

OFFICE OF THE CITY CLERK
2007-232 JUL 15 9:48

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. 81273 C.M.S.

Introduced by Councilmember _____

A Resolution 1) Preliminarily Accepting And Approving The Engineer's Report; 2) Calling For A Public Hearing On The Proposed Assessment District To Be Held By The Council On Tuesday, July 15, 2008 At 7:00 P.M. And An Election For The City Of Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase 1; And 3) Designating The Engineer Of Work To Assist The City Clerk In Connection With The Mailing And Tabulation Of The Ballots, And To Answer Inquiries Regarding The Protest Proceedings Applicable To The Assessment District.

WHEREAS, the City Council (the "Council") of the City of Oakland (the "City") has on this date adopted a resolution of intention (the "Resolution of Intention") with respect to certain utility underground improvements to be constructed in the Piedmont Pines area of the City (hereinafter, the "Improvements"), in accordance with proceedings for the Utility Underground Assessment District No. 2007-232 (Piedmont Pines Phase 1) (the "Assessment District"), and did refer the proposed Improvements to Harris & Associates, as the Engineer of Work for the Assessment District, and did therein direct the Engineer of Work to cause to be made and filed with the City Clerk a report in writing (hereinafter, the "Report") all as therein more particularly described in the language of the Resolution, and under and pursuant to the Municipal Improvement Act of 1913, as amended (the "Act"); and

WHEREAS, the Engineer of Work has caused to be made and filed with the City Clerk the Report as called for in the Resolution of Intention and under and pursuant to the Act, which Report has been presented to this Council for consideration; and

WHEREAS, this Council has duly considered the Report and each and every part thereof, and finds that each and every part of the Report is sufficient, and that, at this time, the Report should not be modified in any respect.

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

1. That the general description of the proposed Improvements contained in the Report is preliminarily approved.
2. The general description of works or appliances already installed and any other property necessary or convenient for the operation of the Improvements, if the works, appliances, or property are to be acquired as a part of the Improvements, contained in the Report, is preliminarily approved.
3. That the estimate of the costs of the Improvements and incidental expenses in connection with the Improvements, as contained in the Report, is preliminarily approved.

4. That the total cost of the Improvements, as contained in the Report, is preliminarily approved.
5. That the diagram showing the Assessment District and the boundaries and dimensions of the subdivisions of land within the Assessment District as they existed at the time of the passage of the Resolution of Intention, as contained in the Report, is preliminarily approved.
6. That the proposed assessment of the cost and expense of the proposed Improvements upon each subdivision of real property in the Assessment District in proportion to the estimated special benefits to be received by those subdivisions, respectively, from the Improvements, as contained in the Report, is preliminarily approved.
7. That the proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay costs incurred by the City and not otherwise reimbursed which result from the administration of any bonds and reserve or other related funds, as contained in the Report, is preliminarily approved.
8. That the Report shall stand as the Engineer's Report for the purpose of all subsequent proceedings had pursuant to the Resolution of Intention.
9. A public hearing on the proposed Assessment District shall be held by the Council in the City Council Chambers on Tuesday, July 15, 2008 at 7:00 p.m. or as soon thereafter as the matter may be heard. The Engineer of Work is hereby directed to provide notice of the public hearing as required by applicable law.
10. An election shall be held of the landowners within the proposed Assessment District as required by Article XIII D of the California Constitution, with the ballots tabulated by or on behalf of the City Clerk at the conclusion of the public hearing referred to in Section 9 above as required by Section 53753 of the California Government Code. The City Clerk is hereby directed to cause a ballot in a form provided by the Engineer of Work to be delivered to the owners of all of the property in the proposed Assessment District. Ballots must be received by the City Clerk at the address indicated on the ballot at or before the time set for the close of the public hearing, and any ballots received after the close of the public hearing will not be tabulated even through the postmark on the envelope transmitting the ballot is dated on or before the date of the public hearing. Ballots of those voting shall be weighted according to the proportional financial obligation of the affected property.

11. The Engineer of Work is hereby designated to assist the City Clerk in connection with the mailing and tabulation of the ballots referred to in Section 10 above, and to answer inquiries regarding the protest proceedings applicable to the Assessment District.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 6 2008, 2008

PASSED BY THE FOLLOWING VOTE:

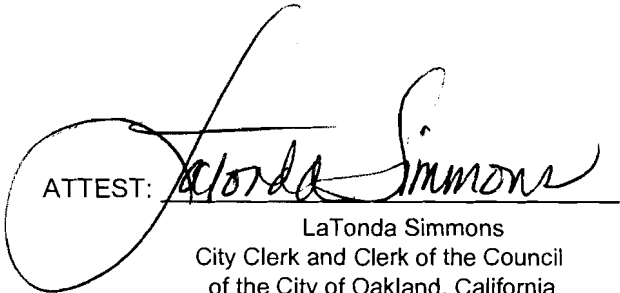
AYES - ~~BRUNNER~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 7

NOES - Brooks - 1

ABSENT - 0

ABSTENTION - 0

ATTEST:


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