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**DATE:** July 7, 2009  
**TO:** Mayor and City Council  
**FROM:** Development Services Director  
**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, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2010

### **RECOMMENDATION**

That the City Council adopts the attached Resolution approving the Engineer's Report, confirming the assessment diagram and assessment, and ordering levy and collection of assessments for Fiscal Year 2010, Maintenance District No. 1.

### **BACKGROUND**

The annual Engineer's Report (Report) for Maintenance District No. 1 is presented to the City Council in compliance with the City of Hayward Municipal Code Chapter 10, Article 10. The Report is attached and includes the recommended amount of assessment to be levied against each property for Fiscal Year 2010.

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

A 1995 agreement between the City and Alameda County Flood Control and Water Conservation 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 and to maintain a capital replacement fund. The Flood Control District, based on its experience as operator, provided the Fiscal Year 2010 budget amounts in the attached Report.

### **DISCUSSION**

On June 16, 2009, the Council adopted Resolution No. 09-075, approving the Preliminary Engineer's Report, declaring intention to levy assessments for Fiscal Year 2010, and setting July 7, 2009, as the public hearing date concerning Maintenance District No. 1.

The District budget does not provide sufficient funds for capital reserves, because the assessment amount of \$171.60 set in 1995 prior to the passage of Proposition 218 did not provide for inflation cost adjustments to account for increasing District operating costs.

Staff recommends the Fiscal Year 2010 assessment remain the same at \$171.60 per parcel because of current economic conditions. To replenish capital reserves, when the economic conditions improve, City and Flood Control District staff will present the property owners with information pertinent to the District budget situation and ask their support for using the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area as the basis to increase future assessments. If there is no majority protest against the proposal, staff will conduct a ballot election so that the Flood Control District can adequately perform maintenance operations of the facilities.

As was done since Fiscal Year 2008, \$2,000 from the associated Landscape and Lighting Assessment District 96-1 Zone 4 (LLD Zone 4), which encompasses the same properties, will be transferred to the District Fiscal Year 2010 budget to pay for drainage and access maintenance work as budgeted in the Engineer's Report for LLD Zone 4.

In March of 2009, staff met with Flood Control District staff to work out an agreement on managing the District finances based on current cash flow. The Flood Control District agreed to operate the pump station with an estimated annual budget of approximately \$29,200, which includes \$5,500 for a capital replacement fund and desilting work.

## **PUBLIC CONTACT**

A Notice of Public Hearing for the City Council meeting was published in *The Daily Review* newspaper on June 27, 2009. In addition, public meeting notices were mailed to all affected property owners within the District, and a public meeting was held on June 24, 2009. No property owners in this District attended that public meeting.

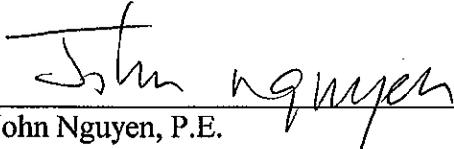
## **FISCAL IMPACT**

There is no fiscal impact to the City's General Fund for this recommendation, because the present expenditures can still be paid for by the Maintenance District No. 1 fund account, with some augmentation from the area's Landscape and Lighting District Zone No. 4. However, if rates are never increased to cover ongoing costs, at some point in the future, it is likely that other sources of funding will need to be used.

## **NEXT STEPS**

Once the City Council adopts the attached Resolution, the final Assessor's roll will be prepared and filed with the County Auditor's office to be included in the FY 2010 tax roll.

Prepared by:



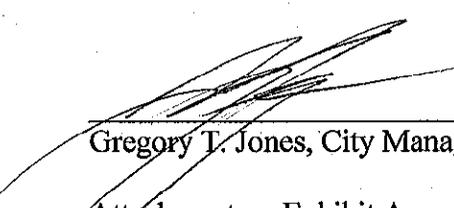
John Nguyen, P.E.  
Development Review Engineer

Recommended by:



David Rizk, AICP  
Director of Development Services Department

Approved by:

  
\_\_\_\_\_  
Gregory T. Jones, City Manager

Attachments: Exhibit A. Engineer's Report – Maintenance District No. 1  
Draft Resolution

FINAL ENGINEER'S REPORT

CITY OF HAYWARD  
MAINTENANCE DISTRICT No. 1

Fiscal Year 2010



July 7, 2009

	Page No.
Agency Directory.....	ii
Certificates.....	iii
Section I - Introduction .....	1
Section II - Report.....	3
Part A - Plans and Specifications.....	5
Part B - Estimate of Cost.....	6
Table 1: Cost Estimate.....	7
Part C - Maintenance Assessment District Diagram.....	8
Part D - Method of Apportionment of Assessment .....	10
Part E - Property Owner List & Assessment Roll.....	11
Appendix A - Fiscal Year 2010 Assessment Roll	

CITY COUNCIL MEMBERS AND CITY STAFF

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Mayor

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Council Member

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Michael Lawson  
City Attorney

Miriam Lens  
City Clerk

Robert Bauman, Ph.D., P.E.  
Director of Public Works

John Nguyen, P.E.  
Engineer of Work

CITY OF HAYWARD  
MAINTENANCE DISTRICT No. 1  
FISCAL YEAR 2010

The undersigned, acting of behalf of the City of Hayward, 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: \_\_\_\_\_

John Nguyen, P.E.  
RCE No. 55104

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 \_\_\_\_\_, 2009.

Miriam Lens  
City Clerk, City of Hayward

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 \_\_\_\_\_, 2009.

Miriam Lens  
City Clerk, City of Hayward

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 \_\_\_\_\_, 2009.

By: \_\_\_\_\_

John Nguyen, P.E.  
RCE No. 55104

SECTION I

INTRODUCTION  
ENGINEER'S REPORT

CITY OF HAYWARD  
MAINTENANCE DISTRICT NO. 1

FISCAL YEAR 2010

*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 states 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 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., 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 previously approved assessment formula.

For Fiscal Year 2010, the proposed collection rate is \$171.60 per parcel, the same as the current fiscal year. Since the proposed Fiscal Year 2010 assessment is at the maximum base assessment of \$171.60, 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 furnishes 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 2001 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 (8) year period. The last payment for the SCADA system was paid from the FY 2009 assessment proceeds.

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 collection rate to be levied upon each assessable lot or parcel.

The City of Hayward will hold a public hearing on July 7, 2009, 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 Fiscal Year 2010 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 2010

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. 09-075, Preliminarily Approving the Engineer's Report, on June 16, 2009, 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, John Nguyen, P.E., 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 and maintenance 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, maintenance and 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 and the boundaries of any zones 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 assessment 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 2010

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 1 for Fiscal Year 2010:

- *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 Fiscal Year 2010, the collection rate will remain the same as the current fiscal year at \$171.60 per parcel. 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 Fiscal Year 2010 are summarized in Table No. 1 on the following page. These cost estimates are based on Alameda County budget projections for Fiscal Year 2010.

TABLE I: COST ESTIMATE FISCAL YEAR 2010 Maintenance District No. 1	
	Fiscal Year 2010 Budget
<b><u>I. MAINTENANCE COSTS</u></b> <sup>(1)</sup>	
(a) Labor and Equipment (Flood Control Dist.)	\$22,500.00
(b) Utilities (PG&E-Paid by City)	\$1,200.00
(c) Communications Services	\$500.00
(d) Material, Fuel & Oil (Flood Control Dist.)	\$300.00
(e) Bay Area Air Quality Control District	\$332.00
(f) Capital Replacement Costs	\$5,500.00
<b>Total Maintenance Cost</b>	<b>\$30,332.00</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	\$500.00
(b) Engineer's Report, prep of documents, printing and advertising (City)	\$1,050.00
(c) Charge for Collection of Assessments (County)	\$534.53
<b>Total Incidental Costs</b>	<b>\$2,084.53</b>
<b><u>TOTAL ESTIMATE OF BUDGET COSTS (Sum of I and II)</u></b>	
	<b><u>\$32,416.53</u></b>
<b><u>III. RESERVES - City/Alameda County Flood Control District</u></b>	
(a) City Operating Reserves - Estimated June 2010 <sup>(2)</sup>	\$304.10
(b) County Operating & Capital Reserves - April 2009 <sup>(3)</sup> (\$44,282.00)	\$0.00
<b>Total Reserve Costs</b>	<b>\$304.10</b>
<b><u>IV. TOTAL ASSESSABLE COSTS</u></b>	
Reserve Balance Carried Forward from Prior Fiscal Year	\$32,720.63
Payment from LLAD Zone 4 (drainage and access facilities)	\$690.63
Payment from LLAD Zone 4 (drainage and access facilities)	\$2,000.00
<b><u>NET ASSESSMENT COLLECTION FOR FISCAL YEAR</u></b>	<b><u>\$30,030.00</u></b>
Number of Assessable Parcels	175
<b>Collection per Parcel</b>	<b>\$171.60</b>
<b>Base Assessment per Parcel</b>	<b>\$171.60</b>
<b>NOTES:</b>	
<p><sup>(1)</sup> These items reflect the budget as proposed by the Alameda County Flood Control District.</p> <p><sup>(2)</sup> The City does not need to maintain an operating reserve because of the agreement between the City and County. The City receives assessment revenue in December and April of each year. The County subsequently invoices the City in March and June of each year. Therefore the City's goal is to maintain a minimal positive balance in the operating reserve fund. As in previous years the City has the ability to reduce contributions to the County's Operating or Capital Reserve Fund to offset the City's operating reserve shortfall.</p> <p><sup>(3)</sup> Reflects the amount of operating and capital reserves funds currently available at the Alameda County Flood Control District.</p>	

PART C

MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

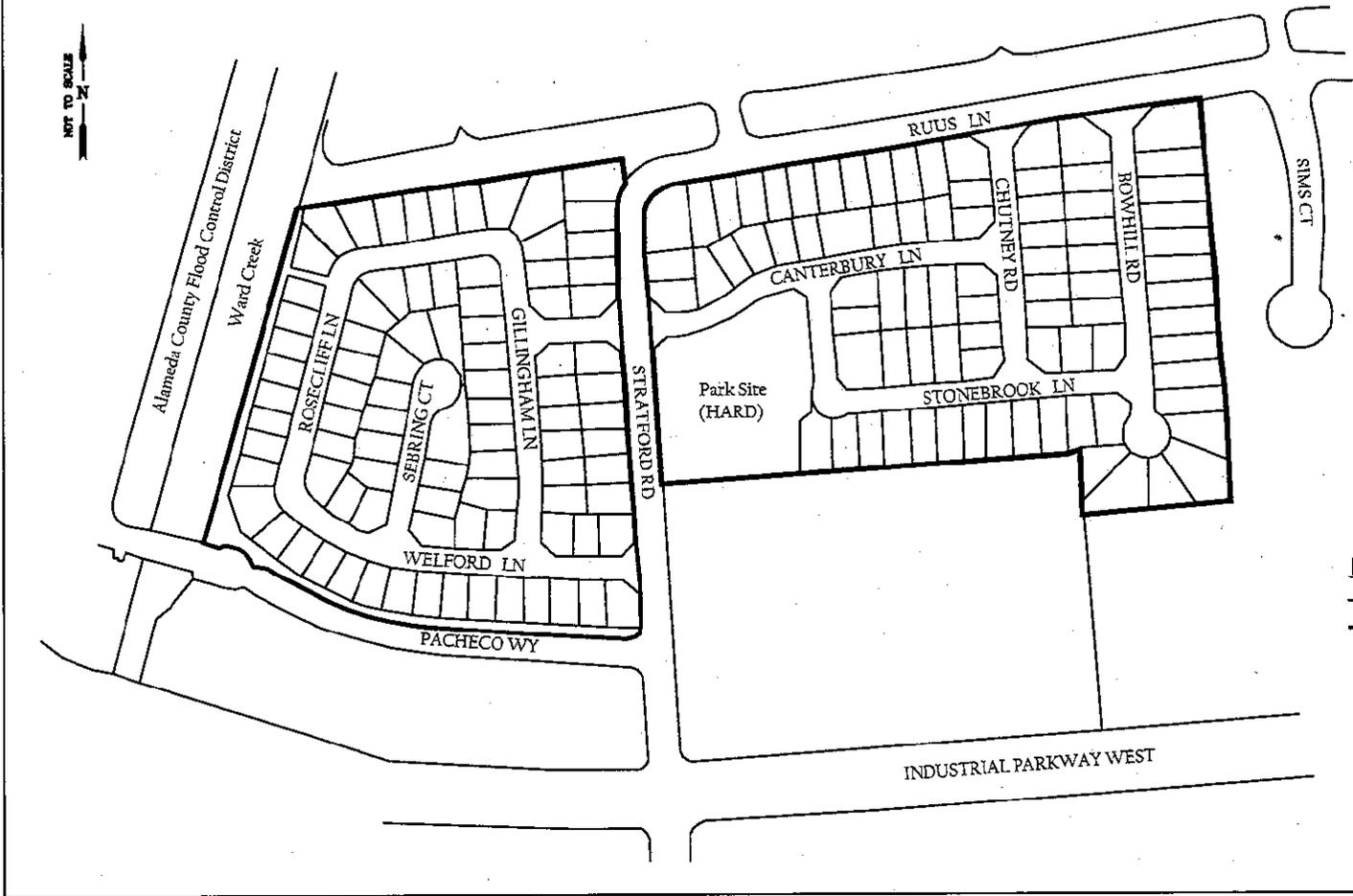
The boundary of the City of Hayward's Maintenance District No. 1 is on file in the Office of the Hayward City Clerk and is incorporated in this report on the following page.

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 Fiscal Year 2010.

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.

# ASSESSMENT DIAGRAM MAINTENANCE DISTRICT No. 1

CITY OF HAYWARD  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA



PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

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 permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of pump stations.

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.

Proposition 218 also requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIII D, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

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.

Article XIII D of the California Constitution 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.

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.

The projected Fiscal Year 2010 maintenance and incidental costs are estimated to be \$30,030.00. The collection rate for Fiscal Year 2010 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 Fiscal Year 2010 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 Fiscal Year 2010 is \$30,030.00.

The Assessment Roll for Fiscal Year 2010 is included in Appendix "A" of this Report and is on file in the Office of the Hayward City Clerk.

APPENDIX A

FISCAL YEAR 2010  
ASSESSMENT ROLL

City of Hayward  
Maintenance District No. 1

APPENDIX C

FINAL ASSESSMENT ROLL  
FISCAL YEAR 2010

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
464 -0121-001-00	\$171.60	464 -0121-059-00	\$171.60	464 -0122-017-00	\$171.60
464 -0121-002-00	\$171.60	464 -0121-060-00	\$171.60	464 -0122-018-00	\$171.60
464 -0121-003-00	\$171.60	464 -0121-061-00	\$171.60	464 -0122-019-00	\$171.60
464 -0121-004-00	\$171.60	464 -0121-062-00	\$171.60	464 -0122-020-00	\$171.60
464 -0121-005-00	\$171.60	464 -0121-063-00	\$171.60	464 -0122-021-00	\$171.60
464 -0121-006-00	\$171.60	464 -0121-064-00	\$171.60	464 -0122-022-00	\$171.60
464 -0121-007-00	\$171.60	464 -0121-065-00	\$171.60	464 -0122-023-00	\$171.60
464 -0121-008-00	\$171.60	464 -0121-066-00	\$171.60	464 -0122-024-00	\$171.60
464 -0121-009-00	\$171.60	464 -0121-067-00	\$171.60	464 -0122-025-00	\$171.60
464 -0121-010-00	\$171.60	464 -0121-068-00	\$171.60	464 -0122-026-00	\$171.60
464 -0121-011-00	\$171.60	464 -0121-069-00	\$171.60	464 -0122-027-00	\$171.60
464 -0121-012-00	\$171.60	464 -0121-070-00	\$171.60	464 -0122-028-00	\$171.60
464 -0121-013-00	\$171.60	464 -0121-071-00	\$171.60	464 -0122-029-00	\$171.60
464 -0121-014-00	\$171.60	464 -0121-072-00	\$171.60	464 -0122-030-00	\$171.60
464 -0121-015-00	\$171.60	464 -0121-073-00	\$171.60	464 -0122-031-00	\$171.60
464 -0121-016-00	\$171.60	464 -0121-074-00	\$171.60	464 -0122-032-00	\$171.60
464 -0121-017-00	\$171.60	464 -0121-075-00	\$171.60	464 -0122-033-00	\$171.60
464 -0121-018-00	\$171.60	464 -0121-076-00	\$171.60	464 -0122-034-00	\$171.60
464 -0121-019-00	\$171.60	464 -0121-077-00	\$171.60	464 -0122-035-00	\$171.60
464 -0121-020-00	\$171.60	464 -0121-078-00	\$171.60	464 -0122-036-00	\$171.60
464 -0121-021-00	\$171.60	464 -0121-080-00	\$171.60	464 -0122-037-00	\$171.60
464 -0121-022-00	\$171.60	464 -0121-081-00	\$171.60	464 -0122-038-00	\$171.60
464 -0121-023-00	\$171.60	464 -0121-082-00	\$171.60	464 -0122-039-00	\$171.60
464 -0121-024-00	\$171.60	464 -0121-083-00	\$171.60	464 -0122-040-00	\$171.60
464 -0121-025-00	\$171.60	464 -0121-084-00	\$171.60	464 -0122-041-00	\$171.60
464 -0121-026-00	\$171.60	464 -0121-085-00	\$171.60	464 -0122-042-00	\$171.60
464 -0121-027-00	\$171.60	464 -0121-086-00	\$171.60	464 -0122-043-00	\$171.60
464 -0121-028-00	\$171.60	464 -0121-087-00	\$171.60	464 -0122-044-00	\$171.60
464 -0121-029-00	\$171.60	464 -0121-088-00	\$171.60	464 -0122-045-00	\$171.60
464 -0121-030-00	\$171.60	464 -0121-089-00	\$171.60	464 -0122-046-00	\$171.60
464 -0121-031-00	\$171.60	464 -0121-090-00	\$171.60	464 -0122-047-00	\$171.60
464 -0121-032-00	\$171.60	464 -0121-091-00	\$171.60	464 -0122-048-00	\$171.60
464 -0121-033-00	\$171.60	464 -0121-092-00	\$171.60	464 -0122-049-00	\$171.60
464 -0121-034-00	\$171.60	464 -0121-093-00	\$171.60	464 -0122-050-00	\$171.60
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464 -0121-037-00	\$171.60	464 -0121-096-00	\$171.60	464 -0122-053-00	\$171.60
464 -0121-038-00	\$171.60	464 -0122-001-00	\$171.60	464 -0122-054-00	\$171.60
464 -0121-039-00	\$171.60	464 -0122-003-00	\$171.60	464 -0122-055-00	\$171.60
464 -0121-040-00	\$171.60	464 -0122-004-00	\$171.60	464 -0122-056-00	\$171.60
464 -0121-041-00	\$171.60	464 -0122-005-00	\$171.60	464 -0122-057-00	\$171.60
464 -0121-042-00	\$171.60	464 -0122-006-00	\$171.60	464 -0122-058-00	\$171.60
464 -0121-049-00	\$171.60	464 -0122-007-00	\$171.60	464 -0122-059-00	\$171.60
464 -0121-050-00	\$171.60	464 -0122-008-00	\$171.60	464 -0122-060-00	\$171.60
464 -0121-051-00	\$171.60	464 -0122-009-00	\$171.60	464 -0122-061-00	\$171.60
464 -0121-052-00	\$171.60	464 -0122-010-00	\$171.60	464 -0122-062-00	\$171.60
464 -0121-053-00	\$171.60	464 -0122-011-00	\$171.60	464 -0122-063-00	\$171.60
464 -0121-054-00	\$171.60	464 -0122-012-00	\$171.60	464 -0122-064-00	\$171.60
464 -0121-055-00	\$171.60	464 -0122-013-00	\$171.60	464 -0122-065-00	\$171.60
464 -0121-056-00	\$171.60	464 -0122-014-00	\$171.60	464 -0122-066-00	\$171.60
464 -0121-057-00	\$171.60	464 -0122-015-00	\$171.60	464 -0122-067-00	\$171.60
464 -0121-058-00	\$171.60	464 -0122-016-00	\$171.60	464 -0122-068-00	\$171.60

The County Auditor only accepts amounts divisible by two, therefore the amount may differ from the approved rate due to rounding.

City of Hayward  
Maintenance District No. 1

APPENDIX C

FINAL ASSESSMENT ROLL  
FISCAL YEAR 2010

Assessor's Parcel Number	Assessment Amount
464 -0122-069-00	\$171.60
464 -0122-070-00	\$171.60
464 -0122-071-00	\$171.60
464 -0122-072-00	\$171.60
464 -0122-073-00	\$171.60
464 -0122-074-00	\$171.60
464 -0122-075-00	\$171.60
464 -0122-076-00	\$171.60
464 -0122-077-00	\$171.60
464 -0122-078-00	\$171.60
464 -0122-079-00	\$171.60
464 -0122-080-00	\$171.60
464 -0122-081-00	\$171.60
464 -0122-082-00	\$171.60
464 -0122-083-00	\$171.60
464 -0122-084-00	\$171.60
464 -0122-085-00	\$171.60
464 -0122-086-00	\$171.60
464 -0122-087-00	\$171.60
<b>Total Parcels:</b>	<b>175</b>
<b>Total Assessment:</b>	<b>\$30,030.00</b>

*The County Auditor only accepts amounts divisible by two, therefore the amount may differ from the approved rate due to rounding.*

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-

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

*me*  
7/1/09

RESOLUTION APPROVING THE ENGINEER'S REPORT,  
CONFIRMING THE ASSESSMENT DIAGRAM AND  
ASSESSMENT, AND ORDERING LEVY AND COLLECTION  
OF ASSESSMENT FOR THE FISCAL YEAR 2010,  
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.09-075 adopted June 16, 2009, a resolution declaring intention to levy assessments for fiscal year 2010 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 June 24, 2009, to provide information and allow affected owners an opportunity to speak and no comments were received; and

WHEREAS, July 7, 2009, at the hour of 8:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2<sup>nd</sup> Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council 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. The public interest, convenience, and necessity require that the levy be assessed;
2. 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";

3. 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.

4. 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.

5. 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 fiscal year 2010, 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. 09-\_\_ and described in the engineer's report, and it is hereby determined to order the collection of \$171.60 per lot.

6. 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.

