CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 04/26/05
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report and Order the Levy of Assessments for FY 2005-06

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution, approving the engineer's report, and order a levy of the assessment of $171.60 per parcel for FY 2005-06.

DISCUSSION:

Maintenance District No. 1 ("District") was formed to fund the operation and maintenance of a storm drain pumping plant that serves the Stratford Village development near Stratford Road and Ruus Lane. The district includes four tracts totaling 174 residential homes and 1 city owned park parcel.

A 1995 agreement between the City and Alameda County Flood Control District ("Flood Control District") vests the responsibility for the maintenance and operation of the storm drain pumping plant with the Flood Control District and requires the City to fund these costs along with a capital replacement fund. The FY 2005-06 budget amounts in the Engineer's Report were provided by the Flood Control District, based on their experience with prior year's expenditures and similar storm drain pumping stations. This years budget includes the fourth of eight payments for the acquisition and installation of a system that will allow remote monitoring and operation of the station. The County has been accumulating funds and has installed the equipment this year. The proposed FY 2005-06 collection rate of $171.60 per parcel is the same as previous years.

On March 8, 2005, the City Council adopted a resolution of intention to levy the annual assessment for Maintenance District No. 1. On March 23 and April 14, 2005, neighborhood meetings were held but no residents attended.

Prepared by:

Andrew S. Gaber, P. E.
Development Review Engineer

Recommended by:

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Exhibits:

Engineer's Report
Draft Resolution(s)

4/11/05

FINAL ENGINEER'S REPORT

CITY OF HAYWARD

MAINTENANCE DISTRICT No. 1

Fiscal Year 2005-06

April 26, 2005

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CITY COUNCIL MEMBERS AND CITY STAFF

Roberta Cooper
Mayor

Kevin Dowling
Council Member

Barbara Halliday
Council Member

Olden Henson
Council Member

Matt Jimenez
Council Member

Bill Quirk
Council Member

William Ward
Council Member

Jesus Armas
City Manager

Michael O'Toole
City Attorney

Angelina Reyes
City Clerk

Dan Nagle
Landscape Manager

Andrew S. Gaber
Engineer of Work

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1
FISCAL YEAR 2005-06

The undersigned, respectfully submits the enclosed Engineer's Report as directed by the City of Hayward City Council. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: _____ By:_____
Andrew S. Gaber, P.E.
RCE No. 45187

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 _____, 2005.

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 _____, 2005.

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 _____, 2005.

By:_____
Andrew S. Gaber, P.E.

SECTION I

INTRODUCTION
ENGINEER'S REPORT

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1

FISCAL YEAR 2005-06

Background Information

On January 5, 1993, by Resolution No. 93-010, the City Council approved the vesting tentative map of Tract 6472 for a 148 lot single-family residential subdivision located on the northerly side of Industrial Parkway West adjacent to the collector streets of Pacheco Way, Stratford Road and Ruus Lane. The final subdivision consisted of 143 lots.

Conditions of approval for Tentative Map Tract 6472, which included Final Tract Maps 6472, 6560, 6682 and 6683, included provisions for storm drainage improvements and construction of an approved stormwater pumping facility. The drainage area and the stormwater pumping facility were analyzed in documents prepared by Wilsey & Ham, Civil Engineers. These documents indicated the following: the drainage basin includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south.

In addition to the 143 lots identified above, final Tract Map 6682, with a total of 31 lots located immediately to the east of Chutney Road, was also approved. Therefore, the total number of residential lots in the drainage basin is 174. In addition to the residential lots, there is a park located on one parcel of land. Therefore, there are 175 assessable parcels in the drainage basin.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to facilitate the drainage basin.

A Storm Water Lift Station (SWLS) has been constructed to pump storm water run-off for the developed area which is adjacent to the Alameda County Flood Control and Water Conservation District's ("Flood Control District") Line B, Zone No. 3A. The plans for the lift station were approved by the City and the Flood Control District. The SWLS was

designed with capacity for only the development of the area encompassing the 175 parcels. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, which are presently served by a privately owned and operated pumping facility located within each park.

An agreement between the City and the Flood Control District transferred ownership of the SWLS to the Flood Control District. The agreement stated that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Proposition 218 Compliance

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote On Taxes Act," which added Articles XIIIC and XIIID 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., Consumer Price Index (CPI) increase or 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 FY 2005-06 there are no proposed increases in assessment, therefore, Proposition 218 proceedings are not needed

Current Annual Administration

The agreement between the City and the Flood Control District calls for the City each year to deposit with the Flood Control District the funds to maintain, operate, and set aside assessment revenue to provide for a capital replacement fund.

Each year, no later than December 1, the Flood Control District will furnish the City with an itemized estimate of the cost to operate, maintain and supplement the capital equipment replacement fund for the fiscal year commencing on the next July 1. Should the capital equipment replacement fund be inadequate to cover unscheduled/emergency repairs, equipment replacement or modifications that are found to be necessary for the normal and safe performance of the SWLS, the Flood Control District will provide the City with written notice of the need for additional funding.

In FY 2000-01 the Flood Control District staff evaluated and approved the purchase of a Supervisory Control and Data Acquisition (SCADA) system. This system allows Alameda County Flood Control staff to respond much faster in emergencies and allows staff to remotely observe, troubleshoot, and operate the facility. For instance, during heavy rains, the operator can observe pumping actions, start and stop the pumps, and reset alarms remotely. The cost of purchasing this system has been spread over an eight year period and is included in this year's budget.

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 April 26, 2005, 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 2005-06 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 CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1

FISCAL YEAR 2005-06

Pursuant to Part 3, Division 7 of the Streets and Highways Code of the State of California and the Chapter 10, Article 10 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. 05-015, preliminarily approving the Engineer's Report, on March 8, 2005, by the City Council of the City of Hayward, County of Alameda, State of California, in connection with the proceedings for:

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1

Hereinafter referred to as the "District", I, Andrew S. Gaber, 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 City Clerk of the City of Hayward, 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, as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward.

PART C: MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

This part incorporates, by reference, a Diagram of the Maintenance Assessment District showing the exterior boundaries of the Maintenance Assessment District, the boundaries of any zones within the Maintenance Assessment District, and the lines and dimensions of each lot or parcel of land within the Maintenance Assessment District.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part describes the method of apportionment of assessments based upon the parcel classification of land within the Assessment District, and in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains an evaluation of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the Hayward City Clerk.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 1 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

DESCRIPTION OF IMPROVEMENTS

CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1

FISCAL YEAR 2005-06

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 1 for FY 2005-06:

- *The Stratford Village Storm Water Lift Station (SWLS)*

The operation and servicing of these facilities include, but are not limited to: personnel; electrical energy; materials, including diesel fuel and oil; hazardous materials clean up; and appurtenant facilities as required to provide sufficient run-off capacity.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the SWLS, including repair, removal or replacement of all or part of any of the SWLS.

For FY 2005-06, the collection rate will remain the same, $171.60. This amount is the same as the base assessment, and is not indexed to the Consumer Price Index. Any future increases would require noticing and balloting of property owners per the requirements of Proposition 218.

PART B

ESTIMATE OF COST

Chapter 10, Article 10 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California provides that the total cost of operation, maintenance and servicing of the storm drainage improvements and storm water pumping station can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with these improvements can also be included.

The costs for FY 2005-06 are summarized in Table No. 1 on the following page. These cost estimates have been provided by the County of Alameda and the City of Hayward.

TABLE 1: COST ESTIMATE FY 2005-06 Maintenance District No. 1	
	FY 2005-06 Budget
I. MAINTENANCE COSTS	
(a) Labor and Equipment (Flood Control Dist.)	$17,700.00
(b) Utilities (PG&E)	$1,200.00
(c) Material, Fuel & Oil (Flood Control Dist.)	$300.00
(d) Remote Communication Services	$450.00
(e) SCADA System [1] (6th of 8 payments to Flood Control Dist.)	$3,967.00
Total Maintenance Cost	**$23,617.00**
II. INCIDENTAL COSTS	
(a) Administration (Flood Control Dist.)	$1,000.00
(b) Administration (City)	$500.00
(c) Engineer's Report, prep of documents, printing and advertising (City)	$1,050.00
(d) Capital Replacement Fund [2] (Flood Control Dist.)	$1,500.00
(e) Charge for Collection of Assessments (County)	$534.53
Total Incidental Costs	**$4,584.53**
III. RESERVES	
(a) Operating Reserves [3]	$683.12
(b) Capital Reserves [2]	$59,730.64
Total Reserve Costs	**$60,413.76**
IV. TOTAL ASSESSABLE COSTS	**$28,884.65**
Less Surplus from prior fiscal year	($1,145.35)
NET ASSESSMENT COLLECTION FOR FISCAL YEAR	$30,030.00
Number of Assessable Parcels	175
Collection per Parcel	**$171.60**
Base Assessment per Parcel	**$171.60**

NOTES:

(1) The Supervisory Control & Data Acquisition (SCADA) System allows staff to remotely observe, troubleshoot and operate the facility. This new system reduces the annual cost associated with driving to the site to observe, troubleshoot and operate the facility.

(2) The Flood Control Dist. collects $7,500 annually to cover the future replacement cost of the pump station. However in FY 2003-04 through FY 2005-06 the amount was reduced to $1,500 annually to help supplement the cost of the SCADA project.

(3) Operating reserves are needed for future fiscal years because the City does not receive the assessment revenue from the County until December, therefore it is necessary to have an operating reserve fund to cover 6 months of cash flow from July 1 through December 31 each fiscal year.

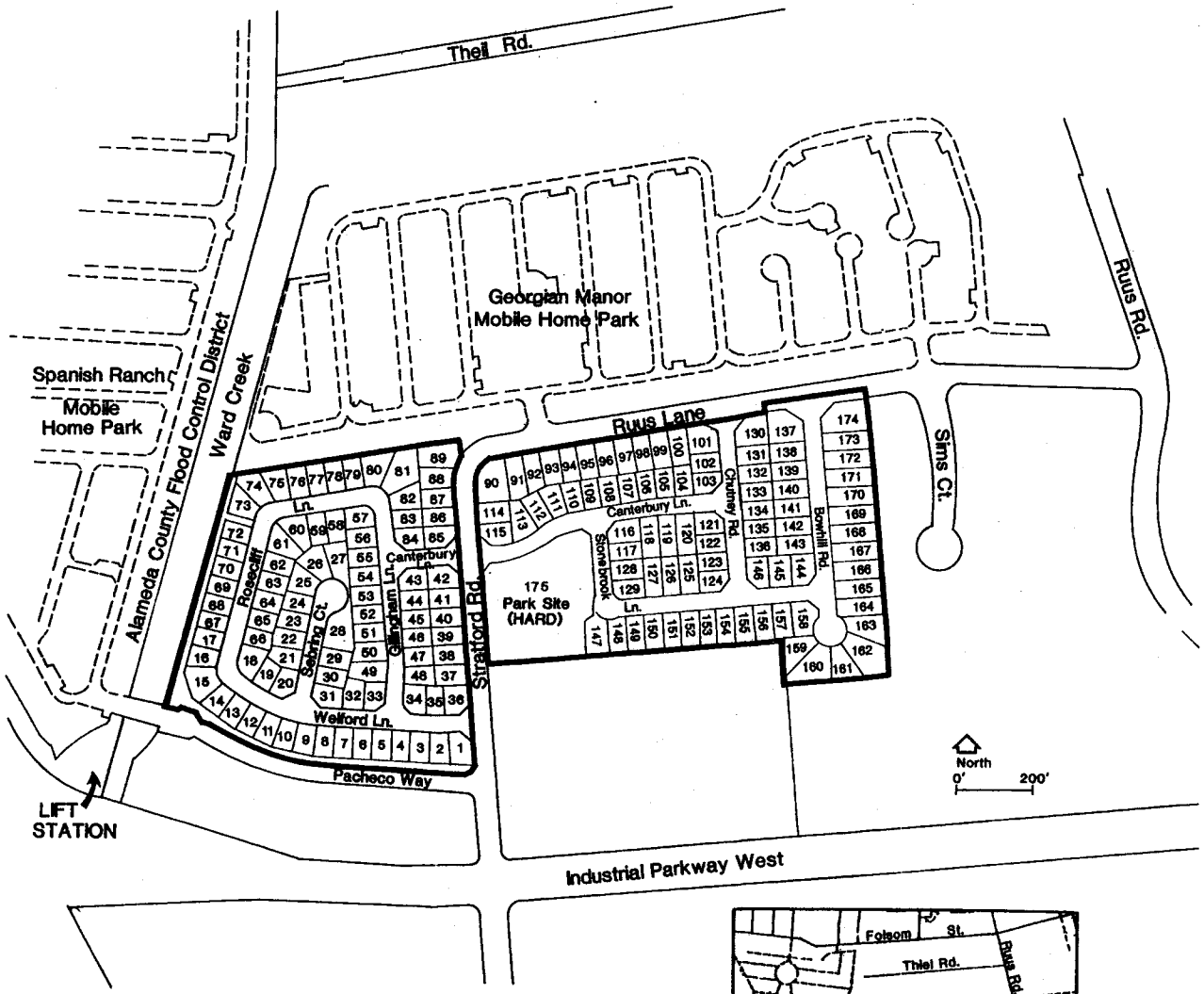
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Maintenance District No. 1 is on file in the Office of the Hayward City Clerk and is incorporated in this report on the following page.

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for FY 2005-06.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tract Maps 6472, 6560, 6682 and 6683 filed in the Office of the Recorder of Alameda County.



APPROVED

ENGINEER OF WORK

BY: _____ _____
DATE

Filed in the Office of the City Clerk of the City of Hayward, County of Alameda, State of California, this _____ Day of _____,

_____
CITY CLERK, CITY OF HAYWARD
COUNTY OF ALAMEDA, CALIFORNIA

An Assessment was Confirmed and Levied by the City of Hayward, California, on the Lots, Pieces and Parcels of Land shown on this Assessment Diagram on the _____ Day of _____, and said Assessment Diagram and the Assessment Roll were filed in the Office of the City Clerk, City of Hayward on the _____ Day of _____, . Reference is made to said Recorded Assessment Roll for the Exact Amount of each Assessment levied against each Parcel of Land Shown on the Assessment Diagram.

_____
CITY CLERK, CITY OF HAYWARD, CA.

COUNTY AUDITOR'S CERTIFICATE:

On this_____ Day of _____, , this Assessment Diagram and the Accompanying Assessment Roll have been filed in the Office of the Auditor of Alameda County.

_____
AUDITOR OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

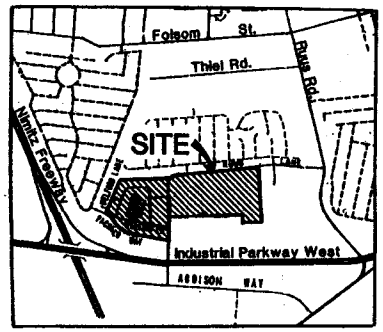
COUNTY RECORDER'S CERTIFICATE:

Recorded this _____ Day of _____, , in the Office of the County Recorder of the County of Alameda, in Book_____ of Maps of Assessment District at Pages_____ Thereof at_____.

_____
COUNTY RECORDER,
COUNTY OF ALAMEDA STATE OF CALIFORNIA

NOTE:
This diagram is only for the purpose of indicating the lots being assessed, the assigned assessment numbers for said lots and the relationship to the surrounding streets.

For a detailed description of the lines and dimensions of the lots, reference is made to the Alameda County Assessor's Maps for the fiscal year 2001-2002. For information on the streets and other appurtenant lines and dimensions within the subdivided area reference is made to the filed final map of Tracts 6472, 6560, 6682 and 6683.



ASSESSMENT DIAGRAM
FISCAL YEAR _____

MAINTENANCE DISTRICT NO. 1
Storm Drainage Lift Station
Pacheco Way, Stratford Road, Ruus Lane, Ward Creek
(MD No. 1)

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

The properties contributing storm water run-off to the pump station consist of the estimated 174 residential lots and street areas within those subdivisions, a portion of Stratford Road and Ruus Lane, and the Stratford Park owned by the City of Hayward.

The residential land uses contain 174 parcels that are contiguous to each other and are not a continuation of any existing development in the surrounding area. The parcels receive a special benefit in that the pumping station and the storm drains protect the residential parcels from storm water flooding. The special benefit derived by the individual parcels is indistinguishable between parcels. Therefore, all residential parcels derive the same benefit and the corresponding method of assessment for residential land uses is based on a per parcel basis.

Stratford Park is owned by the City and receives minimal special benefit. There are no buildings to protect from flooding, only minor structures and landscaping. Therefore, the special benefit for the park was established as equal to the benefit received by one residential parcel, for a district total of 175 parcels.

Pursuant to the Act, each year the legislative body must determine whether the district will be continued for the forthcoming fiscal year and, if so, determine what amount will be levied for that fiscal year.

The projected FY 2005-06 maintenance and incidental costs less the prior year's surplus is $30,030.00. The collection rate for FY 2005-06 will be $171.60 per parcel.

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

The proposed collection rate and the amount for FY 2005-06 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total amount proposed to be collected for FY 2005-06 is $30,030.00.

The Assessment Roll for FY 2005-06 is included on the following page of this Report and is on file in the Office of the Hayward City Clerk.

APPENDIX A

FY 2005-06
ASSESSMENT ROLL

PARCEL NUMBER	LEG. NO.	FINAL AMOUNT	DESCRIPTION
464 012104100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012104200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012104900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012105900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012106900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012107800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012108900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012109500	635	$171.60	MD #1, STORM WATER LIFT STATION

PARCEL NUMBER	LEG. NO.	FINAL AMOUNT	DESCRIPTION
464 012109600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012200900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012201900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012202900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012203900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012204800	635	$171.60	MD #1, STORM WATER LIFT STATION

PARCEL NUMBER	LEG. NO.	FINAL AMOUNT	DESCRIPTION
464 012204900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012205900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012206900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207700	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207800	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012207900	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208000	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208100	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208200	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208300	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208400	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208500	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208600	635	$171.60	MD #1, STORM WATER LIFT STATION
464 012208700	635	$171.60	MD #1, STORM WATER LIFT STATION
TOTAL		$30,030.00	

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-__

Introduced by Council Member_____

mle
4/18/05

RESOLUTION APPROVING THE ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT DIAGRAM AND ASSESSMENT, AND ORDERING LEVY AND COLLECTION OF ASSESSMENT FOR THE 2005-06 FISCAL YEAR, MAINTENANCE DISTRICT NO. 1, STORM DRAIN PUMPING STATION AND STORM DRAIN CONDUIT - PACHECO WAY, STRATFORD ROAD, AND RUUS LANE (MD No.1)

WHEREAS, by Resolution No.05-015 adopted March 8, 2005, a resolution declaring intention to levy assessments for fiscal year 2005-06, this City Council preliminarily approved the Engineer's Report submitted in accordance with the provisions of section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a public meeting was held on March 23 and April 14, 2005, to provide information and allow affected owners an opportunity to speak but no residents attended; and

WHEREAS, April 26, 2005, at the hour of 8:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council of protests for levy of assessment; 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.

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

1. At the closing of the public hearing, the property owners owning more than 50 percent of the area of chargeable lands within the proposed maintenance district had not filed written protests against the proposed levy of assessment;

2. The public interest, convenience, and necessity require that the levy be assessed;

3. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram included in the engineer's report attached hereto as Exhibit "A";

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 the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;

   (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;

   (c) the maintenance district diagram;

   (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

   are finally approved and confirmed and incorporated herein.

5. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.

6. The assessment in the amount of $171.60 to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the 2005-06 fiscal year, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 05-015 and described in the engineer's report, and it is hereby determined to order the collection of $171.60 per lot.

7. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:

   (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot;

(b) that there is substantial evidence to support this finding and determination as to special benefit;

(c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.

9. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No. 05-015.

IN COUNCIL, HAYWARD, CALIFORNIA___April 26___, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward