

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: November 3, 2003  
FROM: Ann Swift, City Clerk  
SUBJECT: **Formation of the Piedmont Hills Underground Utility District**

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**RECOMMENDATION**

Approve the attached resolution setting the boundaries of the Piedmont Hills Underground Utility District and a separate resolution requesting the consent of the City of Oakland to conduct special assessment proceedings in their jurisdiction.

**BACKGROUND:**

On February 3, 2003, council received petitions from residents living on a number of streets in eastern Piedmont including Sotelo, Glen Alpine, Crest, St. James, and Calvert Court. Council accepted their petitions for formation of an underground assessment district and directed that all of the properties be amalgamated into a single entity called the Piedmont Hills Underground Utility District. On June 16, 2003, council held an additional public hearing regarding the boundaries of the Piedmont Hills Underground Utility District.

Since that time, the steering committee for the district has met regularly to discuss requests from homeowners for inclusion in the district and to consolidate fund raising for preliminary expenses. Based on such requests, the attached map includes several new “neighborhoods”

- Calvert Court parcels in the City of Oakland
- Somerset Road parcels in Piedmont and in the City of Oakland
- Five Hampton Road/Indian Road properties (excluding the St. James intersection)

The Hampton/Indian Road request was received at the last meeting of the steering committee. Council should note that no petitions from these homeowners have been received nor has any money been collected from these parcels for preliminary expenses. Previous correspondence from Hampton Road homeowners to the northeast indicates that they do not wish to be included in the district. Council may determine whether or not the public process necessary to include these parcels has occurred in conformance with the city’s Underground Utility Policy.

Because many of the parcels in this district are located in the City of Oakland, the council must request permission from Oakland to include them in the Piedmont Hills Underground

Utility District. The attached resolution prepared by Mr. Sperry of Orrick, Herrington & Sutcliffe will be forwarded to the City of Oakland for action by their city council. Permission from Oakland must be received before other steps to form the district (such as a Resolution of Intention), can be taken.

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

RESOLUTION APPROVING BOUNDARY MAP

Proposed Piedmont Hills Underground Assessment District

WHEREAS, there has been filed with the City Clerk a proposed boundary map entitled “Proposed Boundaries of the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, State of California” (the “Proposed Assessment District”), which map shows the area to be assessed in the Proposed Assessment District; and

WHEREAS, this City Council wishes to establish said map as the map of the proposed boundaries (the “Boundary Map”) of the Proposed Assessment District.

NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS, DETERMINES

AND RESOLVES as follows:

1. This City Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, State of California.

2. This City Council finds and determines that the Boundary Map contains the matters and is in the form prescribed by Section 3110 of the California Streets and Highways Code.

3. This City Council directs the City Clerk to certify the adoption of this resolution on the face of the Boundary Map and to file a copy of the Boundary Map with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts; provided that such filing with the Alameda County Recorder shall be deferred until such time as the City Council of the City of Oakland grants the request of this City Council to proceed with the Proposed Assessment District, which as shown on the Boundary Map includes property situated within the corporate limits of the City of Oakland.

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RESOLUTION NO. \_\_\_\_

RESOLUTION REQUESTING CONSENT OF THE  
CITY COUNCIL OF THE CITY OF OAKLAND  
TO CONDUCT SPECIAL ASSESSMENT PROCEEDINGS

Proposed Piedmont Hills Underground Assessment District

WHEREAS, under the authority of the Municipal Improvement Act of 1913 (Sections 10000 and following, California Streets and Highways Code; hereafter the “1913 Act”), including the provisions of Sections 5896.1 through 5896.17, inclusive, of the Streets and Highways Code, as incorporated into the 1913 Act by Section 10102.1 thereof, this City Council intends to order the performance of work to accomplish the conversion of existing overhead utility facilities to underground facilities, together with appurtenant work and improvements (the “Proposed Undergrounding Project”), all of which work and improvements are situated within the proposed boundaries of the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, California (the “Proposed Assessment District”), which boundaries are shown on a map (the “Boundary Map”) of the Proposed Assessment District approved by resolution of this City Council adopted this same date; and

WHEREAS, as provided by Section 10103 of the 1913 Act, this City Council wishes to seek the consent of the City Council of the City of Oakland (the “City of Oakland”) to conduct the required legal proceedings for establishment of the Proposed Assessment District, the performance of the work for the Proposed Undergrounding Project, and imposition of special assessments upon those parcels of land within the Proposed Assessment District which are specially benefited by the Proposed Undergrounding Project, as shall be determined by this City Council through said legal proceedings, to be conducted in accordance with the 1913 Act and Section 53753 of the California Government Code (“Section 53753”);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PIEDMONT HEREBY FINDS, DETERMINES AND RESOLVES as follows:

1. As provided by the proposed resolution of intention, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, this City Council intends to conduct the appropriate legal proceedings to establish the Proposed Assessment District, implement the Proposed Undergrounding Project, and levy a special assessment upon designated portions of the land within the Proposed Assessment District in accordance with and in proportion to the special benefit to be received by each parcel of land, respectively, from the Proposed Undergrounding Project.

2. A portion of the land within the Proposed Assessment District and a portion of the work and improvements which comprise the Proposed Undergrounding Project are situated within the City of Oakland, and for that reason this City Council, in accordance with Section 10103 of the 1913 Act, respectfully requests the consent of the

City Council of the City of Oakland to conduct the proposed legal proceedings for establishment of the Proposed Assessment District, levy of special assessments upon the benefited parcels of land in proportion to the special benefit to be received by such parcels, and implement the Proposed Undergrounding Project. Without limiting the generality of the foregoing, this City Council respectfully requests the consent of the City Council of the City of Oakland to adopt the proposed resolution of intention in the form attached hereto as Exhibit A.

3. In furtherance of this request, this City Council hereby expressly finds and determines that the proposed work is of such a character that it directly and peculiarly affects and benefits property in both the City of Piedmont and the City of Oakland, and that the public interest and convenience require and the purposes sought to be accomplished by the Proposed Undergrounding Project can best be accomplished by a single, comprehensive legal proceeding and scheme of work to be undertaken by this City Council and the City of Piedmont in accordance with the 1913 Act and Section 53753.

4. The City Clerk is hereby directed to transmit or cause the transmission of a certified copy of this resolution (with Exhibit A attached) and a certified copy of the Boundary Map to the City Clerk of the City of Oakland.

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