

CITY OF ALAMEDA RESOLUTION NO. _____

ORDERING THAT NO ASSESSMENT BE LEVIED FOR FISCAL YEAR 2024-25 IN CONNECTION WITH ZONE 7 OF THE ISLAND CITY LANDSCAPE AND LIGHTING DISTRICT 84-2

WHEREAS, the City's Island City Landscape & Lighting District 84-2 (the "District") is organized and exists pursuant to the Landscaping and Lighting Act of 1972, (Streets and Highways Code §§ 22500) (the "Act"); and

WHEREAS, the purpose of the District is to fund costs associated with certain landscaping and lighting improvements; and

WHEREAS, the District is divided into six zones (collectively the "Zones" and each a "Zone"), each of which has its own set of improvements and its own assessment rate; and

WHEREAS, the City separately accounts for the finances of each of the Zones; and

WHEREAS, on March 5, 2024, by its Resolution No. 16138, this Council appointed the City Engineer to serve as Engineer-of-Work for Fiscal Year 2024-25; and

WHEREAS, on May 7, 2024 by Resolution No. 16155 (the "Resolution of Intention") this Council approved a draft report of the Engineer-of-Work entitled "Fiscal Year 2024-25 Engineer's Report For: Zone 7 of the Island City Landscape and Lighting Assessment District No. 84-2, April 2024" (the "Report"), which is on file in the Office of the City Clerk, available for public inspection and incorporated herein by reference; and

WHEREAS, the Resolution of Intention declared the intention of the City Council not to levy the assessments for Fiscal Year 2024-25 against real property in the Zone as described in the Report; and

WHEREAS, the Resolution of Intention set June 18, 2024, at 7:00 PM., in the third floor City Council Chambers of the Alameda City Hall located at 2263 Santa Clara Avenue, Alameda, California, as the time and place for a public hearing on the levy of the proposed assessments (the "Hearing"); and

WHEREAS, notice of the Hearing was given as required by law; and

WHEREAS, at the appointed time and place the City Council held the Hearing and all interested persons were afforded the opportunity to hear and be heard; and

WHEREAS, the City Council has considered all oral and written statements and protests made or filed in connection with the hearing by any interested person; and

WHEREAS, the City Council has determined that there are sufficient funds remaining from past assessments levied in connection with Zone 7 of the District to fund any work required in Fiscal Year 2024-25 in connection with that Zone; and

WHEREAS, the City Council desires to levy no assessments for Fiscal Year 2024-25 in connection with Zone 7 of the District.

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

1. No assessment will be levied for Fiscal Year 2024-25 in connection with Zone 7 of the District.

2. Nothing in this Resolution is intended to prevent the City from using the existing funds of Zone 7 to fund work in connection with Zone 7 that has been preliminarily or finally approved by prior action of this Council, and to that extent the preliminary approval of the Report with respect to Zone 7 is hereby made final.

3. Nothing in this Resolution is intended to affect any Zone of the District other than Zone 7.

4. Nothing in this Resolution shall be interpreted as an abandonment by the City of its right to continue to levy the assessment in future years without need to follow the procedures applicable to new or increased assessments.

5. If any provision of this Resolution or the application of any such provision is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable and that the City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

6. This Resolution shall be effective immediately upon adoption.

7. The City Clerk shall certify to the adoption of this Resolution and shall maintain on file as a public record this Resolution.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 18th day of June 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 19th day of June 2024.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda