

ENGINEER'S REPORT

**CITY OF ALBANY OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK
RESTORATION ASSESSMENT DISTRICT NO. 1996-1**

City of Albany
Alameda County, California

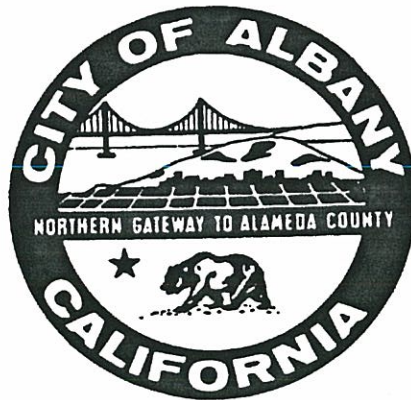
(Pursuant to the Landscaping and Lighting Act of 1972)

on the

LEVY OF THE ANNUAL ASSESSMENT

for the

2010/11 FISCAL YEAR



Prepared by

LEPTIEN, CRONIN, COOPER, MORRIS & POORE, Inc.
dba LCC, Inc.
Civil Engineering Land Surveying
Martinez, California

JUNE 2010

ENGINEER'S REPORT

City of Albany Open Space, Recreational Playfield and Creek
Restoration Assessment District No. 1996-1

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council of the City of Albany.

LEPTIEN, CRONIN, COOPER, MORRIS & POORE, Inc.

Date: June 14, 2010 By: Randolph W. Leptien

I HEREBY CERTIFY that the enclosed Engineer's Report was filed with me on the _____ day of _____ 2010.

Jacqueline L. Bucholz, City Clerk
City of Albany
Alameda County, California

I HEREBY CERTIFY the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Albany, California, on the _____ day of _____ 2010.

Jacqueline L. Bucholz, City Clerk
City of Albany
Alameda County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Alameda on the _____ day of _____, 2010.

Jacqueline L. Bucholz, City Clerk
City of Albany
Alameda County, California

ENGINEER'S REPORT

**CITY OF ALBANY OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK
RESTORATION ASSESSMENT DISTRICT NO. 1996-1**

2010/11 FISCAL YEAR

(Pursuant to the Landscaping and Lighting Act of 1972)

LEPTIEN, CRONIN, COOPER, MORRIS & POORE, Inc., Engineer of Work for City of Albany Open Space, Recreational Playfield and Creek Restoration Assessment District No. 1996-1, 2010/11 fiscal year (FY), makes this report, as directed by the City Council, pursuant to Section 22565 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The improvements which are the subject of this report are briefly described as follows:

Acquiring, improving and maintaining open space on Albany Hill; acquiring, improving, developing and maintaining recreational playfields; and restoring creeks to a clean environmentally healthy condition.

This report consists of the following parts:

PART A - A general description of the improvements to be made and the land to be acquired during the 2010/11 FY.

PART B - An estimate of cost of the improvements for the 2010/11 FY.

PART C - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel. (Part C is included with the Original Report on file in the Office of the City Clerk.)

PART D - The Assessment Roll. An assessment of the estimated cost of the improvement on each benefited parcel of land within this assessment district. The assessment numbers are the assessor's parcel numbers as shown on the last equalized assessment roll for taxes, or as known to the clerk. (Part D is included with the Original Report on file in the Office of the City Clerk.)

PART E - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to PART D by assessment number. (Part E is included with the Original Report on file in the Office of the City Clerk.)

Respectfully submitted,

LEPTIEN, CRONIN, COOPER, MORRIS & POORE, Inc.
Engineer of Work



Randolph W. Leptien 6/14/10

PART A DESCRIPTION OF IMPROVEMENTS

BACKGROUND

On November 5, 1996, the voters of the City of Albany approved Measure “R,” an advisory measure that ratified the prior formation of an assessment district created for the purpose of funding the acquisition of open space on Albany Hill, creating recreational play fields and restoring creeks. On January 4, 1999 the Albany City Council adopted Resolution 99-1. This resolution determined that the estimated cost of the land to be acquired and the improvements to be made was greater than could be conveniently raised from a single annual assessment and provided for annual assessments to be collected in installments over a period not to exceed 21 years. In February 1999 the City issued bonds in the amount of \$6,230,000. The bond sale yielded \$5,456,347, which was deposited into the improvement fund.

Measure R provides that the assessment district revenues be allocated as follows:

- One half (50%) to the acquisition and improvement of open space
- One fourth (25%) to the acquisition and improvement of recreational playfields
- One fourth (25%) to the acquisition and improvement of creek restoration projects.

Accordingly, the initial amounts available in the respective improvement funds were:

- Open Space, \$2.782 million
- Playfields, \$1.364 million
- Creek Restoration, \$1.364 million

GENERAL DESCRIPTION OF IMPROVEMENTS

Assessment District 1996-1 provides, in general, for the following improvements:

1. **Albany Hill Open Space.** The acquisition of interests in real property for permanent open space on Albany Hill together with studies and projects that will serve to maximize the value of the open space to the property owners in Albany.

According to the Staff report prepared by the City’s Planning Manager on February 8, 1996, the proposed projects for Albany Hill open space will “expand opportunities for environmental outreach and educational programming involving schools, service organizations, neighborhoods, and volunteers.” Projects will in general serve to:

- Protect, maintain and enhance the natural features, native vegetation and wildlife habitats of the site;
- Protect cultural resources, improve basic services to make the site safe and accessible; and
- Provide simple amenities that respect the character of the site, educate the user and allow for the appreciation and enjoyment of the site.

The Albany Hill Master Plan contains the following series of components and projects that will focus on the following:

- Cultural Resource Protection
- Wildlife Management Vegetation Management
- Access and Circulation
- Services/Amenities

Specific projects and priorities are as contained in the Albany Hill Creekside Master Plan and Staff report dated June 23, 1996.

Included in the Hill Master Plan are goals for protection of the recorded archeological site within and around the park site including site borings and laboratory analysis of the site relative to the former habitation of the Costamoan Tribe.

The vegetation zones and wildlife diversity will also be protected. This includes the Monarch butterfly roosting area. A study by a Monarch Butterfly Specialist is also provided for in the Master Plan.

Construction projects identified in the current Master Plan include vegetation management, minor grading, trails, roads, fencing, benches, rails, trash containers, signs, restrooms, a pedestrian bridge, irrigation, and planting. Additional projects consistent with the goals of the master plan will be identified as specific sites are acquired.

2. Recreational Playfield

Playfield improvements will consist of constructing baseball, softball, soccer or other recreational fields. The work will include but not be limited to clearing, grading, planting, constructing backstops and goals, restroom facilities, parking improvements, curb gutters, paving, planting, irrigation, lighting and fencing improvements and include the maintenance of the foregoing.

3. Creek Restoration

Creek restoration improvements will include the demolition and removal of existing culverts and drainage improvements and replacement with open channels lined with vegetation. The work will include demolition, excavation, grading, planting, irrigation, constructing trails or pathways and lighting system together with the maintenance of the improvements.

DESCRIPTION OF PROPERTY ACQUISITIONS AND PROJECTS

Developments during the 2009/10 and planned activities for the 2010/11 fiscal years are indicated in italics.

1. Albany Hill Open Space

The following parcels of land on the southerly and easterly slopes of Albany Hill have been acquired to date:

APN	Description	Approx. Area	Purchased	Approx. Cost
66-2758-	End of Madison St.	1 Acre	1997/98	\$ 0.27 million
66-2756-5-2 thru 66-2756-64	Between Jackson and Taft	4 Acres	1998/99	\$ 1.36 million
66-2755-097-00	Between Jackson and Taft	1 Acre	1999/00	\$ 0.28 million
Totals		6 Acres		\$ 2.00 million

In 1998 the City purchased 1 acre at the end of Madison (the Willis property) for \$270,000 and 4 acres between Taft and Jackson (the Burke property) for \$1,350,000 plus \$10,000 for environmental analysis. In 1999 the City purchased an additional acre between Taft and Jackson in the amount of \$270,000 plus \$10,000 environmental analysis from Lands Ends.

Other sites that have been considered include approximately 11 acres located near Pierce Street at the end of Gateview and Hillside Avenues (assessor's parcel number 66-2760-10-7). Approximately 5 acres that are contiguous with existing public or private open space, contiguous with parcels subject to purchase as open space, are in private ownership and considered private open space, or are located in the public right of way. The location of the open space on Albany Hill that has been acquired to date and sites that may be considered for acquisition in the future are shown on Figure 1.

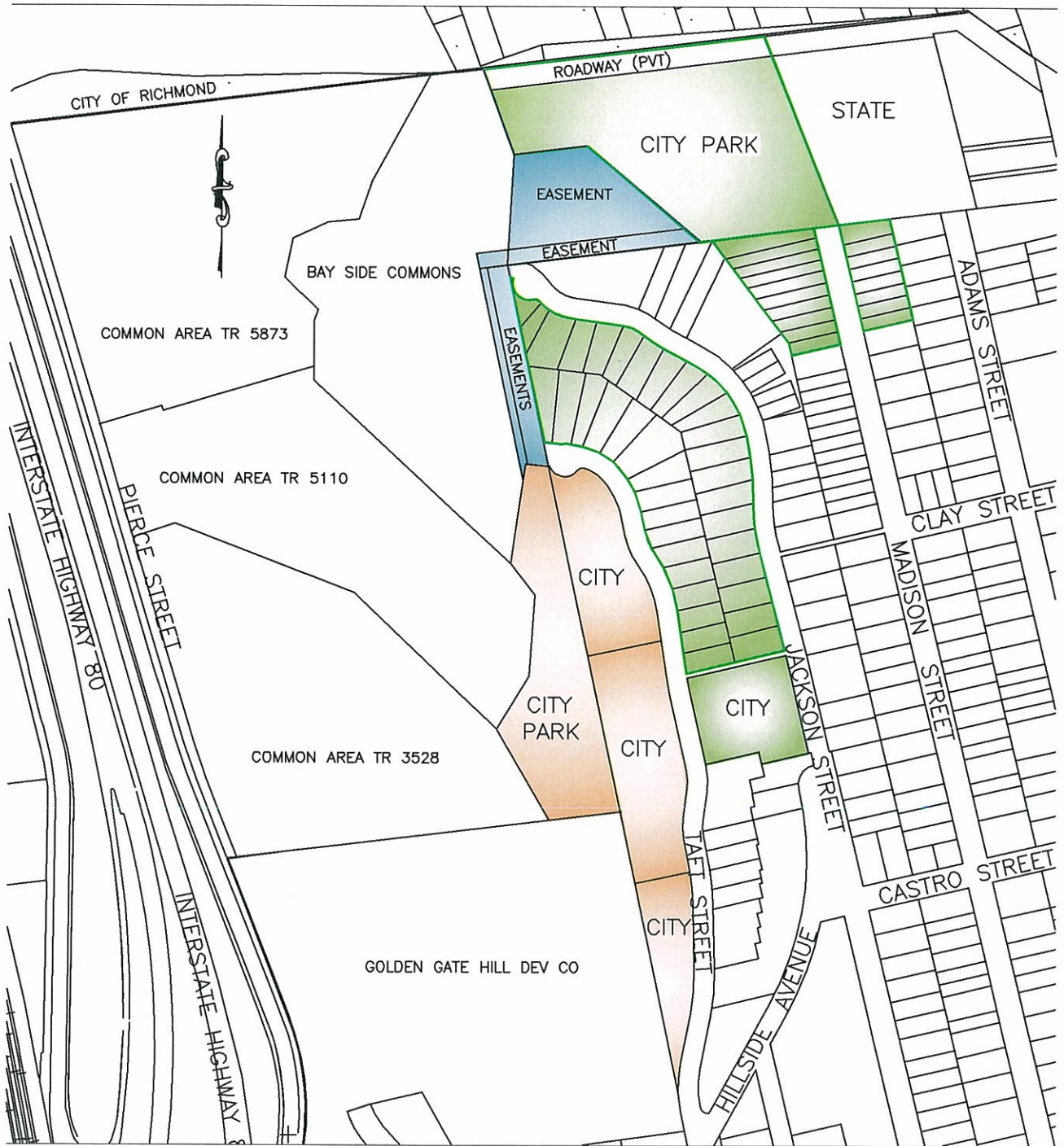
Consideration was given to expending some funds for repairs to Catherine's Walk (formerly Sunset Walk). This project consisted of replacing the old patchwork of wood and concrete stairs and bare soil with a new pedestrian walkway and landscaping between Washington Street and Hillside Avenue near Polk Street. A survey was completed and the architect (Beals Group) prepared a conceptual design and budget estimate.

In 2002/03 the Council authorized \$20,000 for the design and construction of a new ADA compliant driveway at the trailhead on Pierce Street. Primary funding for this project was through a Safe Routes to School grant for the construction of a sidewalk on Pierce Street.

Consideration may be given in the future to using some of the funds for the acquisition of a portion of the former freeway and off-ramp for passive park and open space use.

Overall, there remains \$1.1 million in the open space fund and approximately 15 acres of undeveloped, potential open space land on Albany Hill.

In 2010-11 \$50,000 is allocated for updating the Albany Hill Master Plan.



City of Albany
 Assessment District No. 1996-1
 Albany Hill Open Space
 Major Acquisition Sites

- Public Open Space/easements (=8.5 acres)
- PURCHASED
- Private Open space (= 9 acres)

Major Private Undeveloped Parcels (12 acres)
 NOTE: Additional scattered sites not shown (= 6 acres)

2. Recreational Play fields

- a. **Pierce Street Park.** Considerable progress has been made with negotiations aimed at securing the site located at the former freeway on and off ramps at Pierce Street, north of Washington Avenue and east of Cleveland Avenue. The City Council authorized, with a vote of the neighbors of the Pierce Street area, to eliminate the building of a soundwall and small pocket park and proceed with phase one design for a 4.5-acre park. In FY 2000/01 the City prepared conceptual plans and preliminary right of way documents for the acquisition and construction of play fields, parking and open space at this location. In the winter of 2001 the State of California Department of Transportation (Caltrans) prepared the grading and drainage plans for phase one of the project. The City obtained additional funding through Caltrans to cover unanticipated construction costs for the earthwork project. Earthwork commenced with funds from the freeway project (i.e., at no cost to the City) in the summer of 2002. The City and Caltrans have executed a cooperative agreement for purchase / lease of the park area and an additional lease of airspace for a parking lot under the existing I-80 interchange along Cleveland Ave. At that time it had been proposed that, Caltrans would deed or lease this site to the City and a public process concerning the development of the park site would commence following execution of an agreement conveying rights in the land to the City.

In February of 2003 the City introduced AB 929 which would have required Caltrans to transfer the land as originally intended. The Senate Transportation Committee directed Caltrans to negotiate with the City. These negotiations are continuing. An appraisal of the site was ordered by the City in May 2004 and was completed in June of 2004. Negotiations with Caltrans are continuing.

- b. **University Village.** In 1998/99 the City began discussions with officials from the University of California, the City of Berkeley and local youth sports organizations regarding the possible acquisition, development and maintenance of recreational playfields on University owned property in Albany and Berkeley. The site is bounded by the University Village on the east, the Union Pacific railroad tracks on the west, the City of Berkeley (and Codornices Creek) on the south and the USDA property on the north.

The goal is to lease land from the University of California and relocate two existing little league fields currently located near San Pablo Avenue. Land used by the existing little league field is proposed for commercial development and student housing. Because of the need to preserve Albany's playfields, this project involves a lease arrangement, development and maintenance of new playfields. Some of the issues surrounding the project include funding; negotiating with UC Berkeley for land lease; and user schedules and conditions on field operations and maintenance.

In fall of 2001 the University elected to open up the Gill Tract for development and to relocate the ball fields to this new location. In January 2003, the University selected a development team to design and build the commercial portion, new student housing, and community facilities. A schematic plan for this site has been prepared in conjunction with the UC Village development project. Formal negotiations with UC Berkeley are underway. In late 2004 the University of California placed this project on hold. In 2005 the Council approved the reallocation of \$650,000 from the contingency for sports fields' projects that could have potentially helped to fund this project. The funds

were earmarked for field rehabilitation at Memorial and Ocean View Parks. Construction began in the summer of 2007.

- c. **Ocean View Park.** Since 2004 the Ocean View Park playfield has been maintained by the Albany Little League. In 2006-07 this service began being funded by the City under Landscape and Lighting Assessment District 1988-1.

3. Creek Restoration

- a. **Codornices Creek Restoration Plan.** This project is located along the south side of the University Village between San Pablo Avenue and the Union Pacific Railroad right of way. The goal of this project is to return this segment of Codornices Creek to as natural a condition as possible. Features would include a meandering stream, removal of culverts, planting of native vegetation, installation of a bicycle/pedestrian path and bridges.

In 1999 the Codornices Creek and Recreational Playfields Schematic Master Plan was approved by technical committee. In late 1999, and then again in early 2001, the City Council authorized a total of \$41,500 toward preparation of a report for “Lower Codornices Creek – Evaluation of Design Alternatives” by Waterways Restoration Institute. Equal contributions were made by the City of Berkeley and the University of California, Berkeley. In May of 2001, a field review was conducted by Caltrans as a prerequisite for grant funding. In February 2001, the environmental document was begun through a contract with Design, Communities and Environment. Because of modifications in 2002, to the University Village plans (e.g., relocation of ball fields to Gill Tract, changes to creek right-of-way), this delayed the environmental document. In the spring of 2004, the draft was completed and on May 17, 2004, the Albany City Council certified the Mitigated Negative Declaration.

A grant of \$97,000 was received from Caltrans for trail planning and \$100,000 from the Coastal Conservancy for project management, design and hydrology studies.

In the fall of 2002, a grant for \$985,000 was received from the Department of Water Resources to complete engineered drawings and begin construction of the project. The improvements between Fifth Street and the Railroad were constructed in the fall of 2004 and between Fifth and Sixth Streets in 2006-07. In 2007-08, a contract was approved for improvements along the U.S. Post Office property. *In 2010-11a contract for the Phase III improvements between Sixth and Eighth Street was bid.*

b. Codornices Creek Restoration – Creekside Apartments

In April 1998, the Planning and Zoning Commission approved a 16-unit affordable housing project called Creekside Apartments. As a condition of approval, Resources for Community Development (RCD), the non-profit developer agreed to grant an easement to the City for access and restoration of the adjoining creek between Kains Avenue and San Pablo Avenue. The apartments were occupied in February 2000. RCD offered for dedication, the easement for creek conservation, flood control and public access as required. The offer of dedication has since been recorded. The offer of dedication was

obtained at no cost to the City. City staff and the City Engineer prepared the right of way documents for this transaction.

The goal of the creek project is to realign and restore this open concrete channel segment of Codornices Creek to as natural a condition as possible. Features would include: removal of the concrete channel (bottom and sides); meander the stream where possible; plant native vegetation; and provide public access.

A Contract has been entered into with WRI (\$31,000) for survey, landscape plans, structural engineering, geotechnical engineering review, landscape architecture, construction plans, permitting, and project management.

Plans were prepared in the spring of 2002. Construction of the improvements and acceptance of the offer of dedication of the easement is pending verification of full funding for the project and final agreement with the City of Berkeley regarding public access, maintenance, and the maintenance road design.

The City of Berkeley was approached in 2003/04 regarding providing conceptual approval of the creek enhancement plan. An estimate for design services was obtained in 2007 and funding was discussed with Berkeley. A contract has been entered into with Restoration Design Group in 2008 and design has begun.

c. Cerrito Creek Pathway and Creek Restoration

The stretch of Cerrito Creek, between San Pablo Avenue and Pierce Street, including the parallel path and portions of Albany Hill, were subject to significant disturbance when the Berkeley sewer replacement project replaced the main sewer line that runs parallel to the creek. The City of Berkeley restoration activities have been initiated on the creek side of the existing pathway, per their original mitigation plans and agreement with the City of Albany.

During this time a Working Group was initiated by the Albany City Administrator to investigate the potential opportunities offered by this work. The Working Group included representatives from the cities of Albany, Berkeley, El Cerrito and Richmond, Friends of Albany Hill, Friends of Five Creeks, Bayside Commons, Orientation Center for the Blind, and the Albany Park and Recreation Commission. The Working Group's goal, as stated in the final report, is to:

Restore Cerrito Creek and design a means of access between Pierce Street and San Pablo Avenue that recognizes the competing needs of natural habitat, both aquatic and terrestrial, pedestrian and bicycle access, and safety considerations.

Preliminary recommendations, a listing of opportunities and constraints, and a map illustrating some alternative pathways are included in the Final Report of the Working Group.

In early 2002, a \$100,000 ABAG Bay Trail grant was received from the California Coastal Conservancy to determine an acceptable bicycle/pedestrian route from El Cerrito Plaza to the Bay Trail. A consultant was hired to prepare a set of alternatives. Three joint community workshops were held by the cities of Albany, El Cerrito and Richmond. In late 2002, the consultant finalized a set of alternative routes which were then presented

to various city commissions. In December 2003, the City Council accepted the feasibility study and authorized follow-up studies, including the connection along Pierce Street and adjacent to Bayside Commons. The follow-up studies for Pierce Street was completed and approved in late 2004.

In spring of 2004 a representative of the Bayside Commons Homeowners Association contacted the City staff with regard to the City's acquiring fee title to the creek right of way. The City is considering this option. A survey of the property to be transferred was performed in 2004/05 and legal description was prepared in 2005-06.

Beginning in 2006/07, removal of non-native species by Friends of Five Creeks is being funded by Measure R. *A line item has been included in the budget for 2007-08 and 2008-09.*

d. Codornices Creek and Village Creek – Target Development

In 2003/04 the City conditioned Target, the developer of the former Union Pacific parcel along Eastshore Highway, to dedicate to public use conservation easements over Codornices and Village Creeks between the railroad right of way and Eastshore Hwy. Construction of public access improvements and habitat enhancement is possible for this segment of the creek, pending environmental report, review and availability of funding. Target also was required to fund a creek management plan. The City of Berkeley has been approached about enhancing the Berkeley side of Codornices Creek. The two Cities are working on a long term plan for this segment of the creek. *The City entered into an agreement with Resources Design Group in 2007 and the plans are nearly complete. 100% Draft plans are expected to be completed by August of 2008. Funding for construction is proposed to be accomplished by a grant.*

PLANS AND SPECIFICATIONS

The conceptual plans, and the detailed plans and specifications where they exist, for the projects described in this Part A, are available for review in the office of the Community Development Director and are incorporated into this report by reference.

CITY OF ALBANY OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK
RESTORATION ASSESSMENT DISTRICT NO. 1996-1

PART B
COST ESTIMATE
SUMMARY

	2008/09 Actual	2009/10 Budget	2009/10 Projected	2010/11 Estimate	2011/12 Forecast
Bond Fund Balance (780,781,782 - July 1)	2,972,938	3,041,659	3,041,659	2,959,859	3,094,383
Less Reserve Fund Requirement	(593,450)	(478,200)	(478,200)	(477,676)	(477,676)
Revenue Funds	185,458				
INCOME:					
Assessments	471,064	481,000	480,000	480,000	480,000
Bond Fund Interest	59,513	113,803	9,400	14,100	18,800
Revenue Fund Interest	16,266	31,607	5,000	6,000	7,000
Miscellaneous Revenue	36,424	6,400	6,400		
Total Income	583,267	626,410	500,800	500,100	505,800
FUND USES:					
Bond Payments	593,450	478,200	478,200	238,576	239,124
PROJECTS					
Planning and Design	13,588		6,000	50,000	
Construction	56,423	70,100	69,400	48,000	
Total Projects	70,011	70,100	75,400	98,000	
MAINTENANCE:					
Maintenance	32,999	15,000	25,000	25,000	25,000
Administration	3,544	4,000	4,000	4,000	4,000
Engineering, legal & notice	36,543	19,000	29,000	29,000	29,000
Total Maintenance	70,004	38,000	58,000	58,000	58,000
Total Expenses	700,004	567,300	582,600	365,576	268,124
Ending Balance Available	2,448,209	2,622,569	2,481,659	2,616,707	2,854,383
Bond Fund Reserve	593,450	478,200	478,200	477,676	477,676
Bond Fund Balance (780,781,782 - June 30)	3,041,659	3,100,769	2,959,859	3,094,383	3,332,059

CITY OF ALBANY OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK
RESTORATION ASSESSMENT DISTRICT NO. 1996-1

PART B
COST ESTIMATE
OPEN SPACE FUND 780

	2008/09 Actual	2009/10 Budget	2009/10 Projected	2010/11 Estimate	2011/12 Forecast
Bond Fund Balance	1,746,791	\$ 1,943,714	\$ 1,943,714	\$ 1,931,714	2,121,714
Less Reserve Fund Requirement	(236,950)	(239,100)	(239,100)	(239,100)	(239,100)
Revenue Funds	185,458				
INCOME:					
Assessments	235,532	240,500	240,000	240,000	240,000
Bond Fund Interest	37,136	54,398	6,000	9,000	12,000
Revenue Fund Interest	7,518	15,221	2,500	3,000	3,500
Miscellaneous Revenue					
Total Income	280,186	310,119	248,500	252,000	255,500
FUND USES:					
Bond Payments	236,950	239,100	239,100		
PROJECTS:					
Planning and Design				50,000	
Construction		15,100	9,400		
Total Projects		15,100	9,400	50,000	
MAINTENANCE:					
Maintenance	29,999	10,000	10,000	10,000	10,000
Administration	1,772	2,000	2,000	2,000	2,000
Engineering, legal & notice					
Total Maintenance	31,771	12,000	12,000	12,000	12,000
Total Expenses	268,721	266,200	260,500	62,000	12,000
Ending Balance Available	\$ 1,706,764	\$ 1,748,533	\$ 1,692,614	\$ 1,882,614	\$ 2,126,114
Bond Fund Reserve	\$ 236,950	\$ 239,100	\$ 239,100	\$ 239,100	\$ 239,100
Ending Bond Fund Balance	\$ 1,943,714	\$ 1,987,633	\$ 1,931,714	\$ 2,121,714	\$ 2,365,214

CITY OF ALBANY OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK
RESTORATION ASSESSMENT DISTRICT NO. 1996-1

PART B
COST ESTIMATE
CREEK RESTORATION FUND 782

	2008/09 Actual	2009/10 Budget	2009/10 Projected	2010/11 Estimate	2011/12 Forecast
Bond Fund Balance	827,070	\$ 713,691	\$ 713,691	698,291	649,091
Less Reserve Fund Requirement	(238,025)	(119,550)	(119,550)	(119,550)	(119,550)
INCOME:					
Assessments	117,766	120,250	120,000	120,000	120,000
Bond Fund Interest	13,867	18,436	1,900	2,850	3,800
Revenue Fund Interest	5,318	9,779	1,250	1,500	1,750
Miscellaneous Revenue	24,851	0	0	0	0
Total Income	161,802	148,465	123,150	124,350	125,550
FUND USES:					
Bond Payments	238,025	119,550	119,550	119,550	119,550
PROJECTS:					
Planning and Design (others)	4,640	0	6,000	0	0
Construction Creek Restoration	31,630	55,000	7,000 *	48,000 *	0
Total Projects	36,270	55,000	13,000	48,000	0
MAINTENANCE:					
Maintenance	0	5,000	5,000	5,000	5,000
Administration	886	1,000	1,000	1,000	1,000
Engineering, Legal & notice	886	6,000	6,000	6,000	6,000
Total Maintenance	1,772	12,000	12,000	12,000	12,000
Total Expenses	275,181	180,550	138,550	173,550	125,550
Ending Balance Available	\$ 475,666	\$ 562,056	\$ 578,741	\$ 529,541	\$ 529,541
Plus Bond Reserve	238,025	119,550	119,550	119,550	119,550
Ending Bond Fund Balance	\$ 713,691	\$ 681,606	\$ 698,291	\$ 649,091	\$ 649,091
		Cordornices Creek Phase III *			