

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM
AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENTS,
MAINTENANCE ASSESSMENT DISTRICT 01-01 (MARINA COVE)

WHEREAS, by its Resolution No. 15007, a resolution directing preparation of an Annual Report for Maintenance Assessment District 01-01 (Marina Cove), this City Council designated the City Engineer as Engineer of Work and directed said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, said report was duly made and filed with the City Clerk and was presented to the City Council for consideration; and

WHEREAS, said Council considered said report and each and every part hereof and found that it contained all the matters and things called for by the provisions of said Code and said Resolution No. 15007, including; (1) plans and specifications of the existing improvements and proposed improvements, (2) estimate of costs (3) diagram of the district, and (4) an assessment according to the benefits, all of which was done in the form and manner required by such Code; and

WHEREAS, 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 Tuesday, July 7, 2015, at the hour of 7:00 p.m., in the regular meeting place of this City Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing of protests in relation to the formation of a maintenance assessment district pursuant to the City of Alameda's Maintenance Procedure Code, to said proposed improvements and the levy of the proposed assessment; and

WHEREAS, it appears that notices of said hearings were duly and regularly published and mailed in the time, form and manner required by said Code, as evidence by the affidavits and certificates on file with said City Clerk; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested, 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 overruled, and this Council thereby acquired jurisdiction to order the levy, confirm the diagram and assessment prepared by and made a part of the Engineer's Report and to pay the costs and expenses thereof.

NOW, THEREFORE, IT IS RESOLVED, that:

1. The property owners owning more than 50% of the area of assessable lands

within the District had not, at the conclusion of the hearing, filed written protests against the proposed levy, as a whole or as to any part thereof, or against the District or the extent thereof to be assessed for the costs and expenses of the levy as a whole, or as to any part thereof, or against the Engineer of Work's estimate of costs and expenses, in whole or in part, or against the maps and description, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

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

3. The District benefited by the improvements is to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in the City of Alameda, California, 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 this reference.

4. That said district be, and is hereby designated as "City of Alameda Maintenance Assessment District 01-01" by which name it shall hereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of assessments.

5. The Engineer's Report as a whole and each part thereof, is hereby confirmed to wit:

(a) The Engineer of Work'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 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 or parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the July 7, 2015 hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited 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 findings and determination as to special benefits.

7. 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. 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 for collection, shall be paid to the Finance Division of this City.

8. Upon receipt of moneys representing assessments collected by the County, the Finance Division of this City of Alameda shall deposit said moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Finance Division of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon the maintenance of the improvements.

* * * * *

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 7th day of July, 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of July, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda