



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE June 23, 1998

AGENDA ITEM 8

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** - Conduct a public hearing, approve the Engineer's Report, and order the levy for fiscal year 1998-99.

RECOMMENDATION:

That the City Council:

1. Approve the final Engineer's Report; and
2. Order the collection of \$164.97 per lot (assessment levy of \$168.73 minus \$3.76 surplus per lot) for fiscal year 1998-99.

DISCUSSION:

On April 14, 1998, the City Council adopted a resolution of intention, preliminarily approved the Engineer's Report, and set the dates for the public meeting and this public hearing.

On May 5, 1998, a public meeting was held to provide information and to allow the affected owners an opportunity to speak. No one attended the public meeting.

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.

**Mayor and City Council
Meeting of June 23, 1998**

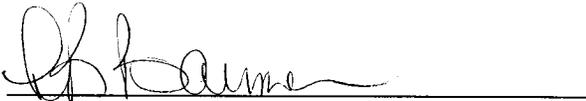
The Engineer's Report contains the proposed **assessments** for the 1998-99 fiscal year of **\$168.73 per single-family lot, which is the same as last year**. Because of an anticipated surplus of \$1,147.55, the requested **collection** for the 1998-99 fiscal year is **\$164.97 per single-family lot**,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

Prepared by:



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

Recommended by:



Ann Bauman
Acting Director of Community and Economic Development

Approved by:



Jesús Armas
City Manager

Attachments:

- A. Engineer's Report
- Draft Resolution

6/2/98

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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is on File in the Office of the City Clerk
8. Resolution No. 98-61, Declaring Intention to Order Levy and Collection of Assessments
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.

MD NO. 1 - STORM WATER LIFT STATION, STRATFORD ROAD AND RUUS LANE - FY 1998-99

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	\$21,527.00	
Incidental Expenses	\$8,000.00	\$8,000.00	
TOTAL ASSESSABLE COSTS	\$29,527.00	\$29,527.00	
Number of Assessable Parcels	175	175	
Assessment Per Parcel	\$168.73	\$168.73	
TOTAL ANTICIPATED SURPLUS FUNDS	\$1,147.55	\$1,147.55	
TOTAL TO BE COLLECTED FY 1998-99	\$28,870.24	\$28,870.24	
COLLECTION PER PARCEL	\$164.97	\$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.

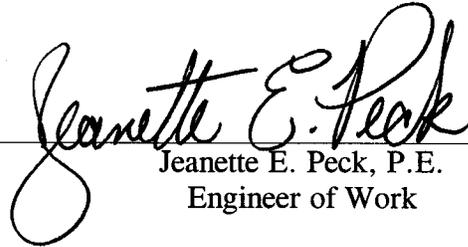
The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said parcels.

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: _____

5/29/98



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

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

ENGINEER'S COST ESTIMATE
 FISCAL YEAR 1998-99

MAINTENANCE			
(a) Labor and Equipment	\$17,510.00		
(b) Materials and Supplies	\$2,575.00		
(c) Utilities	\$1,236.00		
(d) Diesel Fuel	\$206.00		
			\$21,527.00
TOTAL MAINTENANCE COSTS			
INCIDENTALS			
(a) Administration (County)	\$2,400.00		
(b) Administration (City)	\$1,100.00		
(c) Engineer's Report, Preparation of documents, printing and advertising	\$1,900.00		
(d) Capital Replacement Fund	\$2,600.00		
			\$8,000.00
TOTAL INCIDENTAL COSTS			
TOTAL ASSESSABLE COSTS w/o County Collection Charges			\$29,527.00
NUMBER OF ASSESSABLE PARCELS		175.00	
ASSESSMENT PER PARCEL		\$168.73	
TOTAL ANTICIPATED SURPLUS FUNDS		\$1,147.55	
TOTAL TO BE COLLECTED FOR FY 1998-99 w/o County Collection Charges		\$28,379.45	
County Charges for Collection (1.7%)		\$490.79	
TOTAL TO BE COLLECTED FOR FY 1998-99		\$28,870.24	
COLLECTION PER PARCEL		\$164.97	
CURRENT AMOUNT IN CAPITAL REPLACEMENT FUND	15286.5*		ADDED \$2,600.00
CURRENT AMOUNT IN CASH FLOW FUND	9850.7**		\$0.00
			TOTAL \$2,600.00
			\$0.00

*\$7,500.00 has been transmitted to the County
 **\$9,850.70 has been transmitted to the County

MAINTENANCE DISTRICT NO. 1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
464 012100100	635	16497	MD #1, STORM WATER LIFT STATION
464 012100200	635	16497	MD #1, STORM WATER LIFT STATION
464 012100300	635	16497	MD #1, STORM WATER LIFT STATION
464 012100400	635	16497	MD #1, STORM WATER LIFT STATION
464 012100500	635	16497	MD #1, STORM WATER LIFT STATION
464 012100600	635	16497	MD #1, STORM WATER LIFT STATION
464 012100700	635	16497	MD #1, STORM WATER LIFT STATION
464 012100800	635	16497	MD #1, STORM WATER LIFT STATION
464 012100900	635	16497	MD #1, STORM WATER LIFT STATION
464 012101000	635	16497	MD #1, STORM WATER LIFT STATION
464 012101100	635	16497	MD #1, STORM WATER LIFT STATION
464 012101200	635	16497	MD #1, STORM WATER LIFT STATION
464 012101300	635	16497	MD #1, STORM WATER LIFT STATION
464 012101400	635	16497	MD #1, STORM WATER LIFT STATION
464 012101500	635	16497	MD #1, STORM WATER LIFT STATION
464 012101600	635	16497	MD #1, STORM WATER LIFT STATION
464 012101700	635	16497	MD #1, STORM WATER LIFT STATION
464 012101800	635	16497	MD #1, STORM WATER LIFT STATION
464 012101900	635	16497	MD #1, STORM WATER LIFT STATION
464 012102000	635	16497	MD #1, STORM WATER LIFT STATION
464 012102100	635	16497	MD #1, STORM WATER LIFT STATION
464 012102200	635	16497	MD #1, STORM WATER LIFT STATION
464 012102300	635	16497	MD #1, STORM WATER LIFT STATION
464 012102400	635	16497	MD #1, STORM WATER LIFT STATION
464 012102500	635	16497	MD #1, STORM WATER LIFT STATION
464 012102600	635	16497	MD #1, STORM WATER LIFT STATION
464 012102700	635	16497	MD #1, STORM WATER LIFT STATION
464 012102800	635	16497	MD #1, STORM WATER LIFT STATION
464 012102900	635	16497	MD #1, STORM WATER LIFT STATION
464 012103000	635	16497	MD #1, STORM WATER LIFT STATION
464 012103100	635	16497	MD #1, STORM WATER LIFT STATION
464 012103200	635	16497	MD #1, STORM WATER LIFT STATION
464 012103300	635	16497	MD #1, STORM WATER LIFT STATION
464 012103400	635	16497	MD #1, STORM WATER LIFT STATION
464 012103500	635	16497	MD #1, STORM WATER LIFT STATION

MAINTENANCE DISTRICT NO. 1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
464 012103600	635	16497	MD #1, STORM WATER LIFT STATION
464 012103700	635	16497	MD #1, STORM WATER LIFT STATION
464 012103800	635	16497	MD #1, STORM WATER LIFT STATION
464 012103900	635	16497	MD #1, STORM WATER LIFT STATION
464 012104000	635	16497	MD #1, STORM WATER LIFT STATION
464 012104100	635	16497	MD #1, STORM WATER LIFT STATION
464 012104200	635	16497	MD #1, STORM WATER LIFT STATION
464 012104900	635	16497	MD #1, STORM WATER LIFT STATION
464 012105000	635	16497	MD #1, STORM WATER LIFT STATION
464 012105100	635	16497	MD #1, STORM WATER LIFT STATION
464 012105200	635	16497	MD #1, STORM WATER LIFT STATION
464 012105300	635	16497	MD #1, STORM WATER LIFT STATION
464 012105400	635	16497	MD #1, STORM WATER LIFT STATION
464 012105500	635	16497	MD #1, STORM WATER LIFT STATION
464 012105600	635	16497	MD #1, STORM WATER LIFT STATION
464 012105700	635	16497	MD #1, STORM WATER LIFT STATION
464 012105800	635	16497	MD #1, STORM WATER LIFT STATION
464 012105900	635	16497	MD #1, STORM WATER LIFT STATION
464 012106000	635	16497	MD #1, STORM WATER LIFT STATION
464 012106100	635	16497	MD #1, STORM WATER LIFT STATION
464 012106200	635	16497	MD #1, STORM WATER LIFT STATION
464 012106300	635	16497	MD #1, STORM WATER LIFT STATION
464 012106400	635	16497	MD #1, STORM WATER LIFT STATION
464 012106500	635	16497	MD #1, STORM WATER LIFT STATION
464 012106600	635	16497	MD #1, STORM WATER LIFT STATION
464 012106700	635	16497	MD #1, STORM WATER LIFT STATION
464 012106800	635	16497	MD #1, STORM WATER LIFT STATION
464 012106900	635	16497	MD #1, STORM WATER LIFT STATION
464 012107000	635	16497	MD #1, STORM WATER LIFT STATION
464 012107100	635	16497	MD #1, STORM WATER LIFT STATION
464 012107200	635	16497	MD #1, STORM WATER LIFT STATION
464 012107300	635	16497	MD #1, STORM WATER LIFT STATION
464 012107400	635	16497	MD #1, STORM WATER LIFT STATION
464 012107500	635	16497	MD #1, STORM WATER LIFT STATION
464 012107600	635	16497	MD #1, STORM WATER LIFT STATION

MAINTENANCE DISTRICT NO. 1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
464 012107700	635	16497	MD #1, STORM WATER LIFT STATION
464 012107800	635	16497	MD #1, STORM WATER LIFT STATION
464 012108000	635	16497	MD #1, STORM WATER LIFT STATION
464 012108100	635	16497	MD #1, STORM WATER LIFT STATION
464 012108200	635	16497	MD #1, STORM WATER LIFT STATION
464 012108300	635	16497	MD #1, STORM WATER LIFT STATION
464 012108400	635	16497	MD #1, STORM WATER LIFT STATION
464 012108500	635	16497	MD #1, STORM WATER LIFT STATION
464 012108600	635	16497	MD #1, STORM WATER LIFT STATION
464 012108700	635	16497	MD #1, STORM WATER LIFT STATION
464 012108800	635	16497	MD #1, STORM WATER LIFT STATION
464 012108900	635	16497	MD #1, STORM WATER LIFT STATION
464 012109000	635	16497	MD #1, STORM WATER LIFT STATION
464 012109100	635	16497	MD #1, STORM WATER LIFT STATION
464 012109200	635	16497	MD #1, STORM WATER LIFT STATION
464 012109300	635	16497	MD #1, STORM WATER LIFT STATION
464 012109400	635	16497	MD #1, STORM WATER LIFT STATION
464 012109500	635	16497	MD #1, STORM WATER LIFT STATION
464 012109600	635	16497	MD #1, STORM WATER LIFT STATION
464 012200100	635	16497	MD #1, STORM WATER LIFT STATION
464 012200300	635	16497	MD #1, STORM WATER LIFT STATION
464 012200400	635	16497	MD #1, STORM WATER LIFT STATION
464 012200500	635	16497	MD #1, STORM WATER LIFT STATION
464 012200600	635	16497	MD #1, STORM WATER LIFT STATION
464 012200700	635	16497	MD #1, STORM WATER LIFT STATION
464 012200800	635	16497	MD #1, STORM WATER LIFT STATION
464 012200900	635	16497	MD #1, STORM WATER LIFT STATION
464 012201000	635	16497	MD #1, STORM WATER LIFT STATION
464 012201100	635	16497	MD #1, STORM WATER LIFT STATION
464 012201200	635	16497	MD #1, STORM WATER LIFT STATION
464 012201300	635	16497	MD #1, STORM WATER LIFT STATION
464 012201400	635	16497	MD #1, STORM WATER LIFT STATION
464 012201500	635	16497	MD #1, STORM WATER LIFT STATION
464 012201600	635	16497	MD #1, STORM WATER LIFT STATION
464 012201700	635	16497	MD #1, STORM WATER LIFT STATION

MAINTENANCE DISTRICT NO. 1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
464 012201800	635	16497	MD #1, STORM WATER LIFT STATION
464 012201900	635	16497	MD #1, STORM WATER LIFT STATION
464 012202000	635	16497	MD #1, STORM WATER LIFT STATION
464 012202100	635	16497	MD #1, STORM WATER LIFT STATION
464 012202200	635	16497	MD #1, STORM WATER LIFT STATION
464 012202300	635	16497	MD #1, STORM WATER LIFT STATION
464 012202400	635	16497	MD #1, STORM WATER LIFT STATION
464 012202500	635	16497	MD #1, STORM WATER LIFT STATION
464 012202600	635	16497	MD #1, STORM WATER LIFT STATION
464 012202700	635	16497	MD #1, STORM WATER LIFT STATION
464 012202800	635	16497	MD #1, STORM WATER LIFT STATION
464 012202900	635	16497	MD #1, STORM WATER LIFT STATION
464 012203000	635	16497	MD #1, STORM WATER LIFT STATION
464 012203100	635	16497	MD #1, STORM WATER LIFT STATION
464 012203200	635	16497	MD #1, STORM WATER LIFT STATION
464 012203300	635	16497	MD #1, STORM WATER LIFT STATION
464 012203400	635	16497	MD #1, STORM WATER LIFT STATION
464 012203500	635	16497	MD #1, STORM WATER LIFT STATION
464 012203600	635	16497	MD #1, STORM WATER LIFT STATION
464 012203700	635	16497	MD #1, STORM WATER LIFT STATION
464 012203800	635	16497	MD #1, STORM WATER LIFT STATION
464 012203900	635	16497	MD #1, STORM WATER LIFT STATION
464 012204000	635	16497	MD #1, STORM WATER LIFT STATION
464 012204100	635	16497	MD #1, STORM WATER LIFT STATION
464 012204200	635	16497	MD #1, STORM WATER LIFT STATION
464 012204300	635	16497	MD #1, STORM WATER LIFT STATION
464 012204400	635	16497	MD #1, STORM WATER LIFT STATION
464 012204500	635	16497	MD #1, STORM WATER LIFT STATION
464 012204600	635	16497	MD #1, STORM WATER LIFT STATION
464 012204700	635	16497	MD #1, STORM WATER LIFT STATION
464 012204800	635	16497	MD #1, STORM WATER LIFT STATION
464 012204900	635	16497	MD #1, STORM WATER LIFT STATION
464 012205000	635	16497	MD #1, STORM WATER LIFT STATION
464 012205100	635	16497	MD #1, STORM WATER LIFT STATION
464 012205200	635	16497	MD #1, STORM WATER LIFT STATION

MAINTENANCE DISTRICT NO. 1
COLLECTION ROLL

PARCEL NUMBER	LEG. NO.	TAX CHARGE AMOUNT	DESCRIPTION
464 012205300	635	16497	MD #1, STORM WATER LIFT STATION
464 012205400	635	16497	MD #1, STORM WATER LIFT STATION
464 012205500	635	16497	MD #1, STORM WATER LIFT STATION
464 012205600	635	16497	MD #1, STORM WATER LIFT STATION
464 012205700	635	16497	MD #1, STORM WATER LIFT STATION
464 012205800	635	16497	MD #1, STORM WATER LIFT STATION
464 012205900	635	16497	MD #1, STORM WATER LIFT STATION
464 012206000	635	16497	MD #1, STORM WATER LIFT STATION
464 012206100	635	16497	MD #1, STORM WATER LIFT STATION
464 012206200	635	16497	MD #1, STORM WATER LIFT STATION
464 012206300	635	16497	MD #1, STORM WATER LIFT STATION
464 012206400	635	16497	MD #1, STORM WATER LIFT STATION
464 012206500	635	16497	MD #1, STORM WATER LIFT STATION
464 012206600	635	16497	MD #1, STORM WATER LIFT STATION
464 012206700	635	16497	MD #1, STORM WATER LIFT STATION
464 012206800	635	16497	MD #1, STORM WATER LIFT STATION
464 012206900	635	16497	MD #1, STORM WATER LIFT STATION
464 012207000	635	16497	MD #1, STORM WATER LIFT STATION
464 012207100	635	16497	MD #1, STORM WATER LIFT STATION
464 012207200	635	16497	MD #1, STORM WATER LIFT STATION
464 012207300	635	16497	MD #1, STORM WATER LIFT STATION
464 012207400	635	16497	MD #1, STORM WATER LIFT STATION
464 012207500	635	16497	MD #1, STORM WATER LIFT STATION
464 012207600	635	16497	MD #1, STORM WATER LIFT STATION
464 012207700	635	16497	MD #1, STORM WATER LIFT STATION
464 012207800	635	16497	MD #1, STORM WATER LIFT STATION
464 012207900	635	16497	MD #1, STORM WATER LIFT STATION
464 012208000	635	16497	MD #1, STORM WATER LIFT STATION
464 012208100	635	16497	MD #1, STORM WATER LIFT STATION
464 012208200	635	16497	MD #1, STORM WATER LIFT STATION
464 012208300	635	16497	MD #1, STORM WATER LIFT STATION
464 012208400	635	16497	MD #1, STORM WATER LIFT STATION
464 012208500	635	16497	MD #1, STORM WATER LIFT STATION
464 012208600	635	16497	MD #1, STORM WATER LIFT STATION
464 012208700	635	16497	MD #1, STORM WATER LIFT STATION

TOTAL

2886975

APPROVED
ENGINEER OF WORK

BY: JEANETTE PECK DATE _____
 Filed in the Office of the City Clerk of the City of Hayward, County of Alameda, State of California,
 this _____ Day of _____, 19____

CITY CLERK, CITY OF HAYWARD
 COUNTY OF ALAMEDA, CALIFORNIA

An Assessment was Confirmed and Levied by the City of Hayward, California, on the lots, Pieces
 and Parcels of Land shown on this Assessment Diagram on the _____ Day of
 _____, 19____, and said Assessment Diagram and the Assessment Roll were
 filed in the Office of the City Clerk, City of Hayward, on the _____ Day of
 _____, 19____. Thereafter, the said Assessment Roll and Assessment Diagram were
 filed in the Office of the Auditor of the County of Alameda, State of California, on the _____ Day of
 _____, 19____. The said Assessment Roll and Assessment Diagram were filed in the Office of the
 County Recorder of the County of Alameda, State of California, on the _____ Day of
 _____, 19____.

CITY CLERK, CITY OF HAYWARD, CA.

COUNTY AUDITOR'S CERTIFICATE:
 On this _____ Day of _____, 19____, this Assessment Diagram and
 the Accompanying Assessment Roll have been filed in the Office of the Auditor of Alameda
 County.

AUDITOR OF THE COUNTY OF ALAMEDA,
 STATE OF CALIFORNIA

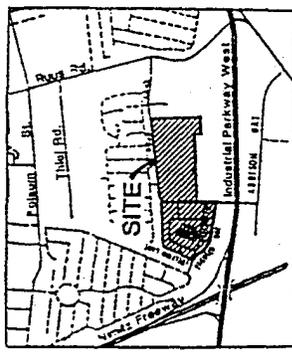
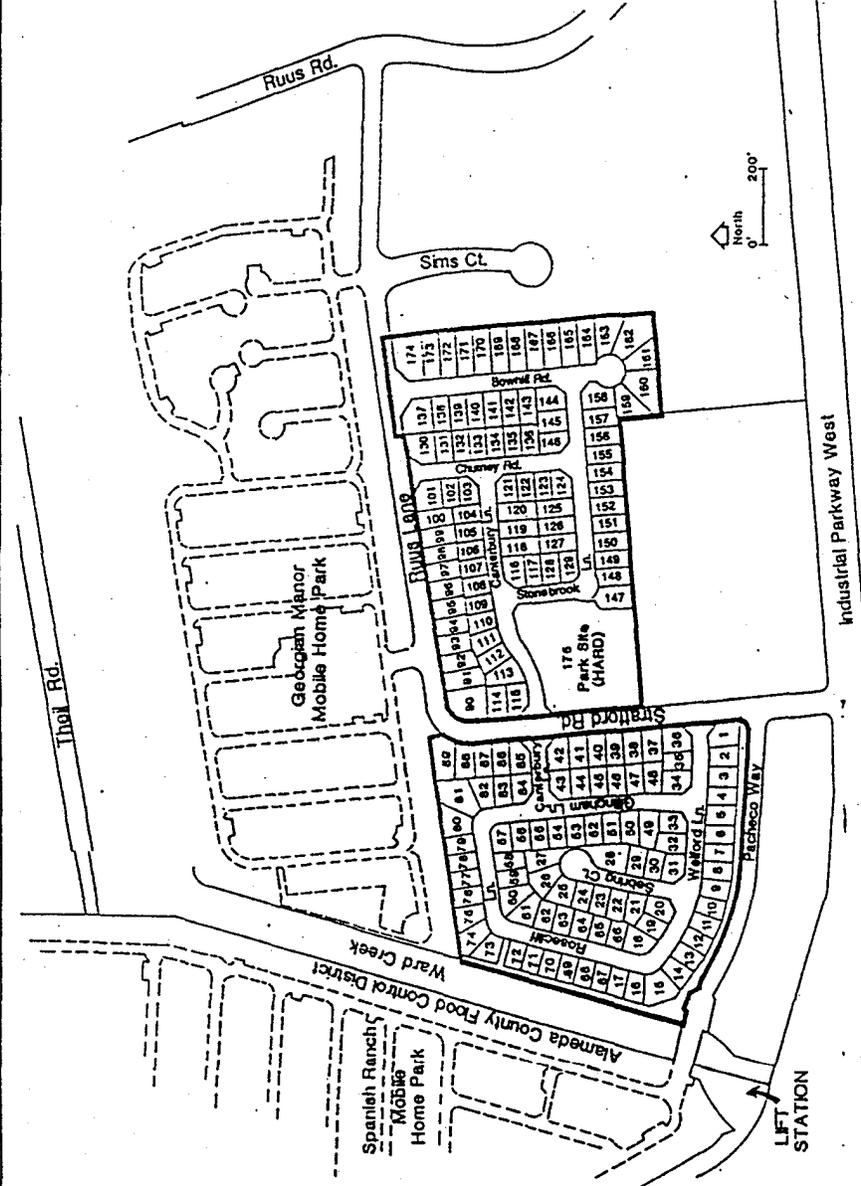
COUNTY RECORDER'S CERTIFICATE:
 Received this _____ Day of _____, 19____, in the Office of the
 County Recorder of the County of Alameda, in Book _____ of Maps of Assessment Districtal
 Pages _____ Thereof at _____

COUNTY RECORDER,
 COUNTY OF ALAMEDA, STATE OF CALIFORNIA

ASSESSMENT DIAGRAM
 Fiscal Year 1998-1999

MAINTENANCE DISTRICT NO. 1
 Storm Drainage Lift Station
 Pacheco Way, Stratford Road, Ruus Lane, Ward Creek
 (MD No. 1)

Sheet 1 of 1



NOTE:
 This diagram is only for the purpose of indicating the lots being assessed,
 the assigned assessment numbers for said lots and the relationship to the
 surrounding streets.

For a detailed description of the lines and dimensions of the lots, reference
 is made to the Alameda County Assessor's Maps for the fiscal year 1997-98.
 For information on the streets and other appurtenant lines and dimensions
 within the subdivided area reference is made to the filed final map of Tracts
 6472, 6560, 6687 and 6683.

HAYWARD CITY COUNCIL

RESOLUTION NO. 98-061

Introduced by Council Member HENSON

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 April 14, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Hilson, Rodriquez, Ward, Hulteen, Henson
MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: *Angelia Lopez*
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O. John
City Attorney of the City of Hayward

DRAFT

Dr 6-17-98

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION CONFIRMING THE ASSESSMENT
DIAGRAM AND ASSESSMENT, AND ORDERING LEVY
AND COLLECTION OF ASSESSMENT FOR THE 1998-99
FISCAL YEAR, MAINTENANCE DISTRICT NO. 1, STORM
DRAIN PUMPING STATION AND STORM DRAIN
CONDUIT, PACHECO WAY, STRATFORD ROAD, AND
RUUS LANE

WHEREAS, by Resolution No. 98-061, a resolution declaring intention to levy assessments for fiscal year 1998-99, this City Council preliminarily approved the Engineer's Report submitted in accordance with the provisions of section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a public meeting was held on May 5, 1998, to provide information and allow affected owners an opportunity to speak; and

WHEREAS, June 23, 1998, at the hour of 8:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council of protests for levy of assessment; and

WHEREAS, at the appointed time and place, the hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the proposed district were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly heard, considered, and overruled, and this City Council thereby acquired jurisdiction to confirm the maintenance district diagram and fee schedule, including the adjustment in value.

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

1. At the closing of the public hearing, the property owners owning more than 50 percent of the area of chargeable lands within the proposed maintenance district had not filed written protests against the proposed levy of assessment;
2. The public interest, convenience, and necessity require that the levy be assessed;

3. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram included in the engineer's report attached hereto as Exhibit "A";
4. Said engineer's report as a whole and each part thereof, to wit:
 - (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;
 - (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;
 - (c) the maintenance district diagram;
 - (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

are finally approved and confirmed and incorporated herein.

5. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.
6. The assessment in the amount of \$168.73 to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the 1998-99 fiscal year, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 98-061 and described in the engineer's report, and it is hereby determined to order the collection of \$164.97 per lot.
7. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:
 - (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot; and

- (b) that there is substantial evidence to support this finding and determination as to special benefit;
 - (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.
8. Immediately 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 this resolution, the diagram, and the assessment 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 thereupon as shown in the 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 of collection, shall be paid to the Director of Finance of the City of Hayward.
9. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No. 98-061.

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