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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE ANNUAL ENGINEER'S REPORT, DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2014-2015, AND PROVIDING NOTICE OF HEARING FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

WHEREAS, on May 6, 2014, the City Council adopted Resolution No. 8361, "A Resolution Directing Preparation of the Annual Report for the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 95-1" (the "Maintenance District"). Pursuant to Resolution No. 8361, 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 Engineer's Report has been made, filed with the City Clerk, and duly considered by this Council and is hereby deemed sufficient and approved. The report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

2. It is the intention of this Council to levy and collect assessments within the Maintenance District for fiscal year 2014-2015. 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" and by this reference made a part of this Resolution.

3. 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.

4. Reference is hereby made to the Engineer's 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 2014-2015 is not proposed to increase, but is within the previously approved range of assessments.

5. This Council hereby orders that a public hearing shall be held before this Council in the regular meeting place thereof, City Council Chambers, 455 East Calaveras Boulevard, Milpitas California on Tuesday, June 3, 2014, 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 Maintenance 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.

6. 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.

7. 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 _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
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. 95-1

The Maintenance Assessment District is generally described as a district bounded on the east by Interstate 880, on the west by Coyote Creek, on the south by the State Route 237, and on the north by Dixon Landing Road.

The improvements within the Maintenance Assessment District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs; such maintenance to include all 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.

All such work shall be performed within the following areas:

N. McCarthy Boulevard

1. A strip of land including an earth berm approximately 50 feet in width from face of east curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.

2. Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.

3. A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.

4. Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.

5. Lighting costs in the Maintenance Assessment District are limited to the supplemental pedestrian lights installed between each of the 2 street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

Milpitas Entry Sign

1. City of Milpitas Entry Identification Sign along N. McCarthy Blvd., including walls, columns, lighting and other appurtenant.

Ranch Drive

1. Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.

2. Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.