

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 JUN 10 10:01 AM

Approved as to Form and Legality

**OAKLAND CITY COUNCIL**

  
City Attorney

Resolution No. 81387 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION ORDERING IMPROVEMENT TO THE CITY OF OAKLAND LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT AND CONFIRMING THE LEVYING OF THE ASSESSMENTS AND DIRECTING THE FY 2008-09 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 20th day of June, 2006, 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 XIII D, 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 2008-09; and

**WHEREAS**, Tuesday, the 20<sup>th</sup> day of May, 2008 at the hour of 7:01 o'clock 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 May 20, 2008, (at 7:01 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 20<sup>th</sup> of May and the 17<sup>th</sup> day of June, 2008 at the hour of 7:01 o'clock p.m. for the continuation of the Landscape and Lighting Assessment District for the fiscal year 2008-09, 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 2008-09 County Tax Roll, and to take whatever other action necessary to collect the assessments.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 17 2008, 20

**PASSED BY THE FOLLOWING VOTE:**

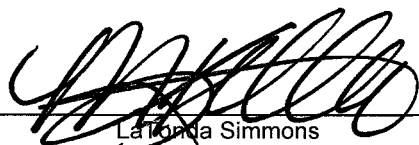
AYES- BRUNNER, BROOKS, CHANG, KERNIGHAN, NADEL, REID, QUAN, and PRESIDENT DE LA FUENTE-8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: \_\_\_\_\_



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