

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MILPITAS  
DIRECTING PREPARATION OF THE ANNUAL ENGINEER’S REPORT FOR  
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1**

**WHEREAS**, on June 16, 1998, the City Council ordered the formation of and levied the first assessment within the City of Milpitas, Landscaping and Lighting Maintenance Assessment District No. 98-1 (the “Maintenance District”), pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code), (hereinafter “the Act”); and

**WHEREAS**, Section 22620, *et seq.*, of the Act provide for the levy of annual assessments after formation of the Maintenance District.

**NOW, THEREFORE**, the City Council 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. 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 hereto and by this reference made a part of this Resolution.
3. The City Engineer is hereby designated as the Engineer of Work for purposes of the Maintenance District, and is hereby ordered to prepare and file an annual engineer’s report in accordance with Section 22565, *et seq.*, of the Act.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, 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.

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.

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.

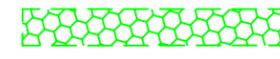
#### **Los Coches Creek:**

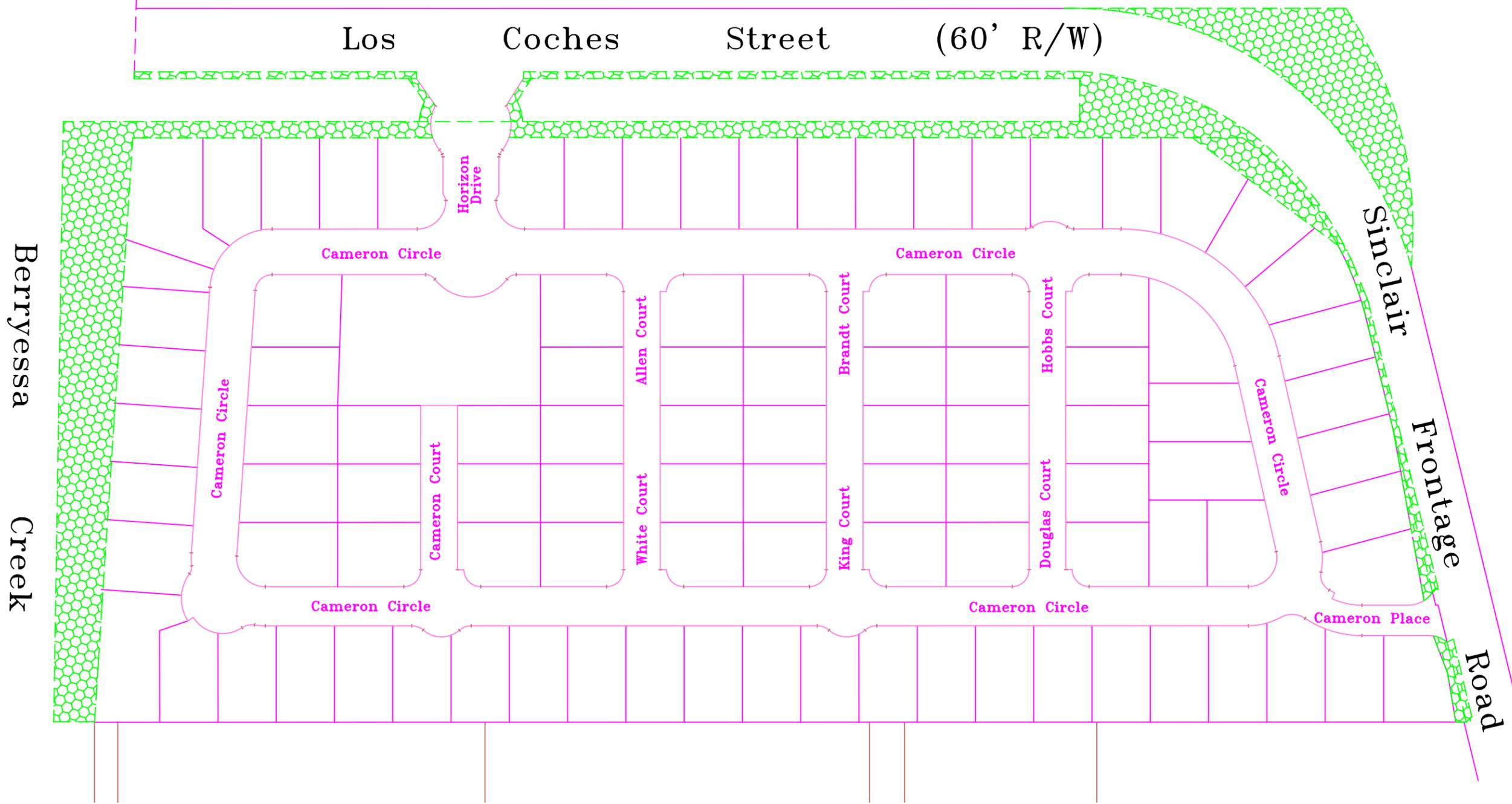
- 1) A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.
- 2) A strip of land 5.5 feet wide within the Los Coches Street right-of-way between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

Figure 2

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