



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/19/01
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Consolidated Landscaping and Lighting District No. 96-1, Zones 1-9 –
Approve the Engineer's Report and Order the Levy of Assessments for FY
2001- 02

RECOMMENDATION:

It is recommended that the City Council hold a public hearing, approve the final Engineer's Report and order the levy of assessments shown in Table No. II on the following page for FY 2001-02. If there is a majority opposing the increase in Zone 5 to \$197.37 from \$139.12, then order the current assessments of \$139.12.

DISCUSSION:

On April 10, 2001, the City Council approved the Preliminary Engineer's Report and adopted the Resolution of Intention to levy annual assessments for the Consolidated Landscaping and Lighting District No. 96-1.

On April 23, 24, 25 and May 9, 2001, City staff held public meetings to discuss the issues associated with the benefit zones within the District and to allow property owners the opportunity to ask questions. At the April 23 and 24, 2001 public meetings there was no attendance. Only 5 residents came to the Twin Bridges, Zone 7, public meeting; and the largest attendance was at the Prominence, Zone 3 meeting where approximately 30 residents were in attendance.

Some homeowners within Benefit Zone No 3, the Prominence subdivision, have expressed interest in significantly improving the landscaping for the area. These property owners are in the process of conducting a poll within their neighborhood to determine if there is sufficient support to increase their assessments for enhanced landscaping and entry monuments. If it appears there is sufficient support, an increase will be considered during the annual review process in 2002.

Table No. I below provides general information regarding the number of parcels within each benefit zone of the Consolidated Landscaping and Lighting District No. 96-1.

Table I				
Consolidated Landscaping and Lighting District No. 96-1				
District Information				
Zone No.	Name / Location	Year Formed	Type of Development	Number of Assessed Parcels
1	Huntwood Avenue and Panjon Street	1990	Residential	30
2	Harder Road and Mocine Avenue	1991	Residential	85
3	Hayward Boulevard and Fairview Avenue	1992	Residential	152
4	Pacheco Way, Stratford Road, Ruus Lane, Ward Creek	1995	Residential	175
5	Soto Road and Plum Street	1995	Residential	38
6 ⁽¹⁾	Peppertree Park	1982	Industrial	11 ⁽¹⁾
7	Mission Blvd., Industrial Parkway, Arrowhead Way	1998	Residential	348
8	Capitola Street	1999	Residential	24
9	Orchard Avenue	2000	Residential	74
Notes:			Total	937
(1) Zone 6 is in the industrial district and is comprised of 11 industrial parcels.				

The attached Engineer's Report includes separate budgets for each benefit zone. Only the costs for the Engineer's Report, printing, and advertising are shared between the benefit zones. The assessment levies for fiscal year 2001-02 are as shown in Table II below.

Table II				
Consolidated Landscaping and Lighting District No. 96-1				
Summary of Assessments and Collections				
Zone No.	FY 2000-01		FY 2001-02	
	Base Assessment ⁽¹⁾	Collection	Base Assessment ⁽¹⁾	Collection
1	\$265.64	\$79.16	\$265.64	\$79.16
2	\$93.09	\$93.09	\$93.09	\$65.00
3	\$328.83	\$328.83	\$328.83	\$328.83
4	\$121.01	\$120.68	\$121.01	\$120.68
5 ⁽³⁾	\$139.12	\$139.12	\$197.37	\$197.37
6 ⁽²⁾	\$2.61	\$2.61	\$2.61	\$2.61
7 ⁽³⁾	\$642.18	\$399.84	\$623.44	\$399.84
8 ⁽³⁾	\$459.23	\$397.42	\$442.83	\$240.00
9 ⁽³⁾	\$125.00	\$125.00	\$125.00	\$30.00
Notes: (1) Assessment amounts shown include a 1.7% County collection charge. (2) Zone 6 is in the industrial district. Assessment shown is per linear foot. (3) Maximum assessment can be increased each year based on the CPI				

Collection amounts can be less than the base assessment amount for each benefit zone if there are surplus funds available from prior year(s) that are carried forward. Collection amounts that are proposed to be levied below the base assessment amounts are located within Benefit Zones No. 1, 2, 4, 7, 8 and 9. Benefit Zones, No. 3 and 6 will be levied at their base assessment amounts.

Benefit Zone No. 5, covering the Soto/Orchard subdivisions, currently has a maximum annual assessment rate of \$139.12 per parcel without an allowance for an automatic increase that reflects the increase in the Consumer Price Index (CPI) during the previous year. When the Benefit Zone was formed in 1995 there were sufficient reserves established by the developer to cover minor annual cost overruns. Over the years the maintenance costs have increased due to inflation and therefore the reserve funds will be depleted. Since, over the past years, the annual maintenance costs have been exceeding the maximum annual assessment revenue that could be collected, the increase in the annual assessment is necessary to continue to maintain the improvements at the same level at which the property owners are accustomed. A public meeting was held to provide information to owners within this zone, but no one attended. Also, informational brochures that provided pertinent information were both mailed and hand-delivered to each home.

The notices and ballots mailed to the 38 property owners within Benefit Zone No. 5 asks property owners to support/not support an increase in the maximum annual assessment rate to \$197.37 per parcel, which includes an automatic allowance to reflect the CPI increase each year. The ballots may be mailed back to the City Clerk or may be hand carried to the public hearing. At the conclusion of the public hearing, the ballots will be tabulated to determine if there is property owner support to increase the base assessment amount from \$139.12 to \$197.37 per parcel. If a majority of the votes received, weighted by assessment amount, are in favor of the proposed assessment increase, City Council has the authority to levy the increase in assessment. If a majority of the votes received, weighted by assessment amount, are against the proposed assessment increase, City Council cannot levy the increase in assessments, but can continue the base assessment of \$139.12.

Prepared by:



Dyana Anderly, AICP
Planning Manager

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits:

- Engineer's Report
- Draft Resolution

FINAL ENGINEER'S REPORT

CITY OF HAYWARD

**LANDSCAPE & LIGHTING
ASSESSMENT DISTRICT No. 96-1**

Fiscal Year 2001-02



Prepared for:
City of Hayward

Prepared by:
Francisco & Associates, Inc.
130 Market Place, Suite 160
San Ramon, CA 94583

June 19, 2001

**CITY OF HAYWARD LANDSCAPE &
LIGHTING ASSESSMENT DISTRICT No. 96-1 FY 2001-02 TABLE OF CONTENTS**

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Angie Reyes
City Clerk

Daniel R. Garcia, P.E.
Development Review Services Engineer

Joseph A. Francisco, P.E.
Francisco & Associates, Inc.
Consultant Engineer

ENGINEER'S REPORT

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

FY 2001-02

The undersigned, acting of behalf of Daniel R. Garcia, respectfully submits the enclosed Engineer's Report as directed by the City of Hayward City Council pursuant to the provisions of Article XIID, Section 4 of the California Constitution, provisions of the Landscaping and Lighting Act of 1972, and Section 22500 et seq. of the California Streets and Highways Code. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: _____

By: _____

Daniel R. Garcia, P.E.
RCE No. 45710

I HEREBY CERTIFY that the Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on the ___ day of _____, 2001.

Angelina Reyes
City Clerk
City of Hayward
Alameda County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Hayward, Alameda County, California, on the ___ day of _____, 2001.

Angelina Reyes
City Clerk
City of Hayward
Alameda County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with the County Auditor of the County of Alameda, on the ___ day of _____, 2001.

By: _____

Joseph A. Francisco, P.E.

Francisco & Associates, Inc.

SECTION I

**INTRODUCTION
ENGINEER'S REPORT**

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

FISCAL YEAR 2001-02

Background Information

In 1996 there were six separate Landscape & Lighting Districts throughout the City of Hayward. On May 7, 1996, Landscape & Lighting Assessment District No. 96-1 was formed which consolidated each of the districts but allowed for six separate zones of benefit. Subsequently in 1998, 1999 and 2000, Benefit Zones 7, 8 and 9 were respectively annexed to District No. 96-1. By consolidating the Districts, each zone of benefit has a separate budget pertaining to their respective improvements being maintained, but the administrative costs for the preparation of the Engineer's report, Council reports, Resolutions, etc. are shared among the zones.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547).

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To insure the proper flow of funds for the ongoing operation, maintenance and servicing of specific improvements within the boundaries of the City of Hayward, the City Council, through the Landscaping and Lighting Act of 1972, has approved the formation of nine zones of benefit within the above District. Improvements, which may be constructed, operated, maintained and serviced by the Assessment Districts, include, but are not limited to:

Landscaping, street lighting, parks, trails, open space facilities, bus shelters, soundwalls, pest or rodent control and associated appurtenant facilities.

The formation of this Assessment District ensures that the operation, maintenance and servicing of the improvements are specifically paid for by those property owners who directly benefit from the improvements.

Proposition 218 Compliance

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote On Taxes Act" which added Articles XIII C and XIII D to the California Constitution.

While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., to reflect the Consumer Price Index or an assessment cap) then the City would be in compliance with the provisions of Proposition 218 if the assessments did not exceed the assessment formula.

For Fiscal Year 2001-02 there are no proposed increases in assessments for Benefit Zones 1 through 4 and 6 through 9, therefore Proposition 218 proceedings are not needed for these zones. However, for Benefit Zone 5 there is an increase in assessments proposed and Benefit Zone 5 will be required to comply with the provisions of Proposition 218. At the end of April 2001, City staff mailed notices and ballots to the affected property owners pursuant to the requirements of Proposition 218 in order to obtain their approval to increase the levy of assessments.

Current Annual Administration

As required by the Landscaping and Lighting Act of 1972, the annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed assessments to be levied upon each assessable lot or parcel.

The City of Hayward will hold a public hearing on June 19, 2001, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2001-02 tax roll.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972
SECTION 22500 THROUGH 22679
OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

FISCAL YEAR 2001-02

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Intention, being Resolution No. _____, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on April 10, 2001, and in connection with the proceedings for:

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

Herein after referred to as the "Assessment District", I, Daniel R. Garcia, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the Hayward City Clerk.

PART C: ASSESSMENT DIAGRAM

This part incorporates by reference a diagram of the Assessment District showing the exterior boundaries of the District, the boundaries the nine (9) zones within the District and the lines and dimensions of each lot or parcel of land within the District. It has been prepared by the Engineer of Work and is on file in the Office of the Hayward City Clerk.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part contains the method of apportionment of assessments, in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains a list of the Alameda County Assessor's Parcel numbers, and the net amount to be assessed upon the benefited lands within the Assessment District for FY 2001-02. The Assessment Roll is filed in the Office of the Hayward City Clerk and is incorporated in this report by reference. The list is keyed to the records of the Assessor of the County of Alameda, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward, and those which may be subsequently constructed, will be operated, maintained and serviced as generally described as follows:

DESCRIPTION OF IMPROVEMENTS

**CITY OF HAYWARD
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT No. 96-1**

FISCAL YEAR 2001-02

The improvements consist of the, operation, maintenance and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant 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 as described below:

Landscaping Facilities

Landscaping facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation, planting, shrubbery, ground cover, trees, pathways, hardscapes, soundwalls, fountains, bus shelters, entry gate structures, graffiti removal, fences, and other appurtenant facilities required to provide landscaping within the public rights-of-way and easements within the boundaries of the Assessment District.

Street Lighting Facilities

Street lighting facilities consist of, but are not limited to: operation, maintenance and servicing of poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Open Space Facilities

Open space facilities consist of, but are not limited to: operation, maintenance and servicing of drainage areas, creeks, ponds, etc. including the removal of trash and debris, sediment, natural and man made vegetation and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Park/Trail Facilities

Park/Trail facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation systems, pedestrian access, asphalt bike pathways, parkways, and the removal of trash and debris, rodent control, used for the support of recreational programs and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment Districts.

The following is a detailed description of the improvements that are being operated, maintained and serviced throughout each benefit zone within the District:

• **Zone 1 (Huntwood Avenue & Panjon Street)** – Tract 6041

Formed: November 13, 1990
Resolution Number: 90-256
30 parcels

- Surface maintenance of the street side of a 600-foot masonry soundwall along Huntwood Avenue, this maintenance includes painting, cleaning and minor surface repair;
- The ownership and responsibility of the masonry soundwall as a structure remains with the individual property owners; and
- Landscaping and irrigation includes an 8-foot-wide landscaped strip along Huntwood Avenue within a landscape easement.

• **Zone 2 (Harder Road & Mocine Avenue)** – Tract 6042

Formed: July 25, 1991
Resolution Number: 91-137
85 parcels

- Surface maintenance of the street side of a 1,000-foot-long masonry soundwall along Harder Road, Mocine Avenue and a segment of Sunburst Drive. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
- Surface maintenance of the 800-foot-long masonry soundwall adjacent to the railroad tracks located on the southwest side of Tract No. 6042. This maintenance includes painting, cleaning and minor surface repair;

- The ownership and responsibility of the masonry soundwalls as a structure remains with the individual property owners; and
 - Landscaping and irrigation includes the area between the sidewalk and soundwall along Harder Road and Mocine Avenue within a landscape easement.
 - Due to the Harder Road Underpass project, the area to be landscaped will be reduced this year. Thus, the collection per parcel will also be reduced. After the underpass has been completed, the landscaped area will be restored. Thus, an increase in the base assessment will follow at that time.
- **Zone 3 (Hayward Boulevard & Fairview Avenue) – Tract 4007**

Formed: June 23, 1992
Resolution Number: 92-174
152 parcels

- Surface maintenance of the street side of a mile-long masonry soundwall along Hayward Boulevard and Fairview Avenue. This maintenance includes painting, cleaning and minor surface repair;
 - The ownership and responsibility of the masonry soundwall as a structure remains with the individual property owners;
 - Landscaping and irrigation includes approximately one mile of landscaped frontage along Hayward Boulevard and Fairview Avenue with significant slope areas along the street; and
 - In addition, several open space areas within the tract are maintained, however there are no funds budgeted for maintenance of the non-irrigated, non-landscaped open space areas.
 - A capital project is being considered to enhance the landscaping in this benefit zone. If consensus is achieved, a possible increase will be considered and the proper balloting procedures will accompany the increase at that time.
- **Zone 4 (Pacheco Way, Stratford Road, Ruus Land, Ward Creek) – Tracts 6472, 6560, 6682 & 6683**

Formed: May 23, 1995

Resolution Number: 95-96
175 parcels
Annexed Tract 6682: January 23, 1996

- Surface maintenance of the street side of a masonry soundwall along Pacheco Way and along the southern and eastern property boundaries. This maintenance includes painting, cleaning and minor surface repair;
 - The ownership and responsibility of the masonry soundwall as a structure remains with the individual property owners;
 - Approximately 21,000 square feet of landscaping adjacent to the Ward Creek Bike Pathway, including an irrigation system with electrical controllers;
 - Approximately 2,100 square feet of median landscaping on Stratford Road and Ruus Lane;
 - Approximately 7,500 square feet of landscaping along Pacheco Way;
 - The landscaping, irrigation and appurtenances on the median island on Ruus Lane;
 - Approximately 2,100 linear feet of asphalt bike pathway adjacent to Ward Creek between Pacheco Way and Folsom Avenue, and bike path striping on pathway;
 - Approximately 9 drainage inlets, and 675 feet of 6-inch PVC drain pipe adjacent to the pathway;
 - Approximately 50 linear feet of 4-foot-high black vinyl clad chain link fencing at two locations between Ward Creek and the asphalt pathway;
 - A 14-foot-wide entry gate structure, an 8-foot-wide swing gate, and a 12-foot-wide swing gate;
 - 32 linear feet of 8-foot-wide prefabricated steel bridge with wood deck; and
 - Pedestrian access between Rosecliff Lane and Ward Creek Pathway.
-
- **Zone 5 (Soto Road & Plum Tree Street)** – Tracts 6641 & 6754

Formed: May 23, 1995
Resolution Number: 95-97

38 parcels
Annexed Tract 6754: October 17, 1995

- Surface maintenance of the street side of a masonry soundwall along Soto Road. This maintenance includes painting, cleaning and minor surface repair;
 - The ownership and responsibility of the masonry soundwall as a structure remains with the individual property owners;
 - Landscaping within the 10-foot-wide setback area between the masonry wall and the sidewalk, (approximately 360 lineal feet);
 - Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb return areas across the frontage of Tract 6641;
 - The curb return areas at the intersection of Soto Road and Plum Tree Street;
 - Landscaping and appurtenances located within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 440 lineal feet); and
 - Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb across the Soto Road frontage of Final Map Tract 6754.
 - An increase in the base assessments is being proposed because expenditures exceed revenues. A public meeting was held on April 24, 2001 and noticing and balloting followed. After the close of the public input portion of the public hearing ballots will be tabulated by the City Clerk.
-
- **Zone 6 (Peppertree Park)** – Tracts 4420 & Lot 2 of Tract 3337

Formed: May 11, 1982
Resolution Number: 82-160
11 parcels

- Landscaping and decorative paving within the median islands in San Clemente Street between Zephyr Avenue and San Antonio Street; and
- The identification sign, fountain, lighting, and landscaping in the main entrance median at San Clemente Street and San Antonio Street.

- In FY 2000-01 and FY 2001-02 the assessment rates was increased \$1.00 per lineal foot to \$2.61 per lineal foot to generate additional revenue to restore the fountain located at the south end of Pepper Tree Park.. Due to the need to conserve power within California the fountains within the City have been turned off. City staff plans to restore the fountain once the power conservation effort is no longer needed.

• **Zone 7 (Mission Boulevard, Industrial Parkway, Arrowhead Way)** – Tract 7015

Formed: July 28, 1998
Resolution Number: 98-153
348 parcels

- Planting, irrigation, the multi-use pathway, landscape lighting and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
- Medians and abutting landscaping along the Arrowhead Way entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
- Bus shelters;
- Walls and fences that face Mission Boulevard, Industrial Parkway, the Arrowhead Way entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
- Specialty street lighting; and
- A neighborhood park.

• **Zone 8 (Capitola Street)** – Tract 7033

Formed: March 2, 1999
Resolution Number: 99-030
24 parcels

- An 8-foot-high decorative concrete soundwall along the tract's Hesperian Boulevard frontage including graffiti removal;
- The ownership and responsibility of the soundwall as a structure remains with the individual property owners;
- A 10-foot-wide landscaped area, between the soundwall and the Hesperian Boulevard frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscaped area; and
- The collection per parcel was reduced because revenues exceeded expenditures creating an increased reserve fund.

- **Zone 9 (Orchard Avenue)** – Tract 7063

Formed: April 25, 2000
Resolution Number: 00-050
74 parcels

- A 10-foot-high decorative concrete soundwall along the railroad and along the south property line abutting Lot 40 including graffiti removal;
- The ownership and responsibility of the soundwall as a structure remains with the individual property owners.
- For FY 2001-02 the assessments have been reduced from \$125.00 to \$30.00 per parcel due to the fact that there are now sufficient reserves to future maintenance. In the event that additional funds are needed for maintenance purposes the assessments may be increased up to their maximum level which is \$125.00 per parcel with an automatic allowance for a Consumer Price Index each fiscal year. This increase in assessment back to the maximum level would not require the noticing and balloting of property owners as noted under Proposition 218.

PART B

ESTIMATE OF COST

The 1972 Act provides that the total cost of construction, operation, maintenance and servicing of the public landscaping, street lighting, open space facilities, parks, trails, etc. can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

The estimated Fiscal Year 2001-02 expenditures for the proposed District facilities have been provided by the City of Hayward and are itemized by zone as follows:

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For a detailed breakdown on the operation, maintenance and servicing costs for each zone, please refer to Appendix "A."

The 1972 Act requires that a special fund be set up for the revenues and expenditures for the District. Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Landscape & Lighting District No. 96-1 is completely within the boundaries of the City of Hayward. The Assessment Diagram for the nine zones is on file in the Office of the City Clerk of the City of Hayward and shown on the following page of this report. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda, for the year when this report was prepared, and are incorporated by reference herein and made part of this report.

INSERT DIAGRAM HERE

INSERT DIAGRAM HERE

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) [of the Streets and Highways Code, State of California]."

In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIII A of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

ZONE CLASSIFICATION

Each benefit zone is unique and distinguishable from other benefit zones located within the District. Each benefit zone is evaluated to determine which improvements are of a specific and direct benefit to the parcels in that benefit zone. Once the improvements have been identified, a method of spreading those costs to the benefiting parcels was developed.

As certain subdivisions develop throughout the City of Hayward, they may be annexed into an existing zone or there may be a new zone formed. Each new subdivision is evaluated to determine which improvements are of a specific and direct benefit to the parcels within the subdivision and then a determination is made whether to annex them into an existing zone or whether to form a new zone. The parcels, which benefit from the improvements, are identified and a benefit assessment spread methodology is developed to spread the costs of the improvements to the benefiting parcels.

The following is a listing of the various zones in the District, their corresponding number of parcels in each benefit zone, and the method of apportioning the costs of the improvements:

- **Zone 1 (Huntwood Avenue & Panjon Street)** Tract 6041

This zone was established in 1990 and the maximum assessment rate was set at \$265.64 per single-family residential parcel with no automatic allowance for a Consumer Price Index (CPI) increase each fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 30 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$2,374.80. This results in the following collections that will be levied:

\$79.16 per parcel

- **Zone 2 (Harder Road & Mocine Avenue)** Tract 6042

This zone was established in 1991 and the maximum assessment rate was set at \$93.09 per single-family residential parcel with no automatic allowance for CPI increase each fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 85 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$5,525.00. This results in the following collections that will be levied:

\$65.00 per parcel

- **Zone 3 (Hayward Boulevard & Fairview Avenue)** Tract 4007

This zone was established in 1992 and the maximum assessment rate was set at \$328.83 per parcel with no automatic allowance for CPI increase each fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 152 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$49,982.16. This results in the following collections that will be levied:

\$328.83 per parcel

- **Zone 4 (Pacheco Way, Stratford Road, Ruus Lane, Ward Creek)** Tracts 6472, 6560, 6683 & 6682

This zone was established in 1995 and the maximum assessment rate was set at \$121.01 per parcel with no automatic allowance for CPI increase each fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 175 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within zone is \$21,119.00. This results in the following collections that will be levied:

\$120.68 per parcel

- **Zone 5 (Soto Road & Plum Tree Street)** Tracts 6641 & 6754

This zone was established in 1995 and the maximum assessment rate was set at \$139.12 per single-family residential parcel with no automatic allowance for CPI increase each fiscal year. This year the City sent out a notice and ballot to property owners requesting their approval to increase the maximum assessment rate to \$197.37. In addition, this maximum assessment rate will include an allowance for an automatic increase that reflects the increase in the Consumer Price Index each subsequent fiscal year. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, each of the 38 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$7,500.06. This results in the following collections that will be levied:

\$197.37 per parcel

- **Zone 6 (Peppertree Park)** Tract 4420 & Lot 2 of Tract 3337

This zone was established in 1982 and the maximum assessment rate was set at \$2.61 per linear foot with no automatic allowance for CPI increase each fiscal year. The costs are spread to each parcel in proportion to the San Clemente Street frontage length to the overall San Clemente Street frontage within the district. The street frontage is based on the actual linear length of each parcel at the street right-of-way line. The overall street frontage is 4,994 feet from the San Clemente P.C.R. at Zephyr Avenue to the intersection of the northerly boundary of Lot 17 and San Clemente Street and the northerly boundary of Lot 2, Tract 3337. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$13,034.35. This results in the following collections that will be levied:

\$2.61 per linear foot

- **Zone 7 (Mission Boulevard, Industrial Parkway, Arrowhead Way)** Tract 7015

This zone was established in 1998 and the maximum assessment rate was set at \$597.57 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 30th of each year. The base year for calculating CPI increases was set for April 1, 1999. On April 1, 1999, the CPI Index was set at 168.8. The CPI Index for April 1, 2001 is estimated to be 181.4, which translates to a 7.46% (181.4/168.8) increase since the base year. Therefore, the maximum assessment of \$642.18 per parcel could be assessed in FY 2001-02. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 343 single-family parcels and the 5 golf course and park parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$139,144.32. This results in the following collections that will be levied:

\$399.84 per parcel

- **Zone 8 (Capitola Street)** Tract 7033

This zone was established in 1999 and the maximum assessment rate was set at \$442.83 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 30th of each year. The base year for calculating CPI increases was set for April 1, 2000. On April 1, 2000 the CPI Index was set at 174.9. The CPI Index for April 1, 2001 is 181.4, which translates to a 3.7% (181.4/174.9) increase since the base year. Therefore, the maximum assessment of \$459.29 per parcel could be assessed in FY 2001-02. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 24 parcels shall be assessed an equal share of the total assessment for this zone. In FY 2001-02,

the total collection revenue needed to operate and maintain the facilities within the zone is \$5,760.00. This results in the following collections that will be levied:

\$240.00 per parcel

- **Zone 9 (Orchard Avenue)** Tract 7063

This zone was established in 2000 and the maximum assessment rate was set at \$125.00 per parcel with an automatic allowance for a CPI increase annually from April 1st to March 30th of each year. The base year for calculating CPI increases was set for April 1, 2001. On April 1, 2001, the CPI Index was estimated to be 181.4. The special benefit derived by the individual parcels is indistinguishable from each other. Therefore, each of the 74 parcels shall be assessed an equal share of the total assessment for this zone. As of the approval date of this report, Zone 9 has not been subdivided into 74 parcels; therefore the 4 underlying parcels will share in the total assessment for this zone until the 74 parcels are created. In FY 2001-02, the total collection revenue needed to operate and maintain the facilities within the zone is \$2,220.00. This results in the following collections that will be levied:

\$30.00 per unit

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the City of Hayward's Landscape & Lighting District No. 96-1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2001-02 apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Hayward and is shown in this report as Appendix "B".

**APPENDIX A
DETAILED PROJECT COST BREAKDOWN**

**APPENDIX B
FY 2001-02
ASSESSMENT ROLL**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2001-2002 FOR ZONES 1 THROUGH 4 AND 6 THROUGH 9 OF THE CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

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

WHEREAS, by its Resolution No. 01-047 entitled "A Resolution Directing Preparation of Engineer's Report For Zones 1-9 of the Consolidated Landscaping Assessment District No. 96-1" adopted on April 10, 2001 (the "Resolution"), this Council designated Daniel R. Garcia as Engineer of Work and ordered said Engineer to make and file a report in writing for Zones 1 through 9 of the Consolidated Landscaping and Lighting Assessment District No. 96-1 (the "District") in accordance with and pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act");

WHEREAS, the report was duly made and filed with the City Clerk 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 under and pursuant to the aforesaid resolution, and that June 19, 2001, at the hour of 8:00 o'clock p.m. in the City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, was appointed as the time and place for a public hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, assessments for the District are indicated in the appendix attached hereto and made a part hereof; and

WHEREAS, at the appointed time and place the 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 the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and determined to comprise a protest by less than a majority and wherefore this Council thereby acquired jurisdiction to confirm the diagram and assessment which are a part of the Engineer's Report, and to order the levy of assessments for fiscal year 2001-2002 to pay the costs and expenses thereof.

NOW, THEREFORE, THE CITY COUNCIL FINDS, DETERMINES AND ORDERS, as follows:

1. The protests submitted by the owners of property in Zones 1-4 and 6-9 within the District in opposition to the assessment constitute less than a majority protest in each zone. Accordingly, any protests to the proposed assessments for fiscal year 2001-2002 are hereby overruled.

2. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

3. The public interest, convenience and necessity require that the levy be made.

4. The District benefitted by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

5. The 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 maintaining the improvements and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, 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 cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

is approved and confirmed and incorporated herein.

6. The assessments to pay the costs and expenses of the maintenance of the improvements in the District, Zones 1-4 and 6-9, for fiscal year 2001-2002 are hereby levied.

7. 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 the diagram and assessment and a certified copy of this resolution 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, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City's Finance Director.

8. Upon receipt of moneys representing assessments collected by the County, the Finance Director shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Consolidated Landscaping Assessment District No. 96-1. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENT,
AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR
2001-02 FOR ZONE 5 OF THE CONSOLIDATED LANDSCAPING
AND LIGHTING ASSESSMENT DISTRICT NO. 96-1**

WHEREAS, by its Resolution No. 01-047, a resolution declaring intention to order levy and collection of assessments, this City Council designated Daniel R. Garcia as Engineer of Work and ordered said Engineer of Work to make and file a report in accordance with and pursuant to the Landscaping and Lighting Act of 1972;

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 June 19, 2001, at the hour of 8:00 o'clock p.m., in the regular meeting place of this Council, City Council Chambers, 777 "B" Street, 2nd Floor, Hayward, California, was appointed as the time and place for a hearing and assessment ballot proceeding before this City Council on the question of the levy of the proposed assessments, notice of which proceedings was duly published; and

WHEREAS, notice of the proposed assessment and an assessment ballot was mailed to each property owner or record owner of each parcel in Zone 5, indicating that a public hearing, including an assessment ballot proceeding pursuant to the provisions of Article XIID of the California Constitution, was scheduled at the appointed time and place of said hearing; 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 all oral statements and all written protests or communications were duly heard, and, at the appointed time and place, the City Clerk tabulated the weighted assessment ballots which were received and determined that there was not a majority protest concerning the proposed increase; and

WHEREAS, this City Council thereby confirmed the diagram and assessment for Zone 5, prepared by and made a part of the report of said engineer to pay the costs and expenses thereof, and acquired the ability to order said levy for Zone 5.

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

1. The protests submitted by the owners of property within Zone 5 of the District in opposition to the assessment constitute less than a majority protest. Accordingly, any protests to the proposed assessments for fiscal year 2001-2002 are hereby overruled.

2. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

3. The public interest, convenience and necessity require that a levy on each lot in Zone 5, Soto Road and Plum Tree Street, 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, which is benefitted by the proposed assessment, be made in the amount of \$197.37 per lot to pay the costs and expenses of LLD 96-1, Zone 5, and

4. 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 maintaining said improvements, and of the incidental expenses in connection therewith; and
- (b) the diagram showing the zones of the assessment district, 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, including Zone 5; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots in said zone of the district be made in proportion to the estimated benefits to be received by such lot, respectively, from said maintenance and of the expenses incidental thereto;

is approved and confirmed and incorporated herein.

3. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, 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 or made by this City Council.
4. The assessments to pay the costs and expenses of the maintenance of said improvements in the District, including Zone 5, for fiscal year 2001-02, are hereby levied.
6. 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 assessments 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.
7. 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, which improvement fund the Director of Finance is hereby directed to establish under the distinctive designation of said Consolidated Landscaping and Lighting Assessment District 96-1, Zone 5. Monies in said improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION CONFIRMING DIAGRAM AND MODIFYING
ENGINEER'S REPORT TO REDUCE ASSESSMENT, AND
ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2001-02
FOR ZONE 5 OF THE CONSOLIDATED LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT NO. 96-1**

WHEREAS, by its Resolution No. 01-047, a resolution declaring intention to order levy and collection of assessments, this City Council designated Daniel R. Garcia as Engineer of Work and ordered said Engineer of Work to make and file a report in accordance with and pursuant to the Landscaping and Lighting Act of 1972;

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 June 19, 2001, at the hour of 8:00 o'clock p.m., in the regular meeting place of this Council, City Council Chambers, 777 "B" Street, 2nd Floor, Hayward, California, was appointed as the time and place for a hearing and assessment ballot proceeding before this City Council on the question of the levy of the proposed assessments, notice of which proceedings was duly published; and

WHEREAS, notice of the proposed assessment and an assessment ballot was mailed to each property owner or record owner of each parcel in Zone 5, indicating that a public hearing, including an assessment ballot proceeding pursuant to the provisions of Article XIID of the California Constitution, was scheduled at the appointed time and place of said hearing; 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 all oral statements and all written protests or communications were duly heard, and, at the appointed time and place, the City Clerk tabulated the weighted assessment ballots which were received and determined that there was a majority protest concerning the proposed increase in the assessment; and

WHEREAS, this City Council thereby confirmed the diagram and modified the Engineer's Report to reduce the assessment for Zone 5 from the recommended \$197.37 to \$139.12, the amount allowed pursuant to the Landscape Lighting Act of 1972, prepared by and made a part of the report of said Engineer to pay the costs and expenses thereof, and acquired the ability to order said levy for Zone 5.

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

1. The protests submitted by the owners of property within Zone 5 of the District in opposition to the proposed increase in the assessment constitute a majority protest. Accordingly, the Engineer's Report is modified reducing the base assessment for Fiscal Year 2001-02 to reflect an assessment of \$139.12, the amount allowed pursuant to the Landscape and Lighting Act of 1972.

2. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

3. The public interest, convenience and necessity require that a levy on each lot in Zone 5, Soto Road and Plum Tree Street, 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, which is benefitted by the proposed assessment, be made in the amount of \$139.12 per lot to pay the costs and expenses of LLD 96-1, Zone 5, and

4. Said Engineer's Report, as a whole and each part thereof, to-wit:

- (a) the Engineer's estimate, as modified, of the itemized and total costs and expenses of maintaining said improvements, and of the incidental expenses in connection therewith; and
- (b) the diagram showing the zones of the assessment district, 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, including Zone 5; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots in said zone of the district be made in proportion to the estimated benefits to be received by such lot, respectively, from said maintenance and of the expenses incidental thereto;

is approved and confirmed and incorporated herein.

3. Adoption of the Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, as contained in said report, as hereinabove determined, modified 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 or made by this City Council.
4. The assessments, as modified, to pay the costs and expenses of the maintenance of said improvements in the District, including Zone 5, for fiscal year 2001-02, are hereby levied.
6. 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 assessments 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.
7. 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, which improvement fund the Director of Finance is hereby directed to establish under the distinctive designation of said Consolidated Landscaping and Lighting Assessment District 96-1, Zone 5. Monies in said improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

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