

RESOLUTION NO. 11,292

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK INITIATING PROCEEDINGS FOR THE
ANNEXATION OF TRACT 8453 TO ZONE 7 – HARBOR
POINTE OF LANDSCAPING AND LIGHTING DISTRICT NO.
19 AND ORDERING THE PRELIMINARY ENGINEER’S
REPORT

WHEREAS, on December 13, 2016, the City Council approved the formation of Landscaping and Lighting District No. 19, located to the west of Willow Street between Seawind Way and Central Avenue, pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, Lennar Homes of California, Inc., is developer of Tract 8453 – Harbor Pointe, located on Enterprise Drive west of Hickory Street (the “Property”); and

WHEREAS, Lennar Homes of California, Inc. has submitted a petition requesting annexation of the Property to Landscaping and Lighting District No. 19.

NOW, THEREFORE the City Council of the City of Newark hereby resolves the following:

1. The City Council proposes to annex Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, Streets and Highway Code) to levy and collect assessments for the purpose of providing the following improvements:
 - I. The maintenance of the landscaping, landscape irrigation system, and street lighting system within the median islands and traffic circle at the intersection of Enterprise Drive and Seawind Way;
 - II. The maintenance of the landscaping, landscape irrigation system, and street lighting system within the median islands and traffic circle at the intersection of Hickory Street and Enterprise Drive;
 - III. The maintenance of the landscaping and landscape irrigation system within the center median on Enterprise Drive;
 - IV. The maintenance of street lighting system along the project street frontages on Enterprise Drive;
 - V. The maintenance of trash capture devices located along the project street frontages on Enterprise Drive and the Enterprise Drive and Seawind Way traffic circle;
 - VI. The maintenance of the 12-foot wide concrete Bay Trail along the project boundary.
 - VII. The maintenance of the future Bayside Newark public park located on Enterprise Drive to the west of the future Transit Station.

Costs shall include all maintenance and operation costs, including normal upkeep, operating expenses, management expenses, replacement and replanting costs. The maximum assessment rate may be adjusted annually by up to the greater of the annual percentage change in the Bureau of Labor Statistics, Consumer Price Index for the month of February, All Urban Consumers, (“CPI”) for the San Francisco/Oakland/San Jose area or three percent (3%).

2. The proposed annexation shall be designated as Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19, City of Newark, Alameda County, California.
3. The City Council hereby orders the City Engineer prepare and file with the City Clerk a preliminary Engineer’s Report in accordance with Section 22565, et seq., of the Landscaping and Lighting Act of 1972.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on December 9, 2021, by Vice Mayor Bucci who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Council Members Freitas, Collazo, Hannon, Vice Mayor Bucci and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Council Member Hannon

APPROVED:

ATTEST:

s/ALAN L. NAGY
Mayor

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

s/KRISTOPHER J. KOKOTAYLO
Interim City Attorney