

RESOLUTION NO. 11,293

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING THE PRELIMINARY ENGINEER'S REPORT AND DECLARING INTENTION TO ORDER THE ANNEXATION OF TRACT 8453 TO THE ASSESSMENT DISTRICT, AND SETTING THE PUBLIC HEARING DATE ON JANUARY 27, 2022

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; and

WHEREAS, the City Council adopted a resolution initiating proceedings for the annexation of the Property into the district and ordered the preparation of an Engineer's Report; and

WHEREAS, a preliminary Engineer's Report has been prepared and submitted regarding the improvements and benefits to be provided to the Property; and

WHEREAS, the City Council desires to approve the Engineer's Report and express its intention to order the annexation of the Property into Landscaping and Lighting District No. 19 as Zone 7 – Harbor Pointe, subject to a noticed public hearing and majority protest.

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, and shall include the land shown on the Assessment Diagram, Appendix A, of the attached preliminary Engineer’s Report, which diagram is on file with the City Clerk.
- 3. The preliminary Engineer’s Report was prepared pursuant to the Landscaping and Lighting Act of 1972, and is filed with the City Clerk. The preliminary Engineer’s report contains a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, any bonds or notes to be issued, and the proposed assessments upon assessable lots and parcels of land within the district. The Report has been presented to the City Council and is hereby incorporated by reference.
- 4. The City Council has reviewed the Engineer’s Report, and the City Council hereby approves the preliminary Engineer’s Report as submitted.
- 5. The City Council hereby declares its intention to approve the annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19 to levy and collect assessments as provided for in the Engineers Report. A Public Hearing regarding the proposed annexation and assessment will be held by the City Council on Thursday, January 27, 2022 at 7:00 p.m., or as soon thereafter, at the City of Newark Council Chambers, City Hall, 37101 Newark Boulevard, Newark, California. The proposed total assessment for the district is \$25,478.40, and the maximum assessment is \$132.70 per single-family dwelling unit for Fiscal Year 2022-2023. All interested persons shall have the opportunity to be heard.

6. The City shall distribute notice and ballots of the time and place of the Public Hearing to all property owners within Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19.

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