborhood park.

The undersigned hereby waive the notice of public meeting and public hearing otherwise required by
the Landscaping and Lighting Act of 1972 for the annexation to the district and the adoption of the
annual budget, and the undersigned further consent to the approval by the City Council of the City of
Hayward of the Engineer's Report attached hereto as Attachment A and by reference incorporated
herein:

DESCRIPTION OF PROPERTY

APN 786-2650-002-04
APN 786-2662-001-02

**STANDARD PACIFIC OF NORTHERN CALIFORNIA,
A Delaware Corporation**



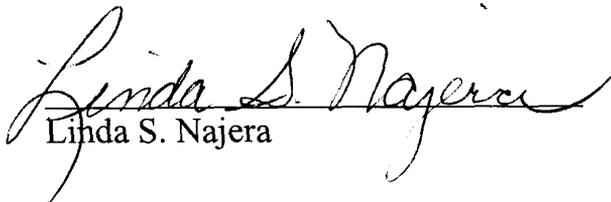
William J. Soto, Jr.
Principal

DATED: 7.23.98

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) ss.

On July 23, 1998, before me, Linda S. Najera, Notary Public, personally appeared William J. Soto, Jr., personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person@ whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/h&h& authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person@ acted, executed the instrument.

WITNESS my hand and official seal.


Linda S. Najera



**SUPPLEMENTAL LANDOWNER CONSENT TO ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1, ZONE 7
AND LEVY OF FISCAL YEAR 1998-99 ASSESSMENT
(Pursuant to the Landscaping and Lighting Act of 1972 and the Proposition 218 Omnibus
Implementation Act)**

The undersigned are the owners of the land described as Tentative Tract 7015, Assessor's Parcel Numbers 786-2650-002-04 and 786-2650-001-02.

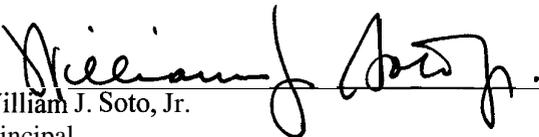
The undersigned has previously provided a written consent dated June 23, 1997 (copy attached) to the annexation to the City of Hayward Consolidated Landscaping and Lighting District No. 96-1 (LLD 96-1), Zone 7, pursuant to the Landscaping and Lighting Act of 1972 (Sections 22500 and following, California Streets and Highways Code) for the purpose of providing certain public improvements.

The undersigned hereby additionally waives the notice of public meeting, protest and assessment ballot proceeding required by Proposition 218 and the Proposition 218 Omnibus Implementation Act for the annexation to the existing LLD 96-1, Zone 7, and consents to the levy of an assessment for fiscal year 1998-99 in an amount which is no more than \$198.21 per proposed parcel per year.

DESCRIPTION OF PROPERTY

APN 786-2650-002-04
APN 786-2662-00 1-02

**STANDARD PACIFIC OF NORTHERN CALIFORNIA,
A Delaware Corporation**



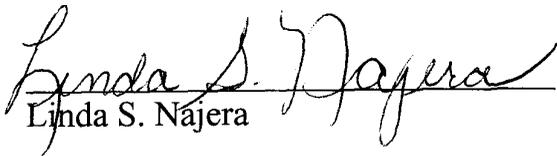
William J. Soto, Jr.
Principal

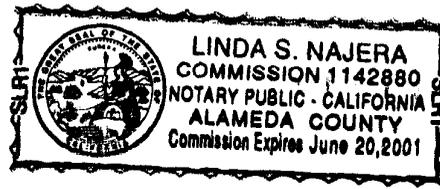
DATED: 7.23.98

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) ss.

On July 23, 1998, before me, Linda S. Najera, Notary Public, personally appeared William J. Soto, Jr., personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person@ whose name(s) is/- subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person@), or the entity upon behalf of which the person@) acted, executed the instrument.

WITNESS my hand and official seal.


Linda S. Najera



HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION INITIATING AND APPROVING
FORMATION OF ZONE 7 WITHIN CONSOLIDATED
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
NO. 96-1, ZONE 7, CONSISTING OF THE PROPERTIES IN
TRACT 7015, AND ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS FOR THE 1998-99
FISCAL YEAR PURSUANT TO THE PROPERTY OWNER'S
CONSENT

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

WHEREAS, Standard Pacific of Northern California, the owner of the parcels contained in Tract 7015 (APN 786-2650-002-04 and 786-2662-001-02), located southwest of the intersection of Mission Boulevard and Industrial Parkway ("Property Owner"), has submitted a June 23, 1997, written request for and consent to the formation of a landscaping and lighting assessment district, as the City of Hayward's Consolidated and Landscaping and Lighting District 96-1, Zone 7 ("LLD 96-1, Zone 7"); and

WHEREAS, the Property Owner's June 23, 1997, request also waives the notice of public hearing otherwise required by the Landscaping and Lighting Act of 1972 (commencing at Streets & Highways Code section 22500) for the creation of LLD 96-1, Zone 7; and the Property Owner has further approved and consented to the City Council's approval of the proposed Engineer's Report submitted to the City Council at its July 28, 1998, meeting; and

WHEREAS, the Property Owner has also submitted a July 9, 1998, written consent which also waives the notice of public meeting and protest and assessment ballot proceeding required by Proposition 218 and the Proposition 218 Omnibus Implementation Act; and

WHEREAS, the Property Owner's July 9, 1998, consent agrees to the levy of an assessment for fiscal year 1998-99 in an amount no more than \$198.21 per proposed parcel; and

WHEREAS, the City Council has considered the Property Owner's June 23, 1998, request-consent and July 7, 1998, consent at its July 28, 1998, meeting and the July 28, 1998, report prepared by City staff recommending the formation of LLD 96-1, Zone 7, and

the levy of assessments for fiscal year 1998-1999, which are incorporated by this reference as a part of this report;

NOW, THEREFORE BE IT RESOLVED as follows:

1. Development Review Services Engineer Jeanette E. Peck has prepared a report in accordance with Article 4 of Chapter 1 of Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22565 thereof) and is designated as Engineer of Work for these proceedings. Said report [“the Engineer’s Report”] has been made, filed with the City Clerk, and duly is approved as the Engineer’s Report for LLD 96-1, Zone 7. The Engineer’s Report contains a full and detailed description of the improvements, the boundaries of the proposed LLD 96-1, Zone 7 assessment district, and the proposed assessments upon assessable lots within said district, including the assessment of the four parcels designated for future public uses, specifically a golf course and neighborhood park uses.

3. The City Council hereby orders the formation of said LLD 96-1, Zone 7, consisting of all properties contained within Tract 7015, located southwest of the intersection of Mission Boulevard and Industrial Parkway. Said assessment district is hereby given the distinctive designation of “Consolidated Landscaping and Lighting District No. 96-1, Zone No. 7” and may be referred to as LLD 96-1, Zone 7. Said assessment district encompasses only those lots within the boundary of Tract 7015 and reference is hereby made to the final map of Tract 7015, said map being on file and open to public inspection in the office of the City Clerk and at the office of the Recorder of Alameda County.

4. Pursuant to Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22500 thereof) and the Property Owner’s June 23, 1997, and July 7, 1998, requests and consents, the City Council also orders the levy of a \$223.66 per parcel assessment, which levy is reduced by the Developer’s contribution, thereby resulting in an assessment collection of \$198.21 per parcel for the fiscal year 1998-1999. The income from such assessments shall be utilized for the maintenance of improvements and related costs described in the Engineer’s Report.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward