

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUL -2 PH 3:39

OAKLAND CITY COUNCIL

Approved as to Form and Legality

Carl Korda

City Attorney

RESOLUTION No. 81476 C.M.S.

Introduced by Councilmember _____

A RESOLUTION IN FAVOR OF AN AFFIRMATIVE VOTE FOR CITY-OWNED PARCELS IN THE ASSESSMENT BALLOT OF THE CITY OF OAKLAND UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2007-232, PIEDMONT PINES PHASE 1 AND RATIFYING THE CITY ADMINISTRATOR'S AUTHORITY TO DO SO

WHEREAS, on May 6, 2008, the City Council (the "Council") of the City of Oakland (the "City") adopted a resolution of intention (the "Resolution of Intention") to order improvements and to form the City of Oakland Utility Underground Assessment District No. 2007-232, Piedmont Pines Phase 1 (the "Assessment District"), accepting and determining that petitions have been signed by owners owning land constituting more than one-half of the area of all assessable lands within the proposed Assessment District, finding that the improvements to be funded, in part, by the Assessment District are of more than local or ordinary public benefit, and the costs and expenses, including incurred City cost of district creation and assessment thereof, are made chargeable upon the Assessment District, providing that the Council intends to levy a special assessment upon the land within the Assessment District, providing that bonds shall be issued to finance a portion of the costs of improvements, appointing Harris & Associates as the Engineer of Work for the Assessment District and directing the Engineer of Work to make and file an Engineer's Report (the "Engineer's Report") with the City Clerk; and

WHEREAS, the Engineer's Report was duly prepared and filed with the City Clerk, whereupon it was presented to the Council for consideration; and

WHEREAS, on May 6, 2008, the Council also adopted a resolution preliminarily accepting and approving the Engineer's Report, calling for a public hearing on the proposed Assessment District and an election for the Assessment District to be held by the Council on July 15, 2008; and

WHEREAS, the Engineer of Work has filed a Certificate of Compliance With Notice Requirements with the City Clerk certifying that a notice of the public hearing and an assessment ballot package was mailed on May 30, 2008, to the record owners of all real property proposed to be assessed in the Assessment District according to the names and addresses of such owners as the same appear on the last Alameda County Assessment Roll, and the public hearing was duly and regularly held at the appointed time and place; and

WHEREAS, the Engineer's Report identifies the City as the owner of record of two of the parcels of property within the Assessment District (the "City Parcels"), and the City is entitled to cast an assessment ballot (the "Assessment Ballot") for the City Parcels in favor of or in opposition to the assessment; and

WHEREAS, this Council favors an affirmative vote for City-owned Parcels in the Assessment Ballot for the Assessment District and ratifies the City Administrator's authority to do so.

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

1. The City Administrator cast an Assessment Ballot for the City-owned Parcels in favor of the assessment to be levied in the Assessment District and the City Administrator's authority to do so is hereby ratified.
2. The Assessment Ballot for the City Parcels shall be returned by the City Administrator to the City Clerk prior to the close of the public hearing on the proposed Assessment District.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2008, 2008

PASSED BY THE FOLLOWING VOTE:

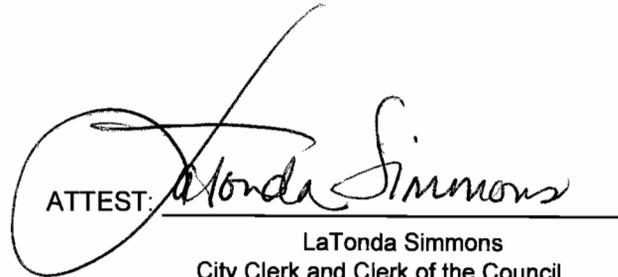
AYES - ~~BRUNNER~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 7

NOES - Brooks - 1

ABSENT - 0

ABSTENTION - 0

ATTEST:



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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Exhibit A

2010 MAR -3 PM 2:07

CERTIFICATE REGARDING
RESULT OF ASSESSMENT BALLOTS CAST - CITY OF OAKLAND
UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2007-232,
PIEDMONT PINES PHASE 1

I, the undersigned Engineer of Work for the above-captioned assessment district (the "Assessment District"), on behalf of the City Clerk of the City of Oakland, hereby certify that I have caused to be tabulated all ballots cast in the proceedings for the establishment of the Assessment District, and the levy of special assessments therein, and in accordance with instructions contained in the Assessment Ballot. I hereby certify the result of that count to be as follows:

TOTAL VOTES THAT COULD BE CAST: 262, representing assessments of
\$3,830,000.00.

TOTAL VOTES CAST "YES" 142, representing assessments of \$ 2,106,028.40.

TOTAL VOTES CAST "NO" 48, representing assessments of \$ 683,690.44.

THE VOTES CAST "YES" EQUAL 75% OF THE TOTAL VOTES CAST, weighted by the respective amounts of assessments.

I hereby make the foregoing certification on July 15, 2008.

Harris & Associates

By: _____

Joan E. Cox, P.E.

Associate, Project Manager

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAR -3 PM 2:07

EXHIBIT B

NOTICE OF ASSESSMENT

CITY OF OAKLAND
UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2007-232,
PIEDMONT PINES PHASE 1

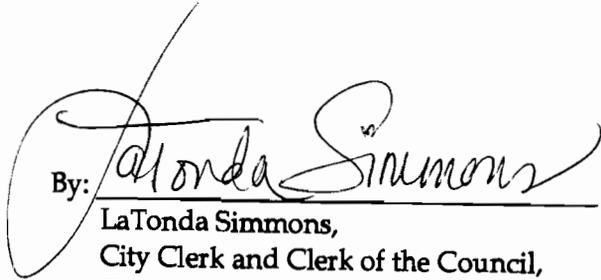
Pursuant to the requirement of Section 3114 of the California Streets and Highways Code, the City Clerk of the City of Oakland, County of Alameda, State of California (hereinafter, the "City"), hereby gives notice that an assessment diagram and assessment were recorded in the Office of the Director of Public Works of the City as provided for in Section 3114 of the California Streets and Highways Code, and relating to the property more particularly described on that certain assessment diagram filed in accordance with Section 3114 of the California Streets and Highways Code, in Book 17 of Maps of Assessment and Community Facilities Districts at Page 11 in the Office of the County Recorder of the County of Alameda.

Notice is further given that upon the recording of this Notice of Assessment in the Office of the County Recorder of Alameda County, the several assessments assessed on the lots, pieces, and parcels shown on the filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

In addition to the several assessments assessed on the lots, pieces and parcels shown on the filed assessment diagram, each lot, piece or parcel as shown on the filed assessment diagram which have unpaid assessments shall be additionally assessed annually (i) the amount of \$ 16.00 (or such higher amount as may be permitted if Section 8682 of the California Streets and Highways Code is amended to permit a higher amount) to cover certain administrative and collection charges as authorized by the Improvement Bond Act of 1915, and (ii) an amount specified in the assessment proceedings to pay costs of the City with respect to the registration of bonds and compliance with federal arbitrage laws, as permitted under Section 8682.1 of the California Streets and Highways Code.

Reference is made to the assessment diagram and assessment roll for this assessment district recorded in the Office of the Director of Public Works of the City, in his capacity as Superintendent of Streets of the City.

Dated: July 29, 2008

By: 
LaTonda Simmons,
City Clerk and Clerk of the Council,
City of Oakland,
County of Alameda,
State of California