

OAKLAND CITY COUNCIL

Kathleen Sullivan
City Attorney
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. 82453

C.M.S.
2009 NOV 18 PM 5:56

Introduced by Councilmember _____

A RESOLUTION 1) DETERMINING UNPAID ASSESSMENTS FOR THE CITY'S UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2007-232, PIEDMONT PINES PHASE 1; 2) AUTHORIZING AND DIRECTING PAYMENT OF TWENTY FOUR THOUSAND SEVEN HUNDRED THIRTY SEVEN DOLLARS AND THIRTY SIX CENTS (\$24,737.36) FOR ASSESSMENTS ON CITY PROPERTY; 3) REQUESTING COUNTY AUDITOR TO COLLECT THE REMAINING UNPAID ASSESSMENTS; AND 4) DETERMINING ANNUAL ASSESSMENT FOR ADMINISTRATIVE COSTS AND MAKING DETERMINATIONS WITH RESPECT THERETO

WHEREAS, the City Council (the "Council") of the City of Oakland (the "City") has heretofore undertaken proceedings pursuant to the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California (the "Act"), and has confirmed assessments upon lands within an assessment district described in Resolution No. 81272 C.M.S. adopted by the Council on May 6, 2008 (the "Resolution of Intention") expressing the intention of the Council to establish the City of Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase 1 (the "Assessment District"); and

WHEREAS, the Treasury Manager of the City has filed with the City Clerk a list of all payments received on account of assessments levied in the Assessment District, and a list of all assessments or portions of assessments unpaid after sixty days following written notice to the owners of property in the Assessment District specifying a date by which they may pay their respective assessments in cash; and

WHEREAS, the City owns two parcels of land in the Assessment District on which assessments have been levied (the "City Property Assessments") and the Council now desires to authorize and direct the prepayment in full of the City Property Assessments; and

WHEREAS, the project is exempt from the California Environmental Quality Act pursuant to, without limitation, CEQA Guidelines section 15302; and

WHEREAS, the Council now also desires to determine the remaining unpaid assessments in the Assessment District and to provide for their collection.

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

1. The Treasury Manager of the City has filed with the City Clerk a list (the "Paid/Unpaid List") of all payments received on account of assessments levied in the Assessment District and all assessments or portions of assessments unpaid (other than the City Property Assessments to be prepaid as provided in Section 2 below), a copy of which Paid/Unpaid List is on file in the office of the City Clerk. The City may issue improvement bonds under the provisions of the

Improvement Bond Act of 1915 of the State of California (the "Bonds") upon the security of the assessments shown as unpaid on the Paid/Unpaid List.

2. The Finance Director/City Treasurer of the City is hereby authorized and directed to use any lawfully available funds in the amount of \$24,737.36 to prepay, in cash, the City Property Assessments, with such prepayment to be made on or prior to the date of issuance of the Bonds.
3. The City Clerk shall transmit a copy of this Resolution and a copy of the Paid/Unpaid List to the County Auditor. The County Auditor is requested to comply with the provisions of Section 8682 of the California Streets and Highways Code in the collection of installments of these assessments on the Alameda County tax roll for ad valorem taxes.
4. Pursuant to Section 10312 (b) of the California Streets and Highways Code, the annual assessment for administrative costs is hereby set at three percent (3.0%) of the principal and interest annually posted to the tax roll, and shall be collected on the County tax roll, beginning with fiscal year 2010-2011, until changed by resolution of this Council. The Council finds that this annual assessment exceeds neither the maximum annual assessment nor the reasonable estimate of administrative costs actually incurred or likely to be incurred.
5. The project complies with the requirements of CEQA because, without limitation, it is exempt from review pursuant to CEQA Guidelines section 15302.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 8 2009, 20

PASSED BY THE FOLLOWING VOTE:

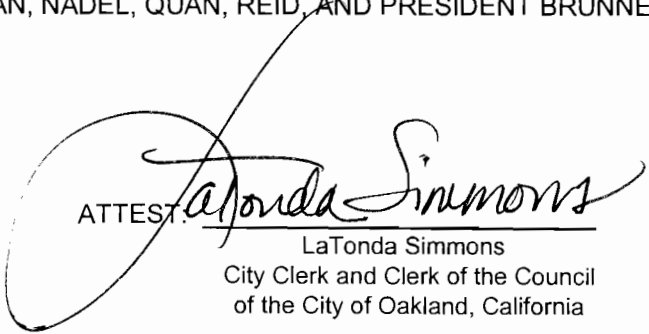
AYES - ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

ATTEST



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