

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD INITIATING PROCEEDINGS PURSUANT TO STREETS AND HIGHWAYS CODE § 1160 et seq., PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2022, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE OLD HIGHLANDS AREA ROAD IMPROVEMENT ASSESSMENT DISTRICT

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; and

WHEREAS, California Streets and Highways Code §§ 1160 – 1197 and 1813, known as the Permanent Road Division Law, authorizes formation of a road improvement assessment district, and imposition of assessments to finance construction, improvement, and maintenance of any public roadway; and

WHEREAS, the City of Hayward (“City”) desires to initiate the proceedings for the formation of a road improvement assessment district for the Old Highlands area pursuant to the provisions of Streets and Highways Code §§1160 – 1197 and 1813, and Article XIID of the California Constitution; and to repave public roadways within the proposed district; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

WHEREAS, Articles XIIC and XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Engineer of Work") and submitted to the City Council (the "Council"), in which a new assessment is proposed to fund the cost to repave public roadways within the proposed district boundaries; and

WHEREAS, this proposed assessment shall be described as the "Old Highlands Area Road Improvement Assessment" (hereinafter the "Assessment") and the proposed district shall be known as the "Old Highlands Area Road Improvement Assessment District" (hereinafter the "Assessment District"); and

WHEREAS, the proposed Assessment District contains approximately 124.77 acres of privately and publicly owned parcels as well as approximately 6.2 acres of roadway. Based upon the last equalized assessment roll of the county, the total assessed land value of the parcels within the Assessment District is \$51,958,296 and the total assessed value of the improvements and personal property within the proposed Assessment District is \$96,854,059. There are approximately 536 inhabitants living in the proposed Assessment District; and

WHEREAS, Resolution No. 20-182 adopted by the City Council on October 20, 2020 which initiated proceedings pursuant to Government Code § 54703, et seq., the Benefit Assessment Act of 1982, and set a date and time for Prop. 218 hearing at 7:00 p.m. on January 26, 2021, shall be superseded by this resolution.

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

1. Reference to Initiation. SCI Consulting Group, the Engineer of Work, has prepared an Engineer's Report in accordance with Article XIID of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

2. Description of the Services. Within the Assessment District, the proposed Services will include roadway repaving as described in the Engineer's Report.

3. Reference to Engineer's Report. Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

4. Report of the Engineer of Work. The Report, which is available for public review upon request is hereby incorporated by reference. This Engineer's Report includes:

- A. A description of the Services to be funded with Assessment proceeds;
- B. An estimate of the annual cost of such Services;
- C. A description of the assessable parcels of land within the District and proposed to be subject to the new Assessment;
- D. A description of the proportionate special and general benefits conferred on property by the proposed Assessment;
- E. A description of the boundaries of the proposed Assessment District;
- F. The number of acres contained within the proposed Assessment District and the assessed valuation of such acreage according to the last equalized assessment roll of the County;
- G. The value of improvements on real estate and personal property within the proposed Assessment District according to the last equalized assessment roll of the County;
- H. The number of inhabitants in the proposed Assessment District, as nearly as can be ascertained; and
- I. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.

5. Description of Assessment District. The Assessment District consists of the lots and parcels shown on the boundary map of the Assessment District on file with the City Clerk, and reference is hereby made to such map for further particulars.

6. Proposed Assessment Rate. It is the intention of this Council to levy and collect assessments within the Assessment District. The estimated fiscal year 2022 cost of providing the Services to be funded by this proposed assessment is \$182,462.00. This cost results in a proposed assessment rate of SIX HUNDRED AND SIXTY-FIVE DOLLARS AND FIFTY CENTS (\$665.50) per single family home and other rates for other property uses and attributes as described in the Engineer's Report;

7. Public Hearing. The public hearing on the proposed assessment shall be held before the City Council on Tuesday, February 2, 2021, at the hour of 7:00pm and for the purpose of this Council's determination of whether the public interest, convenience and necessity require the Services and this Council's final action upon the Report and the assessments therein.

8. Notice and Ballot. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 7 hereof to be given in accordance with Section 1162.5 of the Streets and Highways Code, Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2022, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

9. Rescinding Prior Resolution. Resolution 20-182, adopted on October 20, 2020 is hereby rescinded and superseded by the Resolution contained herein.

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