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**RESOLUTION NO. 2015-38**

**A RESOLUTION OF THE ALBANY CITY COUNCIL CONFIRMING THE  
DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS IN THE  
OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK RESTORATION  
ASSESSMENT DISTRICT NO. 1996-1 FOR FISCAL YEAR 2015/16  
(Pursuant to the Landscaping and Lighting Act of 1972)**

**WHEREAS**, on April 7, 2014, pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22620), the Council approved Resolutions #2014-33 and #2014-34 directing NBS to prepare the annual reports, for three consecutive years, concerning the levy and collection of assessments within the assessment districts for LLAD No. 1988-1 and 1996-1; and

**WHEREAS**, On June 1, 2015 the Council adopted Resolutions #2015-27 initiating proceedings, Resolutions #2015-29 preliminarily approving the Engineer's Report for FY 2015/16, and Resolution #2015- 31, declaring the Intention of the Council to levy and collect assessments, and setting July 6, 2015 as the date for the public hearing for each District in the meeting place of the City Council, 1000 San Pablo Avenue, Albany, CA; and

**WHEREAS**, in the report of the Engineer, assessments are not proposed to increase over the amount for the previous year; and

**WHEREAS**, notice of the hearing was given in the time and manner required by law; and

**WHEREAS**, at the public hearing held on July 6, 2015, the City Council afforded every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council considered each protest;

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**NOW THEREFORE, BE IT RESOLVED** that the City Council hereby confirms the diagram and assessment, as set forth in the annual report of the Engineer of Work for the 2015/16 fiscal year; and

**BE IT FURTHER RESOLVED** that the City Council hereby levies the assessments as set forth in the report of the Engineer for fiscal year 2015/16; and

**BE IT FURTHER RESOLVED** that the City Clerk is authorized and directed to immediately file the Engineer's Report for Assessment District No. 1996-1 for the 2015/16 fiscal year together with a certified copy of this resolution with the Alameda County Auditor.

  
\_\_\_\_\_  
Peter Maass, Mayor

**West County Times**

1050 Marina Way S  
Richmond, CA 94804  
(510) 262-2740

2000668

ALBANY, CITY OF  
CITY CLERK/FINANCE DEPT.  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706

**PROOF OF PUBLICATION**

**FILE NO. Resolution 2015-31**

In the matter of

**West County Times**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/26/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 26th day of June, 2015.

*Eileen Harrington*

Signature

Legal No. 0005513273

**RESOLUTION NO. 2015-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR**

**THE OPEN SPACE, RECREATIONAL PLAYFIELD AND CREEK RESTORATION ASSESSMENT DISTRICT NO. 1996-1 FOR FISCAL YEAR 2015/16**

The City Council (the "Council") of the City of Albany (the "City") does resolve as follows:

**WHEREAS**, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Open Space, Recreational Playfield, and Creek Restoration Assessment District No. 1996-1 (the "Assessment District"); and

**WHEREAS**, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE COUNCIL, AS FOLLOWS:**

**1.Intention:** The Council hereby declares its intention to levy and collect assessments within the Assessment District to pay the costs of the Improvements for the fiscal year commencing July 1, 2015 and ending June 30, 2016. The Council finds that the public's best interest requires such action.

**2.Improvements:** The Improvements include, but are not limited to: 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. The improvements proposed for this fiscal year include, but are not limited to: vegetation management along Cerrito Creek and on Albany Hill and continuation of planning and design associated with the restoration of Codornices Creek.

**3.Assessment District Boundaries:** The boundaries of the Assessment District are as shown by the assessment diagram filed in the offices of the City Clerk, which map is made a part hereof by reference.

**4. Annual Report:** Reference is made to the Annual Report prepared by NBS, on file with the Clerk, for a full and detailed description of the improvements, the boundaries of the Assessment District and the zones therein, and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

**5. Notice of Public Hearing:** The Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments in accordance with Section 22629 of the Act. All objections to the assessment, if any, will be considered by the Council. The Public Hearing will be held on Monday, July 6, 2015 at 7:30 pm or as soon thereafter as is feasible in the Council Chambers located at 1000 San Pablo Avenue, Albany, CA 94706. The Council further orders the Clerk to publish notice of this resolution in accordance with Section 22626 of the Act.

**6. Increase of Assessment:** The maximum assessment is not proposed to increase from the previous year above that previously approved by the property owners (as "increased assessment" is defined in Section 54954.6 of the Government Code).

/s/Peter Maass, Mayor

**RESOLUTION NO. 2015-31**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY, the 1st day of June, 2015, by the following votes:

AYES: Council Members Barnes, McQuaid, Nason, Pilch, and Mayor Maass  
NOES: none  
ABSENT: none  
ABSTAINED: none  
RECUSED: none  
WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 2nd day of June, 2015

/s/Eileen Harrington, Deputy City Clerk

WCT 5513273 June 26, 2015

*Notice posted - proof of hearing set  
(Reso 2015-31)  
Public Hearing  
7/6/15*



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • www.albanyca.org

**RESOLUTION NO. 2015-38**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,  
the 6th day of July, 2015, by the following votes:

AYES: Council Members McQuaid, Nason, Pilch, and Mayor Maass

NOES: none

ABSENT: Council Member Barnes

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th  
day of July, 2015.

Eileen Harrington  
DEPUTY CITY CLERK