



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE April 14, 1998

AGENDA ITEM

3

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: MAINTENANCE DISTRICT NO. 1 - STORM DRAINAGE PUMPING STATION AND STORM DRAIN CONDUIT - PACHECO WAY, STRATFORD ROAD AND RUUS LANE - Preliminarily approve the Engineer's Report, adopt a Resolution of Intention and set June 23, 1998, as the public hearing date.

RECOMMENDATION:

That the City Council preliminarily approve the Engineer's Report, adopt a Resolution of Intention, designate Jeanette Peck as engineer of work and set June 23, 1998 as the public hearing date.

DISCUSSION:

The maintenance district was formed to fund the storm drain pumping plant needed for the new Warmington Homes developments near Stratford Road and Ruus Lane, which includes Tract Nos. 6472, 6560, 6682 and 6683.

As a result of an agreement with the City, the Alameda County Flood Control District (ACFC), accepted maintenance of the pumping plant November 28, 1995. The agreement calls for the City each year to deposit with the District the monies to maintain and operate the station and to set aside a portion of the money to provide for a capital replacement fund. The amounts in the Engineer's Cost Estimate for Labor and Equipment (\$17,680), Materials and Equipment (\$2,704), Utilities (\$1,248), Diesel Fuel (\$208) and County Administration (\$2,496) were provided by the ACFC and are based on their experience with other pumping stations.

The Engineer's Report contains the proposed assessments for the 1998-99 fiscal year of **\$168.73 per single-family lot, which is the same as last year**. Because of an anticipated surplus of \$1,147.55, the requested **collection** for the 1998-99 is **\$164.97 per single-family lot**, which is greater than last year's collection of \$154.20.

A public meeting will be held by staff on May 5, 1998, to provide information on the district and its assessment, and to take public testimony.

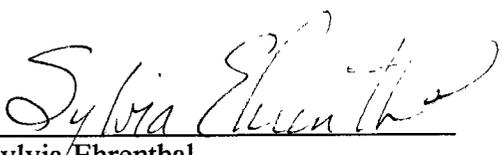
**Mayor and City Council
Meeting of April 14, 1998**

Prepared by:



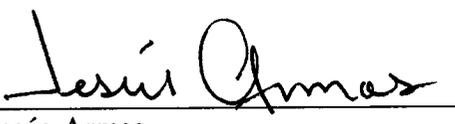
Jeanette E. Peck, P.E.
Development Review Services Engineer

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas
City Manager

Attachments:

- A. Engineer's Report
Draft Resolution

4/2/98

CITY OF HAYWARD

MAINTENANCE DISTRICT NO. 1 STORM WATER LIFT STATION, STRATFORD ROAD AND RUUS LANE (MD No. 1)

CITY OF HAYWARD MUNICIPAL CODE CHAPTER 10, ARTICLE 10 IMPROVEMENT ACT OF 1911 (STATE OF CALIFORNIA STREETS AND HIGHWAYS CODE)

(FISCAL YEAR 1998-99)

ENGINEER'S REPORT

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9. Resolution No. 98-___, Ordering Levy and Collection of Assessments
10. Plans Indicating Facilities to be Maintained by the District are on File in the Office of the City Clerk

BACKGROUND:

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.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of the district.

Conditions of approval for Tentative Map Tract 6472, which included Final Maps Tract 6472, 6560, 6682 and 6683, include provisions for storm drainage improvements and construction of an approved stormwater pumping facility.

The drainage area and 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 of Stratford Road and Ruus Lane. Pacheco Way does not drain into this basin system nor does the industrial property to the south. In addition to the 143 lots identified above, another subdivision, final map Tract 6682, with a total of 31 lots located immediately to the east of Chutney Road, has also been approved. The total number of residential lots in the drainage basin is 175.

A Storm Water Lift Station (SWLS) has been constructed to pump storm water run-off for the developed area which is adjacent to District's Line B, Zone No. 3A. The plans for the lift station were approved by the City and the Alameda County Flood Control District (ACFC). The SWLS was designed with capacity for only the development of the area encompassing the 175 lots. No added capacity was constructed for runoff 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 ACFC transferred ownership of the SWLS to ACFC. The agreement states that the District concurs with the SWLS transfer subject to the City providing the District with the monies to operate, maintain and provide funds for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS. The surplus was applied to the capital replacement fund.

This agreement calls for the City each year to deposit with the District the monies to maintain, operate and set aside a portion of the money to provide for a capital replacement fund.

Each year no later than December 1, the District will furnish 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 District will provide the City with written notice of the need for additional funding.

Apportionment Methodology:

The properties contributing storm water runoff 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 park site owned by HARD. These areas are encompassed by the assessment district boundary as shown in the attached Assessment Diagram.

The residential land uses contain 174-lots that are contiguous to each other and are not a continuation of any existing development in the surrounding area. The lots receive a special benefit in that the pumping station and the storm drains protect the residential lots from storm water flooding. The special benefit derived by the individual lots is indistinguishable between lots. Therefore, all residential lots derive the same benefit and the corresponding method of assessment for residential land uses is based on a per lot basis.

Chapter 10, Article 10 of the Hayward Municipal Code establishes the Maintenance District procedures of the City of Hayward. These City procedures supplement the provisions of Chapter 26 of Part 3 of Division 7 of the State of California Streets and Highways Code commonly referred to as the 1911 Act. The procedures provide and the Act allows that the maintenance of drainage improvements are an eligible cost within the provisions of the Streets and Highways Code as referenced by the Hayward Municipal Code.

Stratford Park is owned by the City and receives minimal special benefit, since there are no buildings to protect from flooding, only minor structures and landscaping. Therefore, last year in response to Proposition 218, the special benefit was established as equal to the benefit received by one residential lot.

The streets within the subdivision are a part of the individual lots of the subdivision. There are only public roadway easements over the lots, so the streets are not owned by the City and any minimal special benefit received is included within the special benefit received by each residential lot.

Stratford Road and Ruus Lane, which are owned by the City in fee, do not receive any special benefit from the eventual removal of the storm drainage by the pumping plant, because during storms, the streets still are flooded, as they convey drainage to the storm drain pumping plant pipelines.

Therefore, all of the costs have been assessed to the 174 residential lots plus an assessment equal to the assessment of one residential lot to Stratford Park, for a total of 175-lots.

Pursuant to the Act, each year the legislative body must determine whether the district will be continued for the forthcoming fiscal year and, if so, determine what assessment will be levied for that fiscal year.

The projected total FY 1998-99 maintenance and incidental cost of \$29,599.00 is the same as the cost estimate for FY 1997-98. The proposed annual assessment per single-family or park lot of \$168.73 is the same as the FY 1997-98 assessment of \$168.73.

Since \$1,147.55 in surplus funds are anticipated for this fiscal year, the **actual required collection to fund the estimated FY 1998-99 expenses will be \$164.97 per lot.**

**MAINTENANCE DISTRICT NO. 1 (MD No. 1)
PACHECO WAY, STRATFORD ROAD, RUUS LANE, WARD CREEK**

**CERTIFICATIONS
FISCAL YEAR 1998-99**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with an estimate of costs as set forth in Column (1) page 6, and the Assessment Roll indicating the individual assessments and the Assessment Diagram, all within and a part of said report, was filed with this office on _____, 1998.

City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimate of Costs on page 6, of the foregoing report, and the breakdown of estimated costs on page 8 of this report, and the amounts indicated on the Assessment Roll have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 98-____, duly adopted by said Council on _____, 1998.

Dated: _____

City of Hayward

By: _____
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Assessments as shown on the Assessment Roll and the Estimate of Costs as shown in Column (3) under Estimate of Costs on page 6, and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on _____, 1998, by Resolution No. 98-____, subject documents are a part of the Engineer's Report of subject district, which is on file in this office.

City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Roll and the Assessment Diagram was filed in the office of the County Assessor, County of Alameda, California, on _____, 1998.

City Clerk

ASSESSMENT

WHEREAS, 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 require the preparation of a report for the levy of assessments;

NOW, THEREFORE, the undersigned, by virtue of the Hayward Municipal Code, hereby make the following assessment to cover the portion of the estimated costs of the maintenance of subject improvements and the costs and expenses incidental thereto to be paid by said Assessment District (MD No.1).

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	ESTIMATE OF COSTS		
	(1)	(2)	(3)
	As Filed	As Preliminarily Approved	As Finally Approved
Cost of Maintenance	\$21,527.00		
Incidental Expenses	\$8,000.00		
TOTAL ASSESSABLE COSTS	\$29,527.00		
Number of Assessable Parcels	175		
Assessment Per Parcel	\$168.73		
TOTAL ANTICIPATED SURPLUS FUNDS	\$1,147.55		
TOTAL TO BE COLLECTED FY 1998-99	\$28,870.24		
COLLECTION PER PARCEL	\$164.97		

As required by said Hayward Municipal Code, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram. For the lines and dimensions of each lot, reference is made to the County Assessor's maps for the fiscal year 1998-99.

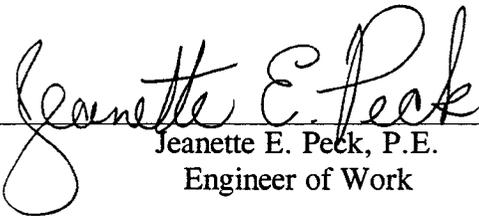
The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said parcels.

Each parcel assessed is described in the assessment roll by reference to its parcel number (except the publicly owned parcels) as shown on the Assessor's Maps of the County of Alameda for the fiscal year 1997-98 and includes all of such parcel.

For line and dimensions of the residential lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions reference is hereby made to the Final Map of Tracts 6472, 6560, 6682 and 6683 filed in the Office of the Recorder of Alameda County.

Dated:

3/13/98



Jeanette E. Peck, P.E.
Engineer of Work

DRAFT

JM 2/30/98

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT, DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 1998-99, AND SCHEDULING FURTHER PUBLIC MEETINGS REGARDING MAINTENANCE DISTRICT NO. 1 - STORM DRAINAGE PUMPING STATION AND STORM DRAIN CONDUIT - PACHECO WAY, STRATFORD ROAD, AND RUUS LANE (MD #1)

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

1. Maintenance District No. 1--Storm Drainage Pumping Station and Storm Drain Conduit--Pacheco Way, Stratford Road, and Ruus Lane (the "maintenance district") was established by the adoption of Resolution No. 95-103 to provide funds to operate, maintain, and service a storm drainage pumping station and storm drain conduit constructed to provide a means of handling storm water runoff for Tracts 6472, 6560, 6682, and 6683. The maintenance district consists of properties as indicated in the attached Exhibit "A."
2. The Engineer of Work has prepared a report in accordance with the City of Hayward Municipal Code, Chapter 10, Article 10, section 10-10.25. Said report has been made, filed, and duly considered by this City Council and is hereby deemed sufficient and preliminarily approved. Said report shall stand as the report for all subsequent proceedings.
3. It is the intention of the City Council to order the levy and collection of assessments for the maintenance of the storm drainage pumping station and storm drain conduit pursuant to Part 3, Chapter 26 of Division 7 of the California Streets and Highways Code (commencing with section 5820 thereof).
4. The proposed assessment is the same as that assessed in fiscal year 1997-98.
5. Reference is hereby made to the aforementioned report on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the proposed maintenance district, and the proposed assessments upon assessable lots within said district. Public property owned by any public agency and in use in the performance of a public function within said district shall not be assessed,

except for Stratford park, which is owned by the City of Hayward, which is the only publicly owned property which will receive a special benefit from the maintenance of the pumping station and storm drains financed by the maintenance district.

6. Notice is hereby given that on May 5, 1998, at 7:30 p.m., in Conference Room 1C, City Hall, 777 B Street, Hayward, California, a public meeting will be held on the question of the levy of assessments for the maintenance assessment district.
7. On June 23, 1998, at the hour of 8 p.m., in the regular meeting place of this City Council, City Council Chambers, 777 B Street, Hayward, California, a public hearing will be held on the levy of the proposed assessment.

Prior to the conclusion of said public hearing, any interested person may file a written protest with the City Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

8. The City Clerk is hereby directed to cause a notice of said meeting and hearing to be made in the form and manner provided by law, specifically section 54954.6 of the Government Code of the State of California.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward