

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION OF INTENTION TO ESTABLISH THE OLD HIGHLANDS BENEFIT ASSESSMENT DISTRICT, TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54703, ET SEQ., ORDERING PREPARATION OF AN ENGINEER'S REPORT, AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, the area known as Old Highlands was created by a subdivision map approved by the County of Alameda and recorded in 1914; and

WHEREAS, the Old Highlands area was annexed to the City of Hayward on or about December 3, 1963; and

WHEREAS, the 6.12 miles of streets in the Old Highlands area were not brought up to City standards upon annexation and have not been maintained, with the exception of emergency repairs; and

WHEREAS, the Old Highlands Homeowners Association (OHHA) Board and property owners have agreed to the creation of an assessment district and imposition of special assessments against the properties in the Old Highlands area to fund a pavement rehabilitation project in the area, an area map of which is attached to the staff report for this item and incorporated herein as; and

WHEREAS, Government Code section 54703 et seq., known as the Benefit Assessment Act of 1982, authorizes assessments to finance maintenance of streets, roads or highways; and

WHEREAS, the Benefit Assessment Act, Article XIID of the California Constitution and Section 53753 of the California Government Code (the Prop. 218 Omnibus Implementation Act) impose certain procedural and substantive requirements relating to the levy of new or increased assessments, including preparation of a report describing the basis and amount of the proposed assessment and services or improvements to be financed.

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

1. The City Council declares its intention to establish the Old Highlands Benefit Assessment District pursuant to the Benefit Assessment Act, Government Code section 54703 et seq., commencing with fiscal year 2022.

2. The City Council hereby orders preparation of an Engineer's Report pursuant to the Benefit Assessment Act, Article XIIIID of the California Constitution and Section 53753 of the California Government Code (the Prop. 218 Omnibus Implementation Act).

3. The City Clerk shall make the Engineer's Report and other documents related to the District available to the public for review during normal business hours.

4. NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing on the establishment of the District and the levy and collection of assessments for fiscal year 2022, on December 1, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard, during the meeting. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed establishment of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public testimony portion of the public hearing, the City Clerk shall open and tabulate all ballots received and not withdrawn at that time. Results of the ballot procedure will be announced, and, provided a weighted majority in opposition to the District establishment does not occur, the City Council may then establish the District by adopting a resolution to that effect.

5. The City Clerk is hereby authorized and directed to give notice of the public hearing described above as provided in Section 53753 and 54716(b) of the Government Code and Article XIIIID, Section 4 of the California Constitution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

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