

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2010-2011, PRELIMINARILY APPROVING ANNUAL ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

WHEREAS, on May 4, 2010, this Council adopted Resolution No. 7990, A Resolution Directing Preparation of Annual Report for the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 98-1 (the "Maintenance District"). Pursuant to this Resolution, the Engineer of Work prepared a report in accordance with Section 22565, *et seq.*, of the California Streets and Highways Code (the "Report").

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Report has been made, filed with the City Clerk and duly considered by this Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing Resolution.
3. It is the intention of this Council to levy and collect assessments within the Maintenance District for the fiscal year 2010-2011. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A" attached and by this reference made a part of this Resolution.
4. The Maintenance District consists of the lots and parcels shown on the boundary map of the Maintenance District on file with the City Clerk, and reference is hereby made to such map for further particulars.
5. Reference is hereby made to the Report for a full and detailed description of the Improvements, the boundaries of the Maintenance District and the proposed assessments upon assessable lots and parcels of land within the Maintenance District. The assessment for fiscal year 2010-2011 has not been increased, other than by the application of the annual Consumer Price Index (CPI) escalation.
6. This Council hereby orders that a public hearing shall be held before this Council in the regular meeting place thereof, City Council Chambers, 455 E. Calaveras Boulevard, Milpitas California on Tuesday, June 15, 2010, at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, for the purpose of allowing public testimony regarding the proposed assessments for the District and this Council's determination whether the public interest, convenience and necessity requires improvements and this Council's final action upon the Engineer's Report and the assessments therein.
7. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

8. The City Clerk shall cause notice of the hearing to be given by publishing a copy of this Resolution once, at least ten (10) days prior to the date of the hearing above specified, in the Milpitas Post, a newspaper published and circulated in the Maintenance District.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

DESCRIPTION OF WORK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1 is generally described as a district bounded on the east side by the existing Sinclair Frontage Road, on the west by Berryessa Creek, on the south by the existing commercial development, and on the north by Los Coches Street as shown on the attached diagram.

Maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof, as set forth with particularity in the Annual Engineer's Report.

The maintenance and operation of and the furnishing of services and materials, as required for the following improvements:

Berryessa Creek

1. A strip of land approximately 510 feet long varying in width from 35 feet to 60 feet along the east bank of Berryessa Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment. Planting and irrigation.

Los Coches Creek

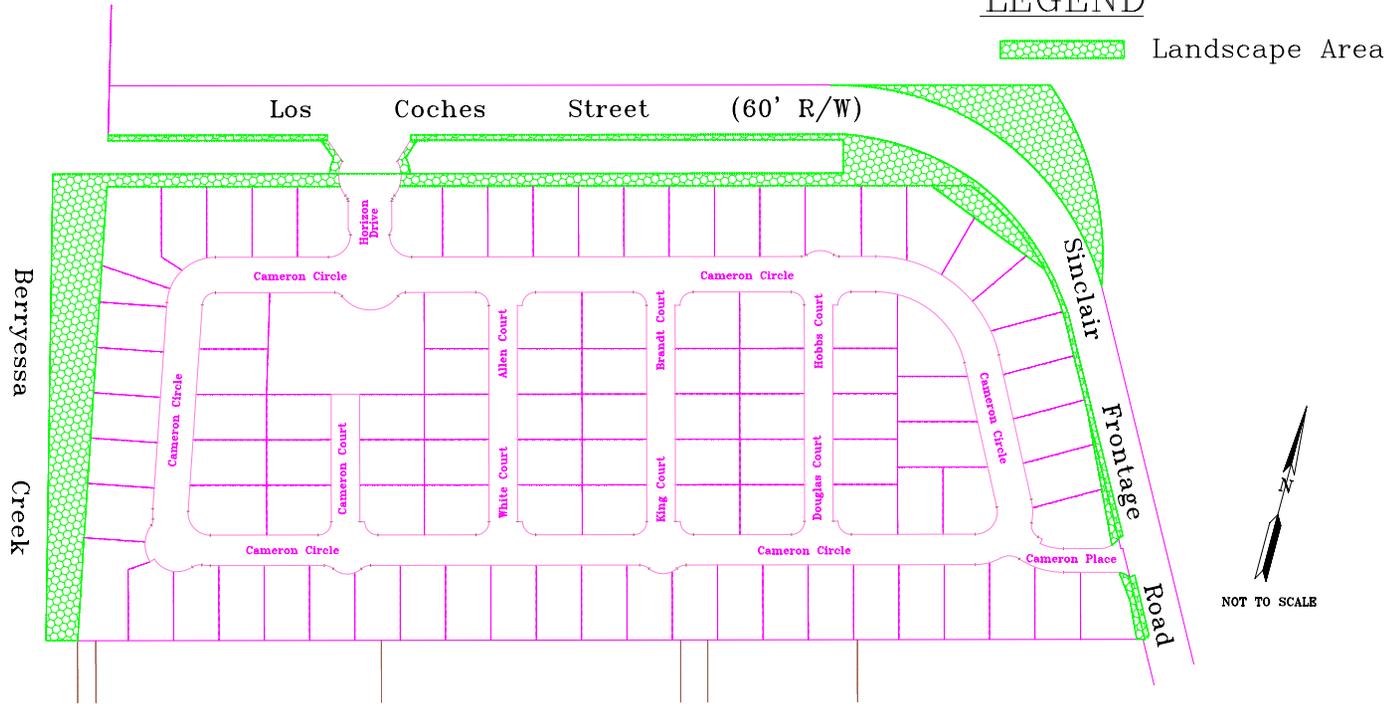
1. A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.
2. A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way line along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Road. The improvements include planting and irrigation.

Sinclair Frontage Road

1. A strip of land approximately 550 feet long, varying in width from 5.5 feet to 25 feet along the east side of Sinclair Frontage Road, except at the intersection of Cameron Place, between the back of sidewalk and the soundwall. The improvements include planting and irrigation.
2. A parcel on the east side of Sinclair Frontage Road within the Sinclair Frontage Road and Los Coches Street right-of-way, bounded on the east side by the Interstate 680, on the southwest side by the back of sidewalk and on the north side by the Los Coches Street right-of-way line. The improvements include planting and irrigation.

LEGEND

 Landscape Area



NOT TO SCALE

<p>PART "G" VICINITY MAP</p>	<p>Landscaping and Lighting Maintenance Assessment District No. 98-1</p>	<p>Not to Scale</p>
	<p>MILPITAS, SANTA CLARA COUNTY, CALIFORNIA</p>	