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OFFICE OF THE CITY CLERK
OAKLAND

2009 JUN -3 PM 9: 37

CITY OF OAKLAND

AGENDA REPORT

To: Office of the City Administrator
Attn: Dan Lindheim
From: Budget Office
Date: June 16, 2009

Re: **Resolution Accepting And Confirming The Engineer's Report For the City of Oakland Landscaping and Lighting Assessment District For Fiscal Year 2009-10 And Levying Of The Assessments**

SUMMARY

In compliance with California Streets and Highways Code, Sections 22620-22631, a resolution has been prepared accomplishing the following:

- Accepting the Engineer's Report for the City of Oakland Landscaping and Lighting Assessment District for FY 2009-10, which is attached to this report;
- Confirming the levying of assessments for the Landscaping and Lighting Assessment District (LLAD) in FY 2009-10;
- Directing the City Administrator to ensure that the itemized assessment roll is submitted to the Alameda County Auditor-Controller for inclusion in the FY 2009-10 property tax roll.

Staff recommends that the City Council adopt the resolution following the public hearing on the continuation of the LLAD, scheduled for June 16, 2009 at 7:00 p.m.

FISCAL IMPACT

There is no direct fiscal impact from City Council action on this report. However, City Council action on the attached resolution continues the process for assessing and collecting revenues from the LLAD for FY 2009-10, begun with the adoption of the LLAD resolution of initiation and continued at the June 1, 2009 City Council meeting with adoption of the resolution of intention and acceptance of the Preliminary Engineer's Report. The LLAD is projected to close out the 2008-09 Fiscal Year with a fund balance of approximately -\$4.0 million. For FY 2009-10, the Engineer's Report projects revenues of \$18.4 million from the LLAD. LLAD revenues are used to support City services directly related to the installation, maintenance and servicing of public landscaping and lighting. The LLAD expenditures for FY 2009-10 are also projected at \$18.4 million, resulting in no projected effect on fund balance.

Item # _____
City Council
June 16, 2009

BACKGROUND

The California Landscaping and Lighting Act of 1972 (California Streets and Highways Code Sections 22500-22509) allows local government agencies to form assessment districts for the purpose of financing the costs and expenses of landscaping and lighting public areas. The City of Oakland formed a Landscaping and Lighting Assessment District on June 23, 1989. In 1993, Oakland voters reconfirmed its existence. The LLAD, utilizing a direct benefit assessment, provides a funding source for the operation and maintenance of public landscaping, fountains, general lighting, recreational, playground, and park facilities, and street lighting in defined benefit zones that encompass the City of Oakland.

In addition, the California Streets and Highways Code, Sections 22620-22631, applies to all assessments that are to be levied and collected for a fiscal year. The code describes the requirements for levying assessments, which are as follows:

1. Adopt a resolution describing any proposed new improvements or any substantial changes in existing improvements and ordering the engineer to prepare and file a report.
2. Approve Engineer's Report and adopt a resolution of intention. The resolution of intention declares the City Council's intention to levy and collect assessments within the LLAD for the fiscal year. It also states whether the assessment is proposed to change from the previous year and sets a date, hour, and place for a public hearing. (The resolution of intention was discussed at the Finance and Management Committee of May 12, 2009 and adopted by City Council on June 1, 2009.)
3. Conduct the Public Hearing. The Public Hearing affords all interested parties the opportunity to hear and be heard. (The public hearing has been scheduled for June 16, 2009 at 7:00 p.m., or as soon thereafter as the item may be heard.)
4. Adopt a resolution confirming the Engineer's Report and the levy of the assessment within the LLAD for the 2009-10 fiscal year. (This final step is the subject of this report and resolution.)

Upon fulfillment of these requirements, the City of Oakland must submit the assessment roll to the Alameda County Auditor-Controller for inclusion in the FY 2009-10 property tax roll. The City of Oakland collects the LLAD assessments through the County of Alameda's property tax billing process.

KEY ISSUES AND IMPACTS

The purpose of the proposed resolution is to confirm the information presented in the Annual Report and levy assessments within the LLAD for FY 2009-10. The resolution also authorizes the City Administrator to direct the District Engineer to submit an itemized report of the FY 2009-10 assessments to the Auditor-Controller of the County of Alameda to be placed on the FY 2009-10 property tax roll. The District Engineer has evaluated all parcels within the LLAD benefit zones and determined the appropriate assessment amounts. The resolution states that the City of Oakland does not intend to increase assessments for the LLAD for FY 2009-10. The assessment rate structure has been in place since FY 1993-94. The following assessment information, taken directly from the Engineer's Report, summarizes the assessment rates for one

Item # _____
City Council
June 16, 2009

equivalent dwelling unit benefit by zone and general land use. Zones, zone maps and rate calculations are included in the attached Engineer's Report. (**Attachment A**)

**Summary of Assessments for
One Equivalent Dwelling Unit Benefit by Zone and General Land Use**

Benefit Zones	Residential	Non-Residential
Zone 1 - Lighting	\$11.87	\$24.44
Zone 1 - Landscaping/Parks	\$90.77	\$88.36
Total Zone 1	\$102.64	\$112.80
Zone 2 - Lighting	\$11.99	\$24.76
Zone 2 - Landscaping/Parks	\$99.55	\$97.24
Total Zone 2	\$111.54	\$122.00
Zone 3 - Lighting	N/A	\$40.71
Zone 3 - Landscaping/Parks	N/A	\$189.79
Total Zone 3	N/A	\$230.50

There is an attachment to the Engineer's Report that is not included with this report because of its large size. Appendix A of the Engineer's Report is the FY 2009-10 Assessment Roll, a document that lists all properties within the assessment district by Assessor's Parcel Number, each property's use code, and indicates the property's assessment amount. The FY 2009-10 Assessment Roll is on file with the City Clerk.

Pursuant to the California Streets and Highways Code, the City Council must conduct a public hearing to provide an opportunity for any interested party to be heard. The public hearing has been scheduled for Tuesday, June 16, 2009 at 7:00 p.m., or as soon thereafter as the item may be heard, in the City Council Chambers.

SUSTAINABLE OPPORTUNITIES

There are no direct economic, environmental, or social equity opportunities or impacts associated with the City Council action requested in this report.

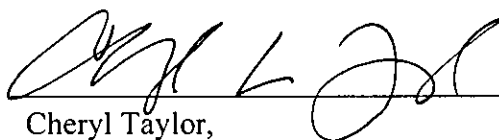
DISABILITY AND SENIOR ACCESS

LLAD revenues support the installation, maintenance, and servicing of public park and recreational facilities, and landscaping improvements, which are made accessible to persons with disabilities and seniors in accordance with the Americans with Disabilities Act.

RECOMMENDATION

Staff recommends that the City Council approve the proposed resolution to approve the Engineer's Report and set the LLAD assessments for Fiscal Year 2009-10.

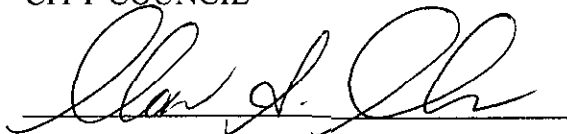
Respectfully submitted,



Cheryl Taylor,
Budget Director

Prepared by:
Kirby Smith
Budget Office

APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

Attachment A – Fiscal Year 2009-10 Engineer's Report

Item # _____
City Council
June 16, 2009

CITY OF OAKLAND



CITY OF OAKLAND LANDSCAPING & LIGHTING ASSESSMENT DISTRICT



**Fiscal Year 2009-10
Final Engineer's Report**

June 16, 2009

Prepared by:

Francisco & Associates, Inc.

130 Market Place, Suite 160

San Ramon, CA 94583

(925) 867-3400



	Page No.
Agency Directory	ii
Certificates	iii
Section I - Introduction	1
Section II - Engineer's Report	2
Part A - Plans and Specifications	4
Table 1: Benefit Zone 1	5
Table 2: Benefit Zone 2	6
Table 3: Benefit Zone 3	6
Part B - Estimate of Cost	8
Table 4: FY 2009-10 Estimate of Revenues & Costs	8
Table 5: Assessment Benefit by Zone	9
Part C - Assessment District Diagram	10
Part D - Method of Apportionment of Assessment	13
Table 6: Multi-Family Residential EDU Calculations	16
Table 7: Area & Frontage EDUs by Land Use & Category	17
Table 8: Summary of EDUs by Zone and Land Use	19
Table 9: Summary of Assessment Rates by Zone and Land Use	20
Table 10: Summary of Assessments by Zone and Land Use	20
Part E - Property Owner List & Assessment Roll	21

APPENDIX

Appendix A - Assessment Roll

CITY OF OAKLAND
CITY COUNCIL MEMBERS AND CITY STAFF

FISCAL YEAR 2009-10

MAYOR
Ron Dellums

CITY COUNCIL MEMBERS

Jane Brunner, District 1
Council Member

Pat Kernighan, District 2
Council Member

Nancy Nadel, District 3
Council Member

Jean Quan, District 4
Council Member

Ignacio De La Fuente, District 5
President of the Council

Desley Brooks, District 6
Council Member

Larry Reid, District 7
Council Member

Rebecca Kaplan, At Large
Council Member

CITY STAFF MEMBERS

Dan Lindheim
Acting City Administrator

John Russo
City Attorney

La Tonda Simmons
City Clerk

Cheryl Taylor
Budget Director, Budget Office

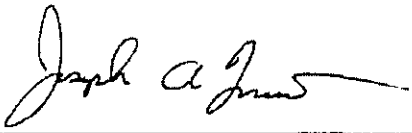
Francisco & Associates, Inc.
Assessment Engineer

CITY OF OAKLAND
LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT

FISCAL YEAR 2009-10

The undersigned respectfully submits the enclosed Engineer's Report as directed by the City of Oakland.

Dated: May 27, 2009

By 
Joseph A. Francisco, P.E.
RCE No. 40688

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2009.

La Tonda Simmons, City Clerk
City of Oakland
Alameda County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached was directed by the City Council of the City of Oakland, Alameda County, California, on the _____ day of _____, 2009.

La Tonda Simmons, City Clerk
City of Oakland
Alameda County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached was filed with the County Auditor of the County of Alameda, on the _____ day of _____ 2009.

By _____
Francisco & Associates, Inc.

SECTION I
INTRODUCTION
ENGINEER'S REPORT
CITY OF OAKLAND
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
FISCAL YEAR 2009-10

Background Information

The Landscape and Lighting Assessment District was originally formed on June 23, 1989 and subsequently approved by the registered voters of the City of Oakland in 1994. This District, utilizes direct benefit assessments as a funding source for the operation and maintenance of landscaping, park and recreation facilities, and street lighting within the City of Oakland.

An Engineering analysis was performed in 1989 to ensure the costs for funding the operation, maintenance, and servicing of improvements were apportioned to each parcel within the City based upon the special benefits they received from the improvements. Payment of the assessment for each parcel is made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment are placed in a special fund and are only used for the purposes stated within this Engineer's Report.

As required by the Landscaping and Lighting Act of 1972, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced by the District, (2) an estimated budget for the District, and (3) a listing of the proposed Fiscal Year 2009-10 assessments to be levied upon each assessable lot or parcel within the District.

The City of Oakland will hold a Public Hearing on June 16, 2009, regarding the District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

SECTION II

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972
SECTION 22500 THROUGH 22679
OF THE CALIFORNIA STREETS AND HIGHWAY CODE

CITY OF OAKLAND
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

FISCAL YEAR 2009-10

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), the Act, and in accordance with Resolution of Intention, being Resolution No. _____, adopted June 1, 2009 by the City Council, of the City of Oakland, State of California, and in connection with the proceedings for:

CITY OF OAKLAND
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

Hereinafter referred to as the "Assessment District" or "District", I, Joseph A. Francisco, P.E., the authorized representative of Francisco & Associates, Inc., and the duly appointed Engineer of Work, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements to be operated, maintained and serviced within the District. For a more detailed description of the improvements, refer to the listing of improvements on file in the Public Works Agency, which are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements that are supported by assessment revenues for FY 2009-10, including incidental costs and expenses. For a more detailed cost estimate of the improvements, refer to the cost estimate on file in the Public Works Agency, which are incorporated herein by reference.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the Assessment District showing the exterior boundaries of the District, the boundaries of any zones within the District, and the lines and dimensions of each lot or parcel of land within the District, are incorporated herein and are on file in the Office of the Oakland City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for the fiscal year when this Report was prepared.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part describes the method of apportionment of assessments which was developed when the assessment district was formed in 1989. The method of apportionment is based upon parcel classification of land, and location within the District, in proportion to the estimated benefit to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This list contains a list of the Assessor Parcel numbers of Alameda County, and the net amount to be assessed upon the benefited lands within the District for FY 2009-10. The Assessment Roll is filed in the Office of the Oakland City Clerk and is incorporated in this Report by reference. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The facilities and improvements that have been constructed and those that may be subsequently constructed within the District, which will be maintained and serviced consist of: street lighting; landscaping; public park and recreation facilities; and appurtenant facilities including, but not limited to, personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the facilities.

Street Lighting:

The street lighting system includes all street lights within the public right-of-way, easements, and other exterior lighting which is not part of a building system. Street lights and appurtenant facilities include, but are not limited to, poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts, pedestals, and metering devices as required to provide safe lighting within the boundaries of the District. The locations of street lighting improvements are shown on a Street Light Base Map kept on file at the City's Electrical Engineering Section. There are more than 34,000 streetlights on residential, arterial, and collector streets, plus several hundred other public lights along pathways and outside buildings. Undergrounding projects, in accordance with PG&E programs, when warranted, are also included in the District improvements.

As lights are installed and upgraded, the District's operating and maintenance costs are impacted. Cost estimates prepared by the Public Works Agency, take into account the projected additional energy and maintenance costs for improvements to be installed during FY 2009-10.

Public Park and Recreational Facilities:

The public park and recreational facilities, and landscape improvements, which are located within the incorporated limits of the City of Oakland, will be operated, maintained, and serviced by the District. Public park and recreational facilities include, but are not limited to: landscaping; irrigation systems; hardscapes; plazas; street trees; sidewalks; trails; fixtures; and appurtenant facilities including but not limited to lights, playground equipment, including tot lots, play courts, public restrooms, sports fields, sports courts, parkways; and designated easements; and buildings or structures used for the support of park and recreational programs such as, but not limited to, recreation centers, swimming pools, picnic facilities, water-based recreation facilities, and nature oriented facilities.

All landscaping, park, and recreational improvements in Oakland, maintained by the City on public lands, are included in the District. The District includes approximately 2,300 acres of street, park, and plaza landscaping including scenic Joaquin Miller Park, Lake Merritt, Mandela Parkway and Union Point Park; 75,000 street trees; more than 130 City park and public grounds; and 25 recreation, community and interpretive centers.

Tables 1, 2, and 3 on the following pages, present a partial list of the District's landscaping, and park and recreational facilities by each Benefit Zone. This list is not exclusive and many small facilities (e.g., street channels and islands) are not included. The benefit zones are those depicted on the Assessment Diagram for Residential and Nonresidential Zones.

Table I: BENEFIT ZONE I

Name of Park/Facility	Address	Name of Park/Facility	Address
25th Street Mini-Park	2425 Martin L. King Jr. Way	Hellman Estates	3400 Malcolm Avenue
88th Avenue Mini-Park	1722 88th Avenue	Holly Mini-Park	9830 Holly Street
Allendale Park / Recreation Center	3711 Suter Street	Ira Jenkins Recreation Center	9175 Edes Avenue
Arroyo Viejo Park / Recreation Center	7701 Krause Avenue	Jack London Aquatic Center	115 Embarcadero West
Arroyo Viejo Tennis Courts	7921 Olive Street	John Marshall	3400 Malcolm Avenue
Athol Plaza Plaza and Tennis Courts	Foothill Boulevard / Lakeshore Ave	Josie de la Cruz / Sanborn Park	1637 Fruitvale Avenue
Beaumont Park	Beaumont Avenue / East 28th Street	King Estates Playground	8251 Fontaine Street
Bella Vista Park	1025 East 28th Street	Knowland Park/Zoo	9777 Golf Links Road
Bertha Port Tot Lot	1756 Goss Street	Lazear Playground	824 - 29th Avenue
Brookdale Park / Recreation Center	2535 High Street	Lions Pool	3860 Hanly Road
Brookdale Tennis Courts	2535 High Street	Live Oak Pool	1055 MacArthur Boulevard
Brookfield Playground / Tennis Courts	525 Jones Avenue	Lowell Park / Playground	1180 - 14th Street
Brooklyn Plaza	14th Avenue / Foothill Boulevard	Mandelay Parkway	8th St. to 32nd St.
Burckhalter Park	4062 Edwards Avenue	Manzanita Park / Recreation Center	2701 - 22nd Avenue
Burckhalter Playground / Tennis Courts	4062 Edwards Avenue	Marston Campbell Park	17th Street / West Street
Carmen Flores Recreation Center	1637 Fruitvale Avenue	Maxwell House Park and Playground	4618 Allendale Avenue
Cesar Chavez Park	3705 Foothill Boulevard	McClymonds Mini-Park	2528 Linden Street
Central Reservoir Park/Playground	2506 East 29th Street	Morcom Rose Garden / Buildings	Jean Street / Olive Street
Chester Tot Lot	319 Chester	Morgan Plaza	2601 Highland Drive
Cleveland Cascade	195 Merritt Avenue	Nicol Park	Nicol Avenue / Coolidge Avenue
Clinton Square Park	1230 6th Street	Oak Glen Park	3390 Richmond Boulevard
Coliseum Gardens Park	966 - 66th Avenue	Oak Park	3239 Kempton Avenue
Coliseum Playground	5885 Oak Port Street	Oakport Field	3200 Boston Avenue
Columbian Gardens Playground	Heskett Road / Empire Road	Officer Willie Wilkins Park	1990 - 98th Avenue
Concordia Park / Tennis Courts	2901 64th Avenue	Otis Spunkmeyer Field	Harbor Bay Pkwy. & Doolittle Dr.
Curt Flood Field	School Street / Coolidge Avenue	Peralta Hacienda House and Park	2500 - 34th Avenue
Cypress Freeway Memorial Park	Mandela Parkway bet. 13th & 14th Sts.	Peralta Oaks Park	Peralta Oaks Court / 106th Avenue
Davies Tennis Stadium	198 Oak Road	Pine Knoll Park	Lakeshore Avenue / Hanover Avenue
Defremery Park / Recreation Center	1651 Adeline Street	Poplar Park / Recreation Center	3131 Union Street
Defremery Playground / Tennis Courts	16th Street / Poplar Street	Poplar Playground	3131 Union Street
Defremery Pool	1269 - 18th Street	Raimondi (Ernie) Park	1800 Wood Street
Dimond Park / Recreation Center	3860 Hanly Road	Raimondi Field	18th Street / Wood Street
Dimond Tennis Courts	Fruitvale Avenue / Lyman Avenue	Rainbow Park / Recreation Center	5800 International Boulevard
Dunsmuir Estate Park	61 Covington Street	Rainbow Tennis Courts	5800 International Boulevard
Dunsmuir Ridge	East of Lake Chabot Muni Golf Course	Rancho Peralta Park	34 East 10th Street
Durant Mini-Park	725 Grand Avenue	Saint Andrews Plaza	32nd Street / San Pablo Avenue
Eastshore Park	550 El Embarcadero / Lakeshore Ave	San Antonio Park / Recreation Center	1701 East 19th Street
Elmhurst Playground / Tennis Courts	1900 - 98th Avenue	San Antonio Playgound / Tennis Courts	1701 East 19th Street
Estuary Channel Park	5 Embarcadero	Sheffield Village Park / Recreation Center	251 Marlowe Drive
Eula Brinson Mini-Park	1712 - 85th Avenue	Sobranite Park / Playground	470 El Paseo Drive
F.M. Smith Park	1969 Park Boulevard	South Prescott Park	3rd Street / Chester St.
F.M. Smith Recreation Center	1969 Park Boulevard	Stonehurst Park / Playground	10315 E Street
Franklin Park / Recreation Center	1010 East 15th Street	Studio One	365 - 45th Street
Franklin Playground	1010 East 15th Street	Tassafaronga Park / Recreation Center	975 - 85th Avenue
Fremont Pool	4550 Foothill Boulevard	Tassafaronga Playground	975 - 85th Avenue
Fruitvale Bridge Park	3205 Alameda Avenue	Union Point Park	Embarcadero East bet. Dennison & Kennedy St.
Fruitvale Plaza	1412 - 35th Avenue	Vantage Point Park	1198 - 13th Avenue
Garfield Playground	Foothill Boulevard / 23th Avenue	Verdese Carter Park / Recreation Center	9600 Sunnyside Street
Glen Daniels / King Estates Park	8251 Fontaine Street	Wade Johnson Park	1250 Kirkham Street
Glen Echo Creek Park	Panama Court / Monte Vista Avenue	Willow Mini-Park	14th Street / Willow
Greenman Field	1390 - 66th Avenue	Wood Park	2920 McKillop Road
Grove Shafter Park I, II, III	Martin L. King Jr Way / 36th Street		

Table 2: BENEFIT ZONE 2

Name of Park/Facility	Address	Name of Park/Facility	Address
Avenue Terrace Park	4369 Bennett Place	Linden Park	998 42 St.
Beaconsfield Canyon	Becansfield place	Marj Saunders Park	5750 Ascot Dr.
Bushrod Park / Recreation Center	560 - 59th Street	McCrea Trout Pond	4460 Shepherd Street
Bushrod Playground / Tennis Courts	560 - 59th Street	Montclair Park / Recreation Center	6300 Moraga Avenue
Caldecott Field	6900 Broadway	Montclair Playground/ Tennis Courts	6300 Moraga Avenue
Chabot Park	6850 Chabot Road	Mosswood Park / Recreation Center	3612 Webster Street
Chabot Playground / Tennis Courts	6850 Chabot Road	Mosswood Playground Tennis Courts	3612 Webster Street
Colby Park	61st / Colby Street	Ostrander Park	6151 Broadway Terrace
Dover Street Park	5707 Dove Street	Pinto Park (Jones Field)	5000 Redwood Road
Garber Park	Alvarado Road / Claremont Avenue	Ranger Station	3450 Joaquin Miller Road
Gateway Gardens	Tunnel Road / Caldecott Lane	Redondo Park	Redondo Ave. & Clarke St.
Golden Gate Playground / Recreation Center	1075 - 62nd Avenue	Redwood Heights Park / Recreation Center	3883 Aliso Avenue
Grizzly Peak Open Space	Grizzly Peak Blvd.	Rockridge Park	6090 Rockridge Boulevard
Hardy Park	491 Hardy Street	Rockridge-Temescal Greenbelt	Along Temescal Creek, Hudson St. to Redondo Park
Jefferson Playground	2035 49th St.	Sequoia Park / Lodge	2666 Mountain Boulevard
Joaquin Miller Community Center	3590 Sanborn Drive	Shepherd Canyon Park	6000 Shepherd Canyon Road
Joaquin Miller Park	3304 Joaquin Miller Road	Temescal Creek Park	Cavour / Clifton Street
Leona Heights Park	4444 Mountain Boulevard	Temescal Pool	371 - 45th Street
Leona Lodge	4444 Mountain Boulevard	Woodminister Theater	3304 Joaquin Miller Road
McCrea Park	4460 Shepherd Street	Woodminister Cascade	3305 Joaquin Miller Road

Table 3: BENEFIT ZONE 3

Name of Park/Facility	Address	Name of Park/Facility	Address
Afro American Museum & Library	659 14th St.	Lakeside Nursery	666 Bellevue Avenue
Bandstand	Lakside and Lakeshore	Lakeside Park	Lakeside Drive along Lake Merritt
Bowling Clubhouse	666 Bellevue Avenue	Lakeside Show Gardens	666 Bellevue Avenue
Bowling Green	666 Bellevue Avenue	Latham Square Fountain	15th Street / Broadway
Channel Park	21 - 7th Street & 1 East 10th Street	Lincoln Square Park	261 - 11th Street
Children's Fairyland	209 Grand Avenue	Lincoln Square Recreation Center	250 - 10th Street
Chinese Garden (Rilea, Railroad) Park	7th Street & Harrison Street	Madison Square Park	810 Jackson Street
Downtown Veterans Bldg.	200 Grand Ave.	Main Library	125 14th street
Duck Islands	666 Bellevue Avenue	McElroy Fountain	666 Bellevue Avenue
Fire Alarm Building	1310 Oak Street	Necklace of Lights	633 Bellevue Avenue
Frank H. Ogawa Plaza (Civic Center)	One Frank H. Ogawa Plaza	P&R Office - Lakeside Drive	1520 Lakeside Drive
Garden Center	666 Bellevue Avenue	Peralta Park	94 East 10th Street
Lafayette Square Park	635 - 11th Street	Rotary Nature Center	600 Bellevue Avenue
Lake Merritt	468 Bellevue Avenue	Sailboat House	666 Bellevue Avenue
Lake Merritt Boating Center	568 Bellevue Avenue	Snow Park	19th & Harrison

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the landscaping, street lighting, public park, and recreational facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, street lighting, public park and recreational facilities, or appurtenant facilities; providing for the life, growth, health, and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury; and the removal of trimmings, rubbish, debris, and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping, and the maintenance of any street lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas, or other illuminating agent for the street lighting, public park, and recreational facilities or appurtenant facilities.

The plans and specifications for the improvements are on file in the Public Works Agency of the City of Oakland.

PART B
ESTIMATE OF COST

The City's FY 2009-10 Baseline Budget Summary for the District is shown below in Table 4.

Table 4 - Estimate of Revenues and Costs City of Oakland Landscaping and Lighting Assessment District Fiscal Year 2009-10			
	FY09-10 PROPOSED BUDGET	OTHER FUNDING FOR LLAD ACTIVITIES	TOTAL FY09-10 LLAD ELIGIBLE ACTIVITIES
Estimated Revenues			
Property Assessments	\$17,655,427		\$17,655,427
Port Revenue - Non Airport Parcels	\$698,482		\$698,482
Port Revenue - Airport Parcels	\$155,379		\$155,379
County Administrative Fee for Assessment Collections (1.7%)	(\$303,595)		(\$303,595)
Recoveries for Damaged Lights	\$166,700		\$166,700
Tree Removal Permits	\$12,600		\$12,600
Sidewalk Repair Service Charges	\$4,900		\$4,900
Revenues from Other Funds	\$0	\$0	\$0
Total Revenues	\$18,389,893	\$0	\$18,389,893
Estimated Expenditures			
City Attorney			
Advisory Services	\$163,850		\$163,850
City Administrator - Budget Office			
Budget Analysis & Operations	\$103,680		\$103,680
Finance & Management - Revenue & Info Technology			
Revenue Collections	\$22,850		\$22,850
<i>Subtotal</i>	\$292,380		\$292,380
Museum			
Museum Oversight	\$60,010		\$60,010
Museum Visitor Services	\$154,980		\$154,980
<i>Subtotal</i>	\$214,990		\$214,990
Public Works			
Parks, Grounds and Streetscapes	\$4,990,640	\$3,226,060	\$8,216,700
Trees	\$2,252,060	\$532,710	\$2,784,770
Electrical & Energy Efficiency	\$3,981,370		\$3,981,370
Facilities Management & Development	\$2,193,690		\$2,193,690
Keep Oakland Clean & Beautiful	\$153,660		\$153,660
<i>Subtotal</i>	\$13,571,420	\$3,758,770	\$17,330,190
Parks & Recreation			
Central Administration	\$136,470		\$136,470
Recreation, Cultural, Civic	\$2,761,130	\$78,810	\$2,839,940
Competitive Sports	\$380,510	\$106,350	\$486,860
Aquatics	\$536,800		\$536,800
Ball Fields	\$357,640	\$95,890	\$453,530
<i>Subtotal</i>	\$4,172,550	\$281,050	\$4,453,600
Safety, Liability & Compliance Services			
	\$141,410	\$95,890	\$237,300
<i>Subtotal</i>	\$141,410	\$95,890	\$237,300
Total Expenditures	\$18,392,750	\$4,135,710	\$22,528,460
Contribution to/(from) Fund Balance	(\$2,857)		(\$4,138,567)
Beginning Fund Balance	\$68,980		\$68,980
Estimated Ending Fund Balance	\$66,123		(\$4,069,587)

The 1972 Act provides that the total cost for operations, maintenance and servicing of those facilities or improvements, which provide a "special benefit" to the parcels can be recovered in the assessment spread including incidental expenses. These incidental expenses include but are not limited to engineering fees, legal fees, printing, mailing, postage, publishing, etc.

In addition to the \$17.6 million in revenue which is proposed to be collected through assessments, the City will also be financing approximately \$4.9 million in additional landscape and lighting district expenditures. This City contribution will be used to offset costs that are attributable to the general benefits received to the public at large.

The District's total assessment revenue allocation by benefit zone is shown below in Table 5. The location of the zones of benefit and the method of apportionment are described in Part D of this Report.

Table 5: ASSESSMENTS BY BENEFIT ZONE

DESCRIPTION	Zone 1 Budget		Zone 2 Budget		Zone 3	Total All Zones
	Residential	Non Residential	Residential	Non Residential	Non Residential	
Lighting	\$1,078,201	\$652,015	\$390,928	\$122,168	\$191,495	\$2,434,807
Landscaping	\$8,245,015	\$2,357,286	\$3,245,781	\$479,790	\$892,747	\$15,220,620
Total Estimated Assessments	\$9,323,216	\$3,009,302	\$3,636,710	\$601,957	\$1,084,242	\$17,655,427

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessment shall be used only for the purpose as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT DISTRICT DIAGRAM

Assessment District

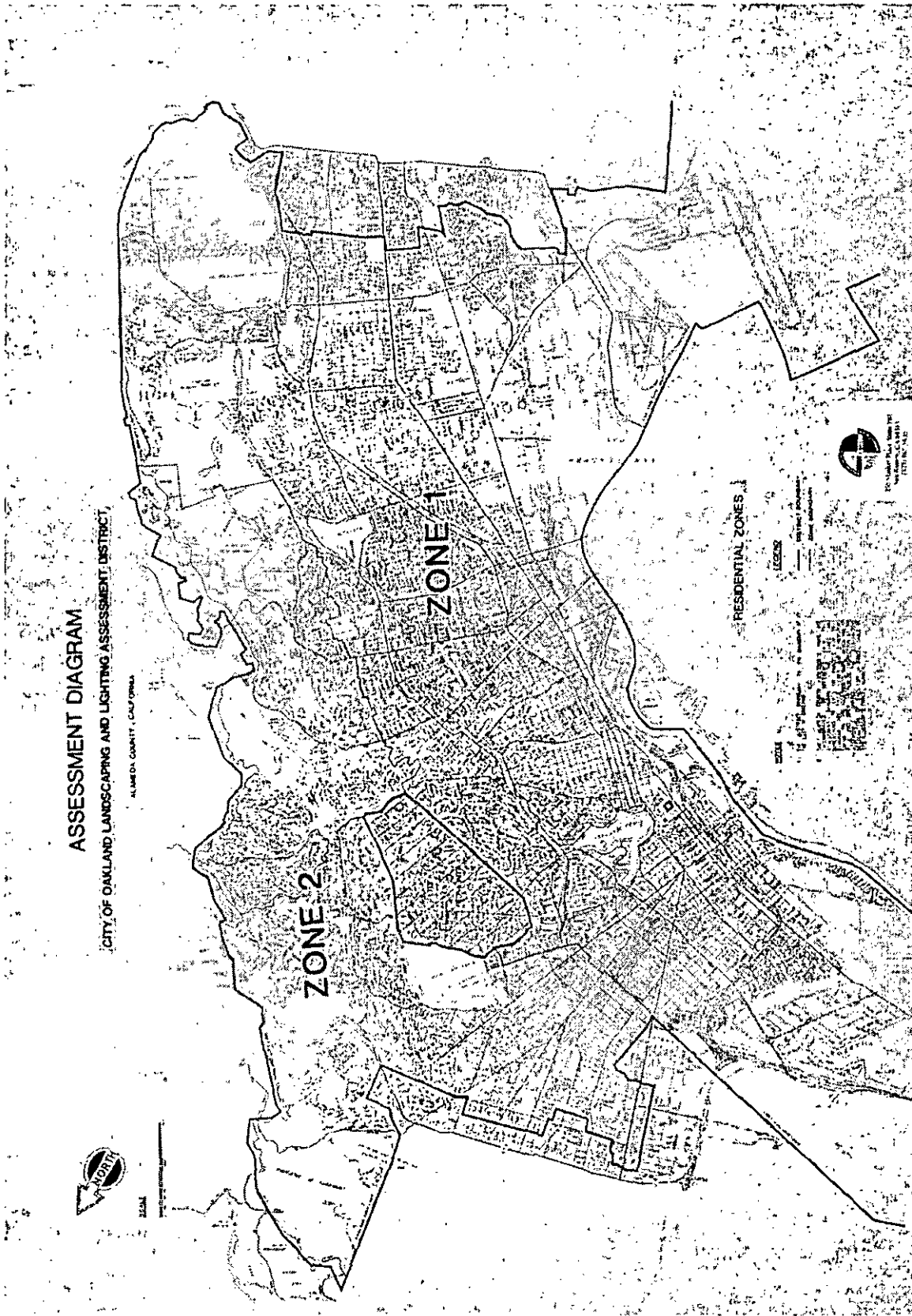
The boundaries of the City of Oakland's Landscaping and Lighting Assessment District coincide with the boundaries of the City of Oakland and encompass all parcels of land within the City. The District Diagram is located on the following pages of this Report.

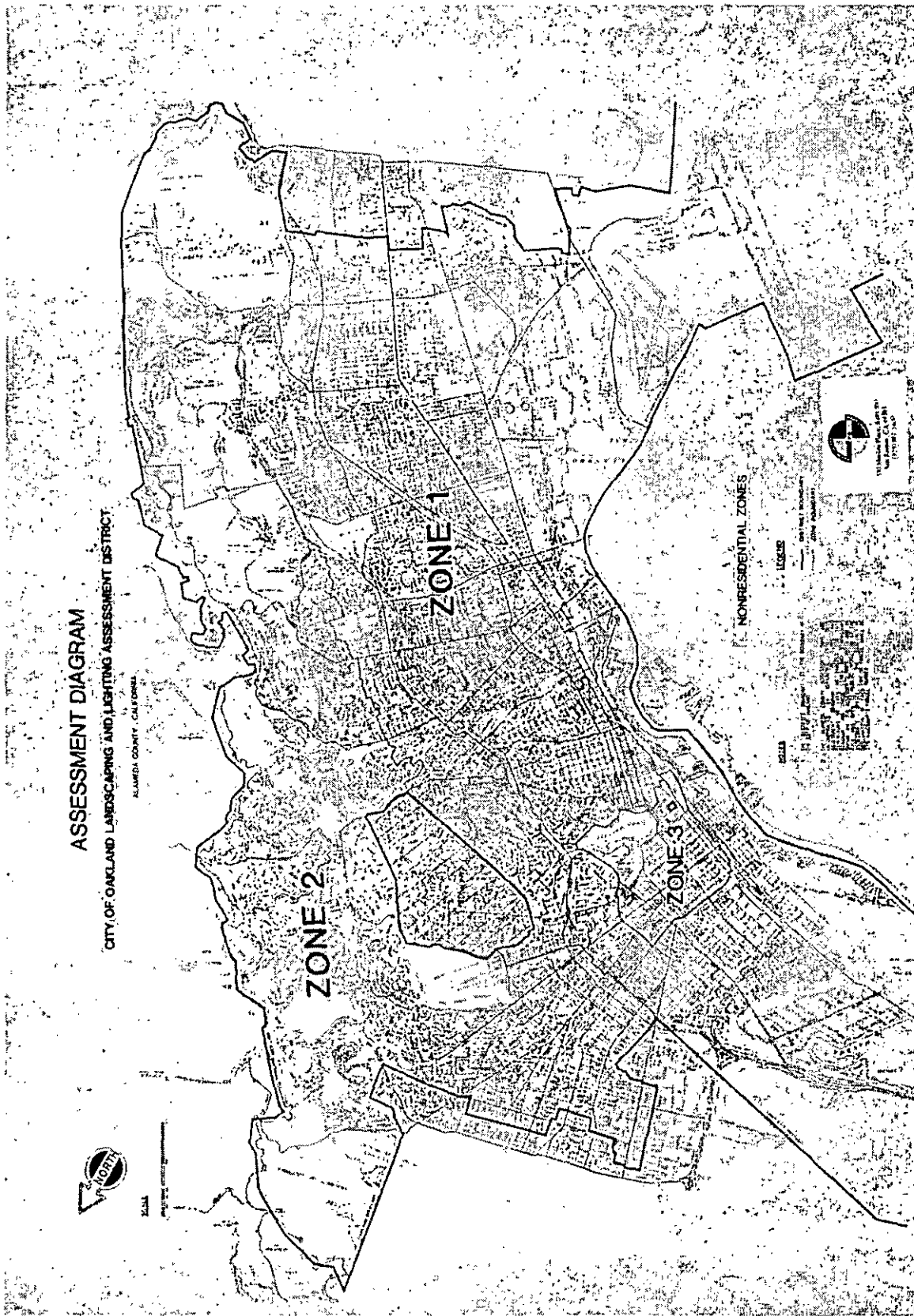
The District Diagram presents the District boundary, the Zones of Benefit, and City streets. The lines and dimensions of each parcel of land within the District, are those lines and dimensions of the Assessor's parcel maps on file at the Alameda County Assessor's office. The Assessor's maps are incorporated by reference into the Assessment Diagram. The Assessor's parcel number is adopted as the distinctive designation of each lot or parcel.

Benefit Zone Boundaries

The District is divided by two benefit zone systems, residential and non-residential. Consequently, the District Diagram is presented in two sheets, one depicting residential Benefit Zones 1 and 2, and the other depicting non-residential Benefit Zones 1, 2, and 3. For each sheet of the Assessment District Diagram, the dividing line between Benefit Zones 1 and 2 generally begins at I-580 and the northerly City Park District Limits, then continues easterly along I-580 and northerly along Piedmont Avenue to the City Limits of Piedmont. It then generally begins at Park Boulevard and the southerly boundary of Piedmont and meanders southerly to State Road 13 near Seminary Avenue, and easterly to the Oakland City Limits.

Non-residential Benefit Zone 3 encompasses the downtown business district generally bordered by Grand Avenue, El Embarcadero, Lakeshore Avenue, the Nimitz Freeway, Highway 24 and 27th Street.





PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

The Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by Agencies for the purpose of providing, maintaining, and servicing certain public improvements, which include the construction, maintenance, and servicing of street lights, traffic signals, landscaping facilities and park and recreational facilities.

Section 22573 of the 1972 Act requires that assessments be levied according to benefit rather than according to assessed value. This section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable parcels in proportion to the estimated benefits to be received by each parcel from the improvements."

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements".

SPECIAL BENEFIT DETERMINATION

Street Lighting

The proper functioning of street lighting is imperative for the welfare and safety of property located adjacent to or near the streetlights throughout the City. Proper operation, maintenance, and servicing of a street lighting system benefits the adjacent properties by providing increased illumination for ingress and egress to property, safe pedestrian traveling at night, improved security and protection to the property.

Landscaping

Trees, landscaping, hardscaping, and appurtenant facilities, if well maintained, provide beautification, shade and esthetic enhancement of the surroundings to the adjacent properties, and therefore, directly increase property desirability and value. In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

"... there is no lack of opinion, based on general principals and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly. . Indeed, in most cases where public money has been spent for parkways, the assumption has been definitely made that the proposed parkway will show a provable financial profit to the City."

It should be noted that the definition of "parkways" above includes all roadway landscaping including medians and entranceways.

Parks and Recreation

Park and Recreational facilities provide a special and direct benefit to properties located near or adjacent to the park and recreational facilities. These park and recreational facilities enable the adjacent property owners to participate in sporting events, leisure activities, picnics, organized social events, and other neighborly activities. Since these parcels are located within close proximity of the park and recreational facilities, these parcels realize a direct increase in property values. Property values increase more when the park and recreational facilities are in place, improved, operable, safe, clean, and well maintained near or adjacent to their parcels. Conversely, property values decrease when park and recreational facilities are non-existent, unsafe, or destroyed by the elements or vandalism.

Studies in a number of neighborhoods and communities, including counties and cities throughout the United States, have indicated that recreation and recreational facilities, if well maintained, have caused an increase in the property values within the community. These studies confirm the opinion long held by planning authorities as to the economic value to parcels from park and recreational facilities located nearby.

"The recreation value is realized as a rise in the value of land and other property in or near the recreation area, is of both private interest to the landowner and others holding an economic stake in the area, and of public interest to the taxpayers, who have a stake in a maximum of total assessed values." (National Recreation and Park Association, June 1985)

BENEFIT ZONES

Benefit zones have been established to distinguish geographic areas with differing degrees of benefit received by parcels of similar size and use. These distinctions arise from variations in the nature, location, and extent of improvements. Within a benefit zone, parcels of similar size and use are estimated to receive the same degree of benefit. For the City of Oakland Landscaping and Lighting Assessment District, two benefit zone systems are used; one for residential parcels and one for non-residential parcels.

Street Lighting Improvements

The Oakland City Council has established minimum standards for residential street lighting that are uniformly applied throughout the City. The District's lighting budget includes funds to maintain all residential streets at these standards. In addition, the residential properties receive some additional benefit from the increased street lighting located on collector and arterial streets. Because all residences benefit from a portion of the collector and arterial lighting, 30 percent of these lighting costs are included in the residential assessments. In addition, for non-residential parcels, a distinction is necessary for benefits received from street lighting. Throughout the City, street lighting is similar among non-residential areas. One exception to this similarity in lighting among non-residential areas is the downtown area, which is more intensely lighted than are other non-residential areas. To account for this difference in lighting intensity, Benefit Zone 3 encompassing the central business district, is created for non-residential properties.

Landscaping Improvements

Because of the variation in density of roadway, median and parkway landscaping throughout the City, the District is divided into two benefit zones. Parcels located within their respective benefit zones will pay for the landscaping costs located within that benefit zone based upon the methodology detailed within this Report.

Parks and Recreation

Finally, a long-standing system of City Park Maintenance Districts provides another basis for placement of benefit zone boundaries. These park and recreational benefit zone boundaries were established on the basis of location and density of park and recreational improvements, in an effort to establish areas requiring equivalent input of resources.

For residential and non-residential parcels, it is appropriate to make the same distinction between Benefit Zones 1 and 2 for benefits received from park improvements. In addition to distinguishing lighting intensity, the Benefit Zone 3 boundary serves another purpose, the highest density of park improvements is in the downtown area. Downtown improvements include Lake Merritt. Clearly, areas outside Benefit Zone 3 also benefit from the downtown improvements. Portions of the Benefit Zone 3 park and recreational benefits are therefore attributed to Benefit Zones 1 and 2.

Estimates of the benefits received from the park & recreational improvements located within Benefit Zone 3 were based on interviews with City staff and other persons possessing extensive knowledge of City parks and their usage. Fifty percent of park & recreational improvements located within Benefit Zone 3 benefit the non-residential and residential parcels located within Benefit Zone 1, twenty-five percent of the park & recreational improvements located within Benefit Zone 3 benefit the non-residential parcels located in Benefit Zone 3, and 25 percent of the park & recreational improvements located within Benefit Zone 3 benefit the non-residential and residential parcels located within Benefit Zones 2.

In summary, several zones of benefit are established as follows:

Zone 1	Residential
Zone 1	Non-Residential
Zone 2	Residential
Zone 2	Non-Residential
Zone 3	Non-Residential

SPECIAL BENEFIT ALLOCATION

Each parcel is assigned Equivalent Dwelling Units (EDUs) in proportion to the estimated benefit the parcel receives from the lighting, landscape, and park improvements. The total number of EDUs is then divided into the annual revenue requirement to determine the cost per EDU.

Calculation of the EDUs to be allocated to each parcel is based upon land use (intensity of development), street frontage and parcel size.

Single Family

Since the single-family parcel represents over 63% of the total assessable parcels within the District, it is used as the basic unit of assessment and is defined as 1.00 EDU (one Equivalent Dwelling Unit). Single family parcels are defined as parcels that have a land use classification as single family residential with the Alameda County Assessor's Office.

Condominium

Condominium parcels are considered 0.75 EDUs due to their reduced population density and size of structure relative to the typical single family residence. Condominium parcels are defined as parcels that have a land use classification as condominium, attached planned unit development or co-op with the Alameda County Assessor's.

Mobile Home Parks

Mobile home parcels are considered 0.75 EDUs due to their reduced population density and size of structure relative to the typical single family residence. Mobile home parcels are defined as parcels that have a land use classification as mobile home with the Alameda County Assessor's.

Multi-Family

Multi-family residential parcels are also given a reduction of EDUs because of their reduced benefit received as the number of units increase. By decreasing the equivalency factor as the number of units increases, a reasonable benefit assessment per parcel is achieved. The equivalency factors for multi-family parcels are shown on Table No. 6 below. Multi-family parcels are defined as parcels that have a land use classification as multi-family, which includes duplexes, triplexes, apartments, etc., with the Alameda County Assessor's Office.

Number or Range of Units Per Parcel	Single-Family Equivalent Benefits Per Unit	Number or Range of Units Per Parcel	Single-Family Equivalent Benefits Per Unit
2	0.700	31-34	0.514
3	0.650	35-39	0.511
4	0.600	40-44	0.508
5	0.550	45-49	0.505
6	0.547	50-59	0.502
7	0.544	60-69	0.499
8	0.541	70-79	0.496
9	0.538	80-99	0.493
10	0.535	100-129	0.490
11	0.532	130-159	0.487
12	0.529	160-199	0.484
13-15	0.526	200-249	0.481
16-19	0.523	250-299	0.478
20-24	0.520	300-349	0.475
25-30	0.517	350-500	0.472

Commercial and Institutional

The commercial and institutional land use category represents the largest non-residential category. Although the parcel area and frontage equating to the benefit received by a single family residential parcel is incapable of exact determination, reasoned judgment establishes estimates resulting in fair assessments. Commercial and institutional parcels are generally defined as parcels that have a land use classification as commercial or institutional with the Alameda County Assessor's Office. These land use types include schools, churches and hospitals.

Parcel area and frontage for an "average" single family parcel are approximately 3,200 sq. ft. and approximately 40 feet respectively. If one further estimates that the benefits received by a "typical" single family parcel are attributable to one-half of its street frontage and one-half of its parcel area, the 0.50 EDUs should be allocated for each 3,200 sq. ft. of parcel area and 0.50 EDUs should be allocated to each 40 feet of street frontage. It is this range of estimates that is applied to the commercial/institutional and industrial (see below) land use categories.

As noted in the following table and illustrated in the example calculation, one EDU benefit is attributed to a commercial/institutional parcel for each 80 feet of frontage and for each 6,400 square feet of parcel area.

Land Use Category	Frontage (FT)	Area (SF)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utilities	1,000	100,000
Golf Course	1,000	200,000
Quarry	1,000	250,000

Example benefit estimation for a commercial or institutional parcel with a frontage of 160 feet and an area of 12,800 square feet:

<u>Frontage</u>		<u>Area</u>		
<u>160 FT</u>		<u>12,800 SF</u>		
80 FT/SFE	+	6,400 SF/SFE	=	4 SFE Benefit Units

Industrial

Predominantly industrial areas are generally less intensely lighted than are predominantly commercial areas. This less intense lighting is accounted for by using larger frontage and area factors to represent the unit benefit. Moreover, basic differences in land use result in less benefit being received per unit area or frontage by industrial uses than for commercial or institutional uses. Industrial uses are typically less intense, requiring greater areas and generating fewer occupants and pedestrians than do commercial or institutional uses. In addition, the enhanced image created by the presence of parks and landscaping is generally more important to commercial and institutional uses than to industrial uses.

For the industrial land use category, estimates are taken from the other end of the range discussed above. One EDU benefit is represented by 100 feet of frontage and by 10,000 square feet of parcel area. It is estimated that, for a given increment of frontage or area, an industrial parcel benefits less than does a commercial or institutional parcel. The distinction in frontage or area per unit benefit is designed to take this difference into account.

Non-Residential Condominiums

There are a number of condominiums with use codes in the commercial and industrial land use categories. Parcel area and frontage data from the Assessor's parcel maps pertain to a condominium complex as a whole. This data were used to compute an assessment for the total complex. A third variable, each parcel's percentage interest in the condominium, was derived from documents in the County Recorder's Office and was used to prorate the assessment for the total complex to the individual condominium units.

Tall Non-Residential Buildings

Tall non-residential buildings make relatively intense use of public lighting, landscaping, and parks because of their high rates of occupancy and pedestrian generation. Because of the small ratio of building footprint to floor area for a tall building, the benefits received from this intense use are not fairly measured by parcel area and frontage alone. In estimating the benefits received by tall buildings, area and frontage measures are supplemented by net rentable area of the building.

A tall building is defined as a building of more than five stories. For tall buildings, the normal benefit computation is performed on the basis of parcel area and frontage. Added to that result is an estimated additional benefit of one EDU per 5,000 SF of net rentable area. To avoid unreasonably large benefit estimates for tall buildings on large parcels, a maximum estimated benefit of 100 EDU's is established.

Public Utilities

Properties owned or leased by investor owned public utilities are established as a separate land use category. Many of the parcels in this category have large areas and frontages and would receive unreasonably large assessments unless a distinction is made in the frontage and area representing a unit benefit. Most of these parcels contain equipment and facilities that receive relatively little benefit from public lighting, landscaping, and parks. These parcels were allocated 1.00 EDU benefit for each 1,000 FT of frontage and for each 100,000 SF of area.

Golf Courses

Golf Course parcels represent very large areas and frontages. Most of the area involving golf courses is permanent open space. Golf courses do contain clubhouses and other structures and do benefit from public lighting, landscaping and parks, but estimation of their benefits requires a formula different from that applied to other land uses. The golf courses are allotted 1.00 EDU benefit for each 1,000 FT of frontage and for each 200,000 SF of area.

Quarries

Two parcels have the use code for quarries. These parcels are very large and derive little benefit from the District's improvements. Among all use categories, quarries are estimated to receive the least benefit per frontage and area and are allotted 1.00 EDU benefit for each 1,000 FT of frontage and 250,000 SF of parcel area.

Exempt

Exempted from the assessment would be public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-way, public greenbelts and public parkways, open space and all other public property.

SUMMARY OF ASSESSMENTS

The methods described above are applied to estimate the benefits received by each assessable parcel in the District from lighting, landscaping, parks, and recreational improvements. These estimates are expressed as Equivalent Dwelling Units (EDU). The total of equivalent benefit units for each Zone is then computed for both residential and non-residential land uses. A Summary of Single-Family EDUs by Zone and General Land Use is presented below.

Benefit Zone	Residential	Non-Residential	Combined
1	90,834.14	26,678.21	117,512.35
2	32,604.53	4,934.08	37,538.61
3	N/A	4,703.87	4,703.87
Total	123,438.67	36,316.15	159,754.83

These EDU benefits are then divided into the appropriate budget item subtotal (see Cost Estimate) to obtain the assessment for lighting and for parks and landscaping, for residential and non-residential uses in each Benefit Zone. A Summary of Assessments for One Equivalent Dwelling Unit Benefit by Zone and General Land Use is as follows:

Table No. 9 - Summary of Assessments
For One Equivalent Dwelling Unit
By Zone and General

Zone 1	Residential	Non-Residential
Lighting	\$11.87	\$24.44
Landscaping/Parks	\$90.77	\$88.36
Total	\$102.64	\$112.80

Zone 2	Residential	Non-Residential
Lighting	\$11.99	\$24.76
Landscaping/Parks	\$99.55	\$97.24
Total	\$111.54	\$122.00

Zone 3	Residential	Non-Residential
Lighting	N/A	\$40.71
Landscaping/Parks	N/A	\$189.79
Total	N/A	\$230.50

The assessment for a particular parcel is computed by multiplying that parcel's EDU's by the assessment rate shown above. The total assessment revenues for residential and non-residential parcels within each Zone are presented in the following table:

Benefit Zone	Residential	Non-Residential	Combined
1	\$9,323,216	\$3,009,302	\$12,332,518
2	\$3,636,710	\$601,957	\$4,238,667
3	N/A	\$1,084,242	\$1,084,242
Total	\$12,959,926	\$4,695,501	\$17,655,427

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the City of Oakland Landscaping and Lighting Assessment District is shown on the last equalized Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2009-10 apportioned to each lot or parcel. The Assessment Roll is on file in the Office of the City Clerk of the City of Oakland and is shown in this Report as Appendix "A".

APPENDIX 'A'

FY 2009-10 ASSESSMENT ROLL

(under separate cover and on file with the City Clerk)

REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

2009 JUN -3 PM 9:37 **OAKLAND CITY COUNCIL**

DRAFT

City Attorney

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ORDERING IMPROVEMENT TO THE CITY OF OAKLAND LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT AND CONFIRMING THE LEVYING OF THE ASSESSMENTS AND DIRECTING THE FY 2009-10 ASSESSMENT TO BE TURNED OVER TO THE COUNTY AUDITOR FOR BILLING AND COLLECTION

WHEREAS, pursuant to the California Streets and Highways code, Sections 22500, et seq known as the Landscaping and Lighting Act of 1972 (Act of 1972), the City Administrator filed with the City Clerk and presented before Council, on the 16th day of June, 2009, reports for the continuation of the Landscape and Lighting Assessment District in order to raise funds for the installation, maintenance and servicing of public landscaping and lighting; and

WHEREAS, pursuant to Sections 22500 and following of the Act of 1972, the City took a series of actions preliminary to ordering the establishment of the Landscape and Lighting Assessment District ("District") and did establish such District of June 23, 1989; and

WHEREAS, pursuant to Sections 22500 and following of the Act of 1972, the City has renewed the District each subsequent year; and

WHEREAS, the voters of the City of Oakland previously approved the continuation of the District, in accordance with Article XIID, Section 5, of the California Constitution (Proposition 218); and

WHEREAS, the District Engineer has filed an Annual Report for the District confirming the applicability of the existing assessment rates for FY 2009-10; and

WHEREAS, Tuesday, the 16th day of June, 2009 at the hour of 7:00 p.m. was fixed and properly noticed as the day and hour for the City Council to hear and pass on said reports, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the costs of certain public maintenance and improvements equitably only among those citizens and businesses benefiting from such city programs; and

WHEREAS, the Engineer's Report was prepared in accordance with the provisions of Article XIII of the California Constitution and state law; and

WHEREAS, the Engineer's Report, incorporated by this reference, provides for services of particular benefit to the properties located within the District (as more specifically identified in the Engineer's Report); now, therefore be it

RESOLVED by the Council of the City of Oakland, as follows:

1. The City Council finds that the City Clerk gave notice of these proceedings as required by Government Code Section 53753 and in compliance with, state law, and Article XIII of the California Constitution, and gave all other notices and took all other actions required by law with regard thereto.
2. A Public Hearing was held on June 16, 2009, (at 7:00 P.M. in the City Council Chambers in City Hall, located at 1 Frank H. Ogawa Plaza, Oakland California) to hear all public comments, protests, and thereafter to take final action as to the annual assessment for the District.
3. At the hearing the testimony of all interested persons for or against the furnishing of the specified types of improvements or activities, and the imposition of the annual assessment for the District was heard. All protests, both written and oral, are overruled and denied, and the City Council finds that there is not a majority protest within the meaning of the law.
4. The City Council finds, determines and declares that the District and each parcel therein is benefited by the improvements, maintenance, and activities funded by the assessment to be levied, including all expenses incurred incidentally thereto, upon the lots and parcels of real property in proportion to the estimated benefits to be received as specified in the Engineer's Report.
5. The Engineer's Report for the District and the proposed assessment district boundary description, assessment roll and map is accepted and approved and the assessments shall be as provided for in the Engineer's Report and assessment roll. The reasons for the assessments and the types of the improvements, activities and services proposed to be funded and provided by the levy of assessments on property in the District and the time period for which the proposed assessments are to be made are those specified in the Engineer's Report.
6. The City's Budget shall annually appropriate funds from non-District funds to pay for a low-income rebate.
7. The City's and Redevelopment Agency's budgets shall annually appropriate funds from non-district funds to pay for the district's assessment on City and Agency properties.

8. That the report which the District Engineer filed with the City Clerk and scheduled before Council on the 16th day of June, 2009 at the hour of 7:00 o'clock p.m. for the continuation of the Landscape and Lighting Assessment District for the fiscal year 2009-10, and the diagram and assessment as set forth in the annual report of the Engineering of Work and each component part of it, including each exhibit incorporated by reference in the report and the levying of each individual assessment as stated in the Assessment Roll described therein, as modified to reflect no increases in the assessment, be and are hereby accepted and confirmed.
9. That upon approval of the Landscape and Lighting Assessments, the City Administrator shall present an itemized report to the Auditor-Controller of the County of Alameda, State of California, to be placed on the FY 2009-10 County Tax Roll, and to take whatever other action necessary to collect the assessments.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, BROOKS, KAPLAN, KERNIGHAN, NADEL, REID, QUAN, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California