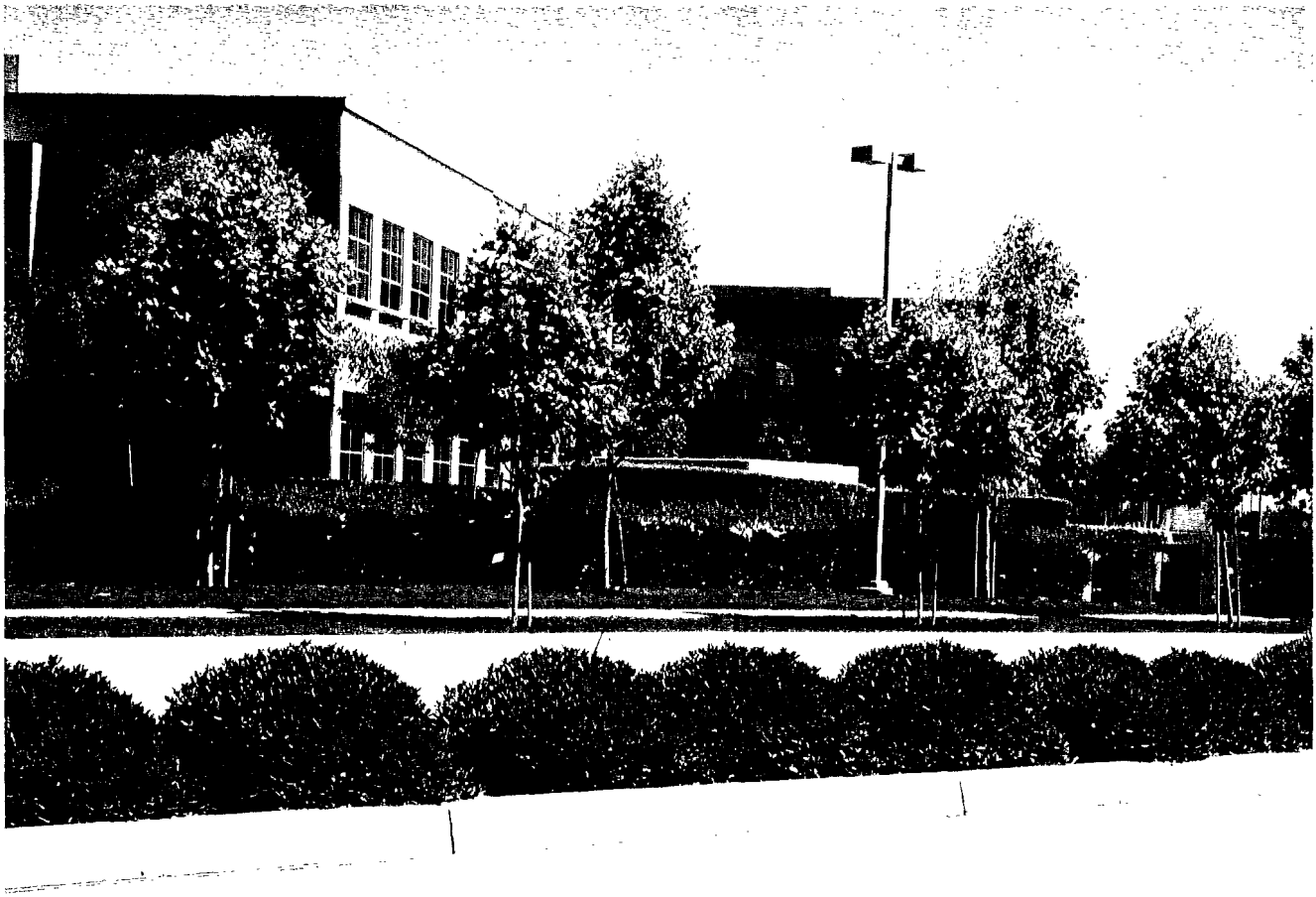
14



ANNUAL ENGINEER'S REPORT
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT
DISTRICT NO. 95-1

FISCAL YEAR 2006-2007

CITY OF MILPITAS
SANTA CLARA COUNTY
CALIFORNIA

ANNUAL ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

FISCAL YEAR 2006-2007

Jose S. Esteves, Mayor

MEMBERS OF THE CITY COUNCIL

Jose S. Esteves, Mayor
Armando Gomez, Vice Mayor
Robert Livengood, Council Member
Althea Polanski, Council Member
Debbie Giordano, Council Member

Charles Lawson, City Manager
Steven T. Mattas, City Attorney
Mary Lavelle, City Clerk

Prepared by:
Greg Armendariz, Public Work Director/City Engineer
Mehdi Khaila, Land Development Engineer

ANNUAL ENGINEER'S REPORT

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

Greg Armendariz, Engineer of Work for Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "Maintenance Assessment District"), City of Milpitas, Santa Clara County, California, makes this report, as directed by the City Council, pursuant to Section 22585 of the Streets and Highways Code.

The improvements which are the subject of this report are briefly described on the attached Exhibit A.

This report consists of seven parts, as follows:

PART A- Plans and specifications for the improvements to be maintained and operated are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

PART B- An estimate of the cost of the improvement to be maintained or operated.

PART C- An assessment of the estimated cost of the improvement to be maintained or operated on each benefited parcel of land within the assessment district.

PART D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E- A list of the names and addresses of the owners of the real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk.

PART F - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to the Assessment Roll by assessment number.

PART G - A vicinity map showing the landscape areas.

Respectfully submitted,

Greg Armendariz, Engineer of Work
RCE No. 40283 Exp. 12/31/06

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 as shown on the attached diagram.

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.

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

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.

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2006-2007 FISCAL YEAR
McCARTHY RANCH

PART B- ANNUAL BUDGET

LANDSCAPING, LIGHTING & IRRIGATION		2005-2006 Budgeted		2006-2007 Proposed
A. Personnel Costs	$	14,500.00	$	25,360.66
B. Contractual Services	$	164,822.94	$	180,000.00
C. Capitol Equipment	$	43,000.00	$	1,000.00
D. Supplies	$	5,200.00	$	24,300.00
E. Water Costs	$	25,000.00	$	30,000.00
F. Electricity Costs	$	5,000.00	$	5,000.00
TOTAL PROJECT ANNUAL COST	$	257,522.94	$	265,660.66
Less carryover from prior year	$	-	$	-
TOTAL AMOUNT TO BE ASSESSED		257,522.94	**$**	**265,660.66**
G. Reserve Pending Annual Collection		65,000		65,000

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2006-2007 FISCAL YEAR

PART C- ASSESSMENT ROLL

Assessment Diagram Number	Assessor's Parcel Number	2006-2007 Assessment
1-1A-1	022-54-016	$1,039.50
1-1A-2	022-54-017	$3,226.40
1-1A-3	022-54-018	$2,265.40
1-1A-4	022-54-019	$186.32
1-1B	022-54-008	$764.92
1-2	022-54-002	$568.78
1-3	022-54-003	$1,000.28
1-4A	022-54-009	$8,306.28
1-4B	022-54-012	$2,961.62
1-4C	022-54-013	$225.60
1-4D	022-54-015	$1,745.60
1-4E	022-54-014	$627.62
1-4F	022-54-011	$1,284.68
1-4G	022-54-010	$1,010.10
2-1	022-53-001	$735.50
2-2	022-53-002	$1,206.22
2-3	022-53-003	$745.30
2-4	022-53-004	$588.40
2-5	022-53-005	$725.70
2-6	022-53-006	$1,167.00
2-7	022-53-007	$21,496.30
3	022-29-016	$14,278.60
4-1A-1	022-56-005	$1,990.76
4-1A-2	022-56-006	$2,020.18
4-1A-3	022-56-007	$2,029.98
4-1A-4	022-56-008	$33,852.80
4-1A-5	022-56-009	$23,849.92
4-1B	022-29-037	$0.00
5-1A-1	022-29-034	$35,951.40
5-2A-1	022-29-035	$30,538.10
5-3A	022-29-036	$34,333.30
5-3B-1	022-30-037	$9,012.36
5-3B-2	022-30-038	$9,806.70
5-3B-3	022-30-039	$5,119.10
5-3C (Storm Pump Station)	022-30-035	$92.02
5-5A	022-30-033	$9,159.46
5-6 (Open Space)	022-30-041	$0.00
5-7 (Sewer Pump Station)	022-30-005	$1,748.46
TOTAL		**$265,660.66**

PART D

METHOD OF ASSESSMENT
LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95-1

The special benefits that accrue to the properties in the Maintenance Assessment District are limited to those properties that abut an improved public street or which have been obligated by issuance of bonds for necessary public improvements (the "Improved Parcels"). Other properties in the Maintenance Assessment District receive only a general benefit from the work of improvements, and there is also some general benefit that accrues to the community as a whole. The total amount of general benefit from the improvements is determined to be less than 10% of the total cost thereof, and the annual cost attributable to general benefit is therefore less on a present value basis than the amount of the contribution to total costs made by the City of Milpitas in fiscal year 2001-2002. Accordingly, no property within the Maintenance Assessment District is assessed more than the proportionate special benefit conferred on that property.

The Improved Parcels receive a special benefit proportionate to their net acreage and thus they are assessed on the basis of total net acreage for all costs associated with the maintenance and installation of the Maintenance Assessment District improvements including incidentals, Engineer's Report, printing and advertising of assessment notices, County collection fees, legal fees and appurtenances with the following exceptions:

1. Parcel 5-7 (Sewer Main Pump Station) and Parcel 5-3C (Storm Pump Station) do not benefit from landscaping as much as other Improved Parcels because they are dedicated to municipal sanitary sewer and storm facilities use and will not be otherwise developed. Therefore, they are assigned a special benefit equal to 50% of the benefit accruing to other Improved Parcels.

2. Parcel 4-1B and parcel 5-6 are dedicated to open space and therefore, they do not receive any special benefit from the improvements, but rather they provide a special benefit.

The amount of assessment levied on each Improved Parcel in the maintenance Assessment District shall be in a range from $.012 per net square foot to .03 per net square foot, with the exact amount to be levied in any given year to be determined by the budget for that year. $0.012 to $0.03 per net square foot are the amounts of the range of assessments for fiscal year 2001-2002, and these amounts shall be increased in subsequent years by the percentage increase from April 1st of the prior year to April 1st of the current year in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-San Jose.
The assessment per net square foot in fiscal year 2000-2001 was $0.017. The range of assessments being levied in fiscal year 2001-2002, which could result in the Maximum Assessment shown below (which do not include CPI adjustment) represents an increase in the assessments.

RANGE OF ASSESSMENT

Assessment Diagram Number	Assessor's Parcel Number	Assessment Range	
		2001-2002 Assessment	Maximum * Assessment
1-1A-1	022-54-016	$586.62	$1,400.84
1-1A-2	022-54-017	$1,808.28	$4,318.16
1-1A-3	022-54-018	$1,268.99	$3,030.33
1-1A-4	022-54-019	$107.31	$256.25
1-1B	022-54-008	$430.33	$1,027.63
1-2	022-54-002	$319.72	$763.50
1-3	022-54-003	$561.86	$1,341.70
1-4A	022-54-009	$4,660.49	$11,129.17
1-4B	022-54-012	$1,660.80	$3,965.98
1-4C	022-54-013	$128.22	$306.19
1-4D	022-54-015	$980.08	$2,340.42
1-4E	022-54-014	$350.54	$837.09
1-4F	022-54-011	$564.06	$1,714.91
1-4G	022-54-010	$718.14	$1,346.96
2-1	022-53-001	$414.38	$989.52
2-2	022-53-002	$679.07	$1,621.61
2-3	022-53-003	$416.58	$994.78
2-4	022-53-004	$331.28	$791.09
2-5	022-53-005	$408.32	$975.07
2-6	022-53-006	$653.76	$1,561.16
2-7	022-53-007	$12,060.91	$28,801.29
3	022-29-016	$8,011.81	$19,132.09
4-1A	022-56-004	$35,769.46	$85,416.97
4-1B (Open Space)	022-29-033	$0.00	$0.00
5-1A-1	022-29-031	$23,112.57	$55,192.50
5-2A-1	022-29-032	$14,197.72	$33,903.97
5-3A	022-29-033	$19,265.98	$46,006.89
5-3B	022-30-032	$13,432.81	$32,077.36
5-3C(Storm Pump Station)	022-30-035	$51.64	$123.31
5-5A	022-30-033	$5,139.80	$12,273.76
5-6 (Open Space)	022-30-034	$0.00	$0.00
5-7 (Sewer Pump Station)	022-30-005	$981.13	$2,342.94
TOTAL		**$149,073**	**$355,983**

* Does not include CPI adjustment

Any property owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread, may file an appeal with the Finance Director of the City. Any such appeal is limited to correction of an assessment during the current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he/she finds that the assessment should be modified, he/she shall have the authority to make the appropriate changes in the assessment roll. If any such changes are provided after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT
LMD 95-1
2006-2007 FISCAL YEAR

PART E- PROPERTY OWNERSHIP LIST

ASSESSMENT DIAGRAM NUMBER	ASSESSOR'S PARCEL NUMBER	OWNER	NET ASSESSABLE AREA (acres)
1-1A-1	022-54-016	**Houret Robert J Trustee & ET AL** 5570 Sanchez Dr San Jose, CA 95123	1.06
1-1A-2	022-54-017	**Apple 6 Hospitality Ownership Inc.** 814 E MAIN ST RICHMOND, VA 23219	3.29
1-1A-3	022-54-018	**Milpitas Studio Hotel Co. LLC** P.O.Box 4900 Scottsdale, AZ 85261-4900	2.31
1-1A-4	022-54-019	**In-N-Out Burgers** 13502 Hamburger Ln Baldwin Park, CA 91706	0.19
1-1B	022-54-008	**In-N-Out Burgers** 4199 Campus Dr Unit 9th FL Irvine, CA 92612-2698	0.78
1-2	022-54-002	**First Creekside Assoc.** P. O. BOX 835 Grafton, WI 53024	0.58
1-3	022-54-003	**ASK Family LTD Part** **A Texas LTD Part** 999 W TAYLOR ST STE D SAN JOSE, CA 95126	1.02
1-4A	022-54-009	**McCARTHY SHOPPING CTR LP** 100 SMITH RANCH RD STE 325 SAN RAFAEL, CA 94903	8.47
1-4B	022-54-012	**F & M Sorci Land Company, Inc.**	3.02
1-4C	022-54-013	333 W El Camino Real Ste 240 Sunnyvale, CA 94087-1969	0.23
1-4D	022-54-015	**Pacific Meritage, LLC** P.O.Box 1547 San Ramon, CA 94583-6547	1.78

1-4E	022-54-014	**J N C International Entprs LLC** 38464 Botany Green Fremont, CA 94536	0.64
1-4F	022-54-011	**First Creekside Assoc.** P. O. BOX 835 Grafton, WI 94536	1.31
1-4G	022-54-010	**KMV PROPERTIES LLC** 2 Carnoustie Moraga, CA 94556	1.03
2-1	022-53-001	**HAM JAYNE Y** 11713 Dorothy Anne Way Cupertino, CA 95014	0.75
2-2	022-53-002	**CB McCarthy Ranch**	1.23
2-3	022-53-003	**Marketplace Inc.** P.O. Box 4900 Scottsdale, AZ 85261-4900	0.76
2-4	022-53-004	**HSC Associates LP** 2780 Alum Rock Ave San Jose, CA 95127-2801	0.60
2-5	022-53-005	**HSC Associates LP** 690 Gibraltar Dr Milpitas, CA 95035-6317	0.74
2-6	022-53-006	**CB McCarthy Ranch**	1.19
2-7	022-53-007	**Marketplace Inc.** P.O. Box 4900 Scottsdale, AZ 85261-4900	21.92
3	022-29-016	**Walmart Stores, Inc.** 1301 SE 10th St Bentonville, AR 72716-0555	14.56
4-1A-1	022-56-005	**First Security Bank**	2.03
4-1A-2	022-56-006	370 Ellis St	2.06
4-1A-3	022-56-007	Mountain View, CA 94043	2.07
4-1A-4	022-56-008		34.52
4-1A-5	022-56-009		24.32
4-1B	022-29-037	**City of San Jose**	6
5-1A-1	022-29-034	**Wells Fargo Capital Holdings, Inc**	36.66
5-2A-1	022-29-035	2030 Main St Unit 800 Irvine, CA 92614	31.14

5-3A	022-29-036	**McCarthy Ranch LP**	35.01
5-3B-1	022-30-037	P.O. Box 361256 Milpitas, CA 95036	9.19
5-3B-2	022-30-038	**New Trend Tech Inc.** 891 Fairview Wy Milpitas, CA 95035	10
5-3B-3	022-30-039	**McCarthy Ranch LP** P.O. Box 361256 Milpitas, CA 95036	5.22
5-3C	022-30-035	**City of Milpitas** 455 E. Calaveras Blvd. Milpitas, CA 95035	0.19
5-5A	022-30-033	**McCarthy Ranch LP** P.O. Box 361256 Milpitas, CA 95036	9.34
5-6	022-30-041	**City of Milpitas** 455 E. Calaveras Blvd. Milpitas, CA 95035	1.43
5-7	022-30-005	**City of Milpitas** 455 E. Calaveras Blvd. Milpitas, CA 95035	9.16
		TOTAL	**285.8**

ENGINEER'S REPORT
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 95-1
FISCAL YEAR 2006-2007

CERTIFICATES

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Diagram thereto attached, was filed with me on the 6th day of June, 2006.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By:_____

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in the Engineer's Estimate on Part B hereof entitled "assessment", and the individual amounts of the Assessment Roll on Part C herein, have been computed by me in accordance with the order of the City Council of the City of Milpitas, adopted on the 16th day of May, 2006.

Greg Armendariz, Engineer of Work
By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, were approved and confirmed by the City Council of the City of Milpitas, Santa Clara County, California, on the 20th day of June, 2006, by Resolution No._____.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

I HEREBY CERTIFY that the Assessment and Assessment Diagram, was filed with the County Auditor of the County of Santa Clara, on the 23rd day of June, 2006.

Mary Lavelle, City Clerk
City of Milpitas
Santa Clara County, California
By: _____

An assessment was levied by the City Council of the City of Milpitas, County of Santa Clara, State of California on the lots, pieces and parcels of land shown on this assessment diagram. Said assessment was levied on the 20th day of June 2006 ; said assessment diagram and the, assessment roll were recorded in the Office of the Superintendent of Streets of said City on the 20th day of June 2006. Reference is made to the assessment roll recorded in the Office of the Superintendent of Streets for the exact amount of each assessment levied against each parcel of land shown on this assessment diagram.

City Clerk of the City of Milpitas

Filed in the Office of the City Clerk of the City of Milpitas, County of Santa Clara, State of California this 6th day of June 2006.

City Clerk of the City of Milpitas

Recorded in the Office of the Superintendent of Streets of the City of Milpitas, County of Santa Clara, State of California, this 20th day of June 2006.

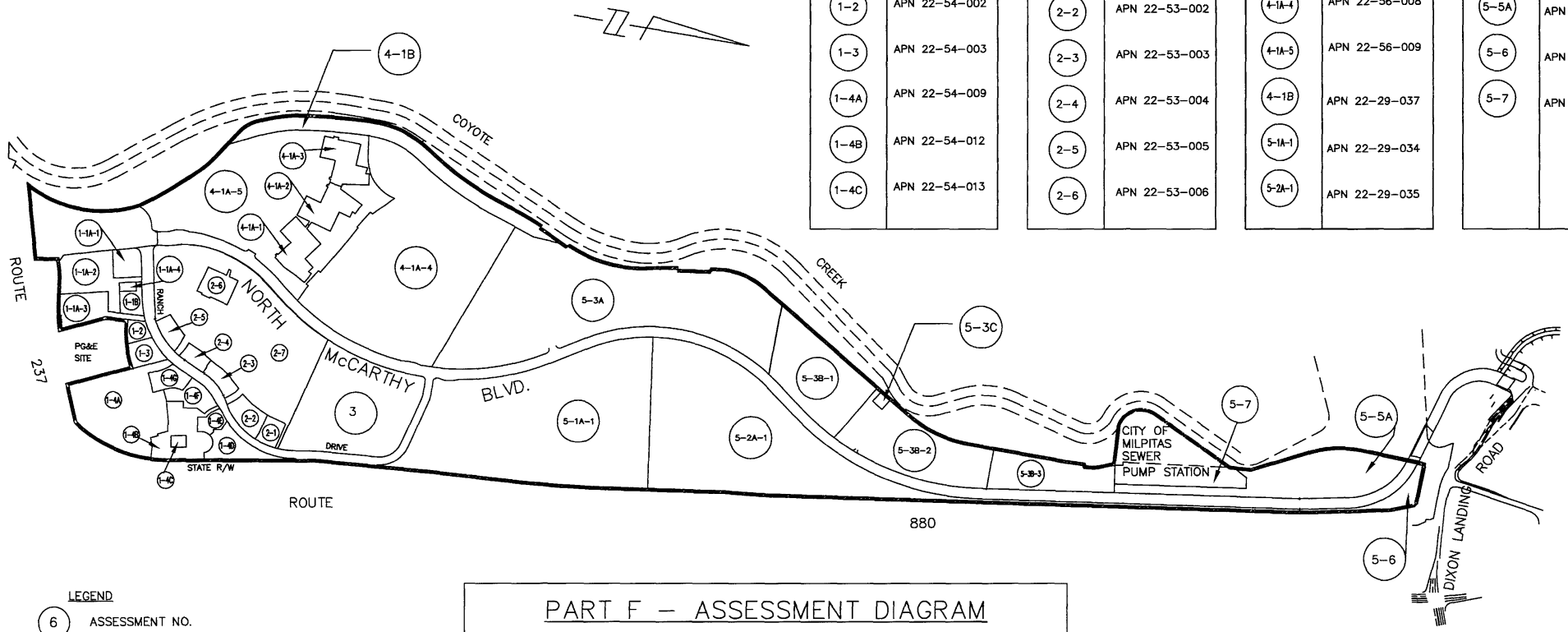
Superintendent of Streets
City of Milpitas

ASSESSMENT NO.	ASSESSOR'S PARCEL NO.
1-1A-1	APN 22-54-016
1-1A-2	APN 22-54-017
1-1A-3	APN 22-54-018
1-1A-4	APN 22-54-019
1-1B	APN 22-54-008
1-2	APN 22-54-002
1-3	APN 22-54-003
1-4A	APN 22-54-009
1-4B	APN 22-54-012
1-4C	APN 22-54-013

ASSESSMENT NO.	ASSESSOR'S PARCEL NO.
1-4D	APN 22-54-015
1-4E	APN 22-54-014
1-4F	APN 22-54-011
1-4G	APN 22-54-010
2-1	APN 22-53-001
2-2	APN 22-53-002
2-3	APN 22-53-003
2-4	APN 22-53-004
2-5	APN 22-53-005
2-6	APN 22-53-006

ASSESSMENT NO.	ASSESSOR'S PARCEL NO.
2-7	APN 22-53-007
3	APN 22-29-016
4-1A-1	APN 22-56-005
4-1A-2	APN 22-56-006
4-1A-3	APN 22-56-007
4-1A-4	APN 22-56-008
4-1A-5	APN 22-56-009
4-1B	APN 22-29-037
5-1A-1	APN 22-29-034
5-2A-1	APN 22-29-035

ASSESSMENT NO.	ASSESSOR'S PARCEL NO.
5-3A	APN 22-29-036
5-3B-1	APN 22-30-037
5-3B-2	APN 22-30-038
5-3B-3	APN 22-30-039
5-3C	APN 22-30-035
5-5A	APN 22-30-033
5-6	APN 22-30-041
5-7	APN 22-30-005



1/1

LEGEND

(6) ASSESSMENT NO.

BOUNDARY DISTRICT

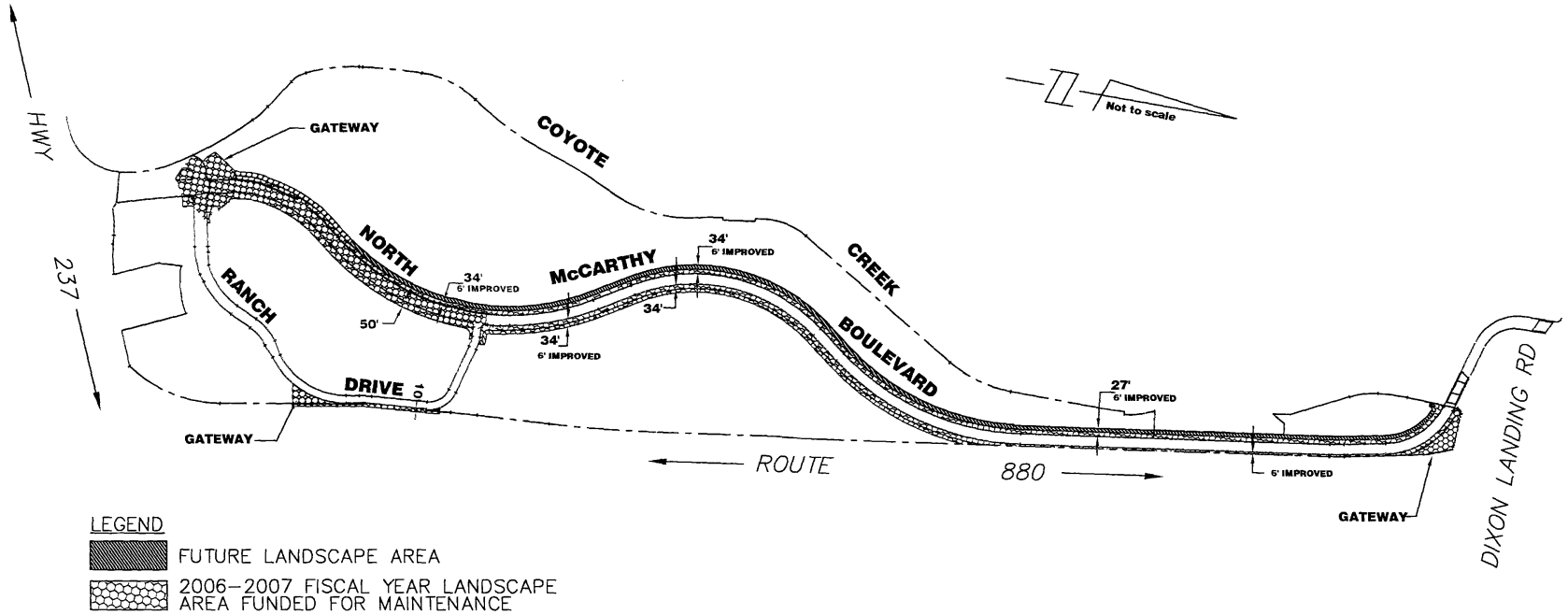
ASSESSMENT LIMIT

PART F – ASSESSMENT DIAGRAM

LANDSCAPING & LIGHTING & MAINTENANCE ASSESSMENT DISTRICT NO. 95-1 OF CITY OF MILPITAS

COUNTY OF SANTA CLARA – STATE OF CALIFORNIA

Note:
Reference is hereby made to the maps and deeds of record in the Office of the Assessorof the County of Santa Clara for a detailed description of the lines and dimensions of anyparcels shown hereon. Those maps shall govern for all details concerning the lines anddimension of such parcels. Each parcel is identified in said maps by its distinctive Assessors Parcel Number.



McCarthy Ranch

PART G – VICINITY MAP

LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95–1
CITY OF MILPITAS
COUNTY OF SANTA CLARA –STATE OF CALIFORNIA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2006-2007, PRELIMINARILY APPROVING ANNUAL ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

RESOLVED, by the City Council (the "Council") of the City of Milpitas (the "City"), County of Santa Clara, State of California, that

1. On May 16, 2006, this Council adopted Resolution No._____ A Resolution Directing Preparation of Annual Report for the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 95-1 (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"). 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.

2. It is the intention of this Council to levy and collect assessments within the Maintenance District for the fiscal year 2006-2007. 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.

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 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 2006-2007 is not proposed to increase, but is within the previously approved range of assessments and as increased by the application of annual Consumer Price Index (CPI) escalation as provided by the approved method of assessment.

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 E. Calaveras Boulevard, Milpitas California on Tuesday, June 20, 2006, at the hour of 7:00 o'clock 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.

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 by the City Council of the City of Milpitas this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Steven T. Mattas, 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 as shown on the attached diagram.

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.

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 streetlights 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

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.