

City of Piedmont
COUNCIL AGENDA REPORT

DATE: March 19, 2007

FROM: Ann Swift, City Clerk

SUBJECT: **Approval of a Resolution Abandoning Proceedings and Voiding Assessment in the Central Piedmont Undergrounding Assessment District**

RECOMMENDATION

Approve the attached resolution which will abandon proceedings and void assessments for the Central Piedmont Undergrounding Assessment District as directed by council on March 5, 2007.

BACKGROUND

On March 5, ballots were opened for the Central Piedmont Undergrounding District. Based on the results of the ballot tally and public testimony, the council directed that a resolution be prepared which would abandon the proceedings for the district and void future assessments for all homeowners.

The attached resolution has been prepared with the assistance of Sam Sperry and meets legal requirements to terminate this district.

RESOLUTION NO. _____

RESOLUTION ABANDONING PROCEEDINGS

CITY OF PIEDMONT
CENTRAL PIEDMONT UNDERGROUND ASSESSMENT DISTRICT

WHEREAS, at the close of the public hearing conducted on November 7, 2005, this City Council (this "City Council") of the City of Piedmont (the "City") levied assessments (the "Original Assessments") upon the benefited parcels within the Central Piedmont Underground Assessment District (the "Assessment District"), based upon the estimated cost (the "2005 Estimated Cost") for the authorized utility undergrounding project (the "Project"), with a 74% margin of support from the affected property owners as indicated by the assessment ballots submitted prior to the close of the public hearing; and

WHEREAS, following the levy and recording of the Original Assessments as liens on the parcels of land assessed, final engineering design was completed and sealed bids for the Project were solicited and received, and the best bid received was for a bid price substantially in excess of the 2005 Estimated Cost, with the result that proceeding with the Project required a substantial increase in the amount of the assessments (the "Proposed Increased Assessments"); and

WHEREAS, for the purpose of determining whether sufficient support remained among the affected property owners to proceed with the Project based on the Proposed Increased Assessments, this City Council directed the preparation of an amended engineer's report (the "Amended Report"), showing the increased total costs to be assessed and the Proposed Increased Assessments and, upon receiving the Amended Report, by resolution adopted on January 16, 2007, scheduled a public hearing for March 5, 2007, to consider the Amended Report and the Proposed Increased Assessments and to hear and consider expressions of support and opposition from the affected owners and any interested persons; and

WHEREAS, notices of hearing and assessment ballots were mailed to the affected owners as required by law, and this City Council opened, conducted and closed the public hearing as scheduled, and at the close of the public hearing, directed the City Clerk (the "City Clerk") to open and tally the assessment ballots received; and

WHEREAS, upon completion of the task of opening and tallying the assessment ballots, the City Clerk reported the results to this City Council, namely that of the assessment ballots received, when weighted in accordance with the amount of the Proposed Increased Assessments as directed by law, the margin of support was 53%; and

WHEREAS, there is insufficient support among the affected property owners and because it is now in the best interest of the City in general and the property owners within the Assessment District to terminate any further consideration of the Proposed Increased Assessments or the Project, this City Council has resolved to and by this resolution wishes to abandon the proceedings for the Assessment District and to provide for the recordation of a certified copy of this resolution with the Alameda County Recorder in accordance with Section 3117 of the California Streets and Highways Code;

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

1. The proceedings for the Assessment District are hereby abandoned.
2. Pursuant to Section 3117 of the California Streets and Highways Code, the City Clerk is hereby authorized and directed to record a certified copy of this Resolution Abandoning Proceedings with the Alameda County Recorder. As further specified by Section 3117, the following information pertains to the Assessment District proceedings:

- (a) The date of adoption of the resolution of intention was October 7, 2003.
- (b) The boundary map for the Central Piedmont Underground Assessment District was filed for record in the office of the County Recorder of Alameda County on September 19, 2005, in Book 16 of Maps of Assessment and Community Facilities Districts, at page 25.
- (c) The assessment diagram for the Central Piedmont Underground Assessment District was filed for record in the office of the County Recorder of Alameda County on February 15, 2006, in Book 16 of Maps of Assessment and Community Facilities Districts, at pages 30 through 38 inclusive.
- (d) The Notice of Assessment for the Central Piedmont Underground Assessment District was recorded March 15, 2007 as Document No. 2007105573, in the official records of the County Recorder of Alameda County.
- (e) The date of adoption of this Resolution Abandoning Proceedings is March 19, 2007.

PASSED AND ADOPTED at a regular meeting of the Piedmont City Council on March 19, 2007 by the following vote:

AYES:
NOES:
ABSENT:

Attest: _____
Ann Swift, City Clerk