

*B. Phelan*

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 APR 14 PM 3:31

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. 78511 -C.M.S.**

---

**RESOLUTION OF INTENTION AND ACCEPTING THE  
FISCAL YEAR 2004-05 PRELIMINARY ENGINEER'S REPORT FOR THE  
CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT  
DISTRICT AND SETTING THE DATE FOR A PUBLIC HEARING**

**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 has taken a series of actions preliminary to ordering the establishment of the Landscaping and Lighting Assessment District ("District") and did establish such District on June 23, 1989; and

**WHEREAS**, pursuant to the California Streets and Highway Code Sections 22500, et seq., 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, thereby exempting the District from the procedural requirements of the enacted Article XIII D of the California Constitution (Proposition 218); and

**WHEREAS**, the City Administrator filed with the City Clerk and presented before the Finance and Management Committee of the City Council, on April 27, 2004, reports for the continuation of the Landscaping and Lighting Assessment District in order to raise revenues for the installation, maintenance, and servicing of public landscaping and lighting; and

**WHEREAS**, the District Engineer has submitted a Preliminary Engineer's Report for the District confirming the applicability of the existing assessment rates for FY 2004-2005, which is on file with the City Clerk; now, therefore be it

**RESOLVED:** That the City Council intends to levy and collect assessments within the City of Oakland Landscaping and Lighting Assessment District for FY 2004-2005, with no increase in assessments from prior years; and be it

**FURTHER RESOLVED:** That the City Council accepts the Preliminary Engineer's Report for the Landscaping and Lighting Assessment District for discussion purposes; and be it

**FURTHER RESOLVED:** That all the area of land to be assessed is located in the City of Oakland, Alameda County; and be it

**FURTHER RESOLVED:** That a public hearing is set for June 10, 2004 at 5:00 p.m., or soon thereafter as the item may be heard, in Oakland City Hall, One Frank H. Ogawa Plaza, Oakland, California regarding the FY 2004-05 Landscaping and Lighting Assessment District and the levy of assessments; and be it

**FURTHER RESOLVED:** That the Office of the City Administrator is directed to publish notice of the public hearing no later than June 1, 2004.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 4 2004, 2004


PASSED BY THE FOLLOWING VOTE:

AYES--- **BRUNNER, BROOKS, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE - 8**

NOES--- **0**

ABSENT--- **0**

ABSTENTION--- **0**

ATTEST:   
CEDRA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California