

CITY OF SAN JOSE

ANNUAL BUDGET REPORT

**MAINTENANCE DISTRICT 5
(ORCHARD PARKWAY - PLUMERIA DRIVE)**

FISCAL YEAR 2011-12

Filed in the office of the City Clerk of the City of San José on _____.

DENNIS D. HAWKINS, CMC
City Clerk

This Budget Report and the assessments herein were duly approved, confirmed and adopted by the City Council of the City of San José at a meeting thereof on _____.

DENNIS D. HAWKINS, CMC
City Clerk

I, the Director of Finance of the City of San José, hereby certify that on _____ the assessments contained in this Budget Report were delivered to the officer of the County of Santa Clara designated by law to post City special assessments upon the property tax roll on which they are collected.

SCOTT P. JOHNSON
Director of Finance

WHEREAS, on July 17, 1979, the City Council of San José adopted its Resolutions 51886 and 51887 providing for the establishment of Maintenance District 5A (Orchard Parkway - First Street to Plumeria Drive) and Maintenance District 5B (Orchard Parkway and Plumeria Drive) respectively; and

WHEREAS, on June 13, 1995, the City Council of San José adopted its Resolution 65980 providing for the reformation of Maintenance District 5A and 5B, combined as Maintenance District 5 (Orchard Parkway - Plumeria Drive) in accordance with the provisions of Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts; and

WHEREAS, on June 20, 2000, the City Council of San José adopted its Resolution 69686 providing for the re-authorization of Maintenance District 5 (Orchard Parkway and Plumeria Drive) pursuant to the provisions of Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts, which was revised to conform to the requirements of California Proposition 218; and

WHEREAS, the provisions of the district require that every year, if the proposed change in the total assessment does not exceed the change in the current year Bay Area Consumer Price Index to that of the base assessment year, the Director of Public Works shall prepare an Annual Budget Report containing: the budget for the ensuing fiscal year; the formula for apportioning the costs among the parcels; an assessment roll with a property owners list, and; a map or diagram showing the boundaries of the district and identifying the parcels in the district.

NOW, THEREFORE:

1. THE BOUNDARY is generally described as Montague Expressway on the north; Guadalupe River on the west; Trimble Road on the south and First Street on the east.

2. THE IMPROVEMENTS for which maintenance and operation are provided shall include all street islands, and; all additions, improvements and enlargements thereto which may hereafter be made for the district, and of benefit to the district but not of benefit to the City of San José as a whole. Improvements include but are not limited to: ornamental plantings, including trees, shrubs, vines groundcovers and lawns; irrigation, drainage and lighting systems, and; decorative paving, curbing, maintenance bands, seats, walls, signs and statuary.

3. THE MAINTENANCE AND OPERATION of the improvements shall include the necessary servicing, repairs, replacements, equipment, supplies, water, fuel, power, electric current, care, supervision and any and all other items necessary for the safe and proper maintenance and operation thereof.

4. THE BUDGET for the costs and expenses of maintaining and operating any and all of the

public improvements for Fiscal Year 2011-12 is shown on the following table.

MAINTENANCE DISTRICT 5 - FUND 357					
SOURCE OF FUNDS		TOTAL	USE OF FUNDS		TOTAL
Beginning Fund Balance:			Expenditures:		
Restricted Cash		17,932	Non Personal Services		67,342
Unrestricted Cash		333,495	Overhead		4,390
Total Beginning Fund Balance		\$351,427	Personal Services		16,023
			Workers' Comp Claims		500
			Total Expenditures		\$88,255
Transfers:			Transfers:		
General Fund (GASB43/45)		0	City Hall Debt Service Fund		0
Total Transfers		\$0	General Fund (GASB43/45)		0
			Total Transfers		\$0
Revenue:*			Ending Fund Balance:		
Interest		1,500	Restricted Cash		17,932
Benefit Assessment		65,600	Unrestricted Cash **		
Total Revenue		\$67,100	Operating Funds		66,191
			Replacement Funds		246,149
			Total Ending Fund Balance		\$330,272
TOTAL SOURCE OF FUNDS		\$418,527	TOTAL USE OF FUNDS		\$418,527

* As proposed in the 2011-12 Operating Budget. Actual assessment displayed in Exhibit 1.

** Subject to limitation are the Ending Fund Balances for Unrestricted Cash: Operating Funds and Replacement Funds. Operating Funds may not exceed one year's Total Expenditures. Replacement Funds may not exceed the full replacement value of the improvements maintained. If either limit is exceeded, the excess amount shall be credited to the assessments in proportion to each parcel's assessment.

5. THE FORMULA upon and by which the benefit assessment is to be levied as detailed in the Engineer's Report adopted June 20, 2000. In summary, the individual assessments are determined by the ratio of each parcel's adjusted area relative to the total adjusted area of all parcels to be assessed within the district. Those parcels fronting on streets with landscaped street islands shall have their parcel area adjusted by a factor of 1.25.

6. THE ANNUAL ADJUSTMENT FORMULA sets maximum limits on the assessments in future annual district budgets. The assessment of \$54,350 for Fiscal Year 2000-01 is the Base Assessment. The maximum annual assessment limit shall be equal to the change in the average annual Consumer Price Index ("CPI"), All Urban Consumers, for the San José - San Francisco -

Oakland Area, from the 1999 base year, which is 172.5, to the subsequent year. The limit for this fiscal year has been calculated to be an adjustment factor of 1.3187 to the base assessment, which equates to an approximate increase of 1.37% over last year's maximum aggregate assessment. Annual budgets within this limit may be approved by the City Council without additional property owner ratification. This limit may be exceeded only with a majority owner approval of either: 1) a supplemental assessment; 2) a revision of or a supplement to, the maximum assessment and/or adjustment formula; or, 3) any other methodology amenable to the property owners.

NOW, THEREFORE, I, DAVID SYKES, Acting Director of Public Works of the City of San José by virtue of the power vested in me under the Resolution and the order of the City Council, hereby make the benefit assessments as shown on the Assessment Roll attached as Exhibit 1 upon all parcels of property subject to assessment owned by the persons shown on the Owners List attached as Exhibit 2 and shown on the diagram attached as Exhibit 3.

Dated: _____

DAVID SYKES
Acting Director of Public Works

**MAINTENANCE DISTRICT NO. 5
(ORCHARD PARKWAY - PLUMERIA DRIVE)
ASSESSMENT ROLL
FISCAL YEAR 2011-12**

EXHIBIT 1

Fund 357
Tax code 926

BASE Assessment	\$54,350.00	BASE CPI (1999)	172.500
2011-12 CPI Adjusted Maximum Assessment	\$71,669.20	2010 CPI	227.469
		CPI Adjustment Factor	1.3187

NET AREA FACTOR = 1.00 for parcels not fronting landscaped medians.
1.25 for parcels fronting landscaped medians.

PARCEL NUMBER ASSESSOR / DISTRICT	NET ASSESSMENT	MAXIMUM ALLOWABLE ASSESSMENT	CREDITS	AREA X	PARCEL FACTOR = NET AREA	
DISTRICT TOTALS:	\$65,700.70	\$71,669.20	(\$5,968.50)	170.28		202.93
CK TTL:		71,669.20				
DIFF:		0.00				
101-29-001 1	1,622.08	1,769.44	(147.36)	5.01	1.00	5.01
101-29-002 2	2,136.88	2,331.00	(194.12)	5.28	1.25	6.60
101-29-004 3	1,137.22	1,240.54	(103.32)	2.81	1.25	3.51
101-29-003 4	709.04	773.46	(64.42)	2.19	1.00	2.19
101-28-001 5	1,204.42	1,313.84	(109.42)	3.72	1.00	3.72
101-28-002 6	2,030.02	2,214.44	(184.42)	6.27	1.00	6.27
101-28-003 7	1,493.38	1,629.04	(135.66)	3.69	1.25	4.61
101-28-004 8	1,420.54	1,549.58	(129.04)	3.51	1.25	4.39
101-28-006 11	2,144.96	2,339.82	(194.86)	5.30	1.25	6.63
101-29-010 12	2,557.76	2,790.12	(232.36)	6.32	1.25	7.90
101-29-011 13	2,185.42	2,383.96	(198.54)	5.40	1.25	6.75
101-29-006 14	2,602.30	2,838.70	(236.40)	6.43	1.25	8.04
101-29-005 15	3,755.72	4,096.90	(341.18)	9.28	1.25	11.60
101-29-007 16	1,320.98	1,440.98	(120.00)	4.08	1.00	4.08
101-29-009 17	3,007.00	3,280.16	(273.16)	7.43	1.25	9.29
101-29-008 18	297.86	324.92	(27.06)	0.92	1.00	0.92
19						
		NOT USED				
101-19-007 20		NOT ASSESSED - Valley Transportation Authority				
101-19-006 21	1,615.62	1,762.38	(146.76)	4.99	1.00	4.99
101-19-001 22	1,618.84	1,765.90	(147.06)	5.00	1.00	5.00
101-19-002 23	1,589.70	1,734.12	(144.42)	4.91	1.00	4.91
101-19-003 24	4,208.98	4,591.34	(382.36)	10.40	1.25	13.00
101-19-004 25	5,924.96	6,463.20	(538.24)	14.64	1.25	18.30
101-19-005 26	2,917.96	3,183.04	(265.08)	7.21	1.25	9.01
101-18-001 27	5,224.82	5,699.46	(474.64)	12.91	1.25	16.14
101-18-002 28	2,262.34	2,467.86	(205.52)	5.59	1.25	6.99
101-18-003 29	5,876.40	6,410.24	(533.84)	14.52	1.25	18.15
101-19-008 30	* 1,715.98	1,871.86	(155.88)	4.24	1.25	5.30
		* Public Parcel - Invoice American Red Cross				
101-19-009 31	845.04	921.80	(76.76)	2.61	1.00	2.61
101-28-005 32	2,274.48	2,481.10	(206.62)	5.62	1.25	7.03

**MAINTENANCE DISTRICT 5
(ORCHARD PARKWAY – PLUMERIA DRIVE)
OWNERS LIST
FISCAL YEAR 2011-12**

EXHIBIT 2

PARCEL NUMBER DIST / ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	ASSESSMENT		PERCENT CHANGE
		2011-12 NET	2010-11 MAX	
1	10129001 ECI MONTAGUE LLC 1301 SHOREWAY RD STE 250; BELMONT CA 94002-4156	\$1,622.08	\$1,745.52	-7.07%
2	10129002 ECI MONTAGUE LLC 1301 SHOREWAY RD STE 250; BELMONT CA 94002	\$2,136.88	\$2,299.50	-7.07%
3	10129004 ECI MONTAGUE LLC 1301 SHOREWAY RD STE 250; BELMONT CA 94002-4156	\$1,137.22	\$1,223.78	-7.07%
4	10129003 ECI MONTAGUE LLC 1301 SHOREWAY RD STE 250; BELMONT CA 94002-4156	\$ 709.04	\$ 763.02	-7.07%
5	10128001 ORCHARD DRIVE INVESTORS LLC 1690 DELL AVE; CAMPBELL CA 95008	\$1,204.42	\$1,296.08	-7.07%
6	10128002 JER NSJ LLC 1901 AVE OF THE STARS STE 1000; LOS ANGELES CA 90067	\$2,030.02	\$2,184.52	-7.07%
7	10128003 CB SILICON VALLEY PORTFOLIO LLC 116 WELSH RD; HERSHAM PA 19044	\$1,493.38	\$1,607.04	-7.07%
8	10128004 CARR ORCHARD PARK LLC P O BOX A- 3879; CHICAGO IL 60690-3879	\$1,420.54	\$1,528.64	-7.07%
11	10128006 VIF II ORCHARD PKWY S J LLC TWO SEAPORT LN; BOSTON MA 02210	\$2,144.96	\$2,308.20	-7.07%
12	10129010 SILICON VALLEY CA I LLC P O BOX 4900 UNIT 207; SCOTTSDALE AZ 85261	\$2,557.76	\$2,752.42	-7.07%
13	10129011 MISSION WEST PROPERTIES LP II 10050 BANDLEY DR; CUPERTINO CA 95014-2102	\$2,185.42	\$2,351.76	-7.07%
14	10129006 MSCP ORCHARD PK LLC 575 MARKET ST UNIT 35TH FL; SAN FRANCISCO CA 94105	\$2,602.30	\$2,800.32	-7.07%
15	10129005 NOVELLUS SYSTEMS INC 90 HEADQUARTERS DR; SAN JOSE CA 95134	\$3,755.72	\$4,041.54	-7.07%
16	10129007 INSTITUTE OF INFORMATION TECH ASSMT 3003 N FIRST; SAN JOSE CA 95134	\$1,320.98	\$1,421.50	-7.07%
17	10129009 SILICON VALLEY CA I LLC P O BOX 4900 UNIT 207; SCOTTSDALE AZ 85261	\$3,007.00	\$3,235.84	-7.07%
18	10129008 SILICON VALLEY CA I LLC P O BOX 4900 UNIT 207; SCOTTSDALE AZ 85261	\$ 297.86	\$ 320.54	-7.08%
20	10119007 SANTA CLARA COUNTY TRANSIT DIST N 1ST ST; SAN JOSE CA 95134-2029	\$.00	\$.00	0.00%
21	10119006 CARR NP PROPERTIES LLC P O BOX A- 3879; CHICAGO IL 60690-3879	\$1,615.62	\$1,738.56	-7.07%

**MAINTENANCE DISTRICT 5
(ORCHARD PARKWAY – PLUMERIA DRIVE)
OWNERS LIST
FISCAL YEAR 2011-12**

EXHIBIT 2

PARCEL NUMBER DIST / ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	ASSESSMENT		PERCENT CHANGE
		2011-12 NET	2010-11 MAX	
22	10119001 2665 NORTH 1ST ST LLC 2665 N 1ST ST STE 310; SAN JOSE CA 95134-2035	\$1,618.84	\$1,742.04	-7.07%
23	10119002 CARR NP PROPS LLC P.O. BOX A - 3879; CHICAGO IL 60690-3879	\$1,589.70	\$1,710.68	-7.07%
24	10119003 MISSION WEST PROPS LP 10050 BANDLEY DR; CUPERTINO CA 95014	\$4,208.98	\$4,529.30	-7.07%
25	10119004 CARR NP PROPS LLC P.O. BOX A - 3879; CHICAGO IL 60690-3879	\$5,924.96	\$6,375.86	-7.07%
26	10119005 CARR NP PROPS LLC P.O. BOX A - 3879; CHICAGO IL 60690-3879	\$2,917.96	\$3,140.02	-7.07%
27	10118001 ROCKWELL HUD SYSTS INC 400 COLLINS RD NE MAIL; STOP 124-318 CEDAR RAPIDS I 52498	\$5,224.82	\$5,622.44	-7.07%
28	10118002 ROCKWELL HUD SYSTS INC 400 COLLINS RD NE MAIL; STOP 124-318 CEDAR RAPIDS I 52498	\$2,262.34	\$2,434.50	-7.07%
29	10118003 CB SILICON VALLEY PORTFOLIO LLC 116 WELSH RD; HORSHAM PA 19044	\$5,876.40	\$6,323.60	-7.07%
30	10119008 AMERICAN NATIONAL RED CROSS 2731 N 1ST ST; SAN JOSE CA 95134-2029	\$1,715.98	\$1,846.56	-7.07%
31	10119009 WINBOND ELECTRONICS CORP AMERICA 2727 N 1ST ST; SAN JOSE CA 95134	\$ 845.04	\$ 909.34	-7.07%
32	10128005 JER NSJ LLC 1901 AVE OF THE STARS STE 1000; LOS ANGELES CA 90067	\$2,274.48	\$2,447.56	-7.07%



CERTIFICATIONS

(1) DIRECTOR OF PUBLIC WORKS
 FILED THIS _____ DAY OF _____, 2011, IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN JOSE.

DAVID BYKES
 ACTING DIRECTOR OF PUBLIC WORKS

(2) CITY CLERK
 FILED THIS _____ DAY OF _____, 2011, IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SAN JOSE.

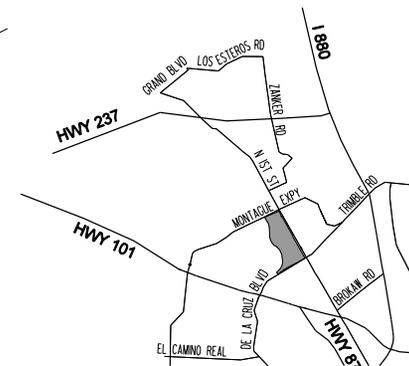
DENNIS D. HAWKINS, CMC
 CITY CLERK

(3) CITY COUNCIL
 BY RESOLUTION NUMBER _____, ON THE _____ DAY OF _____, 2011, AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL, ON THE LOTS, PRECISES, AND PARCELS OF LAND SHOWN ON THIS DIAGRAM. THE APPROVED DIAGRAM AND ASSESSMENT ROLL FILED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS CONTAINS THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS DIAGRAM.

DENNIS D. HAWKINS, CMC
 CITY CLERK

(4) COUNTY RECORDER
 FILED THIS _____ DAY OF _____, 2011, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE(S) _____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA. FILE NO.: _____ FEE PAID: _____

REGINA ALCOMENDRAS, COUNTY RECORDER
 COUNTY OF SANTA CLARA



LOCATION MAP

CITY OF SAN JOSE
 CAPITAL OF SILICON VALLEY
 PUBLIC WORKS DEPARTMENT
 DEVELOPMENT SERVICES DIVISION
 BY SPECIAL DISTRICTS

LEGEND

	DISTRICT BOUNDARY	1	DISTRICT PARCEL NUMBER (DPN)
	MAINTENANCE AREA	123-12-123	ASSESSOR'S PARCEL NUMBER (APN)
	STREET RIGHT OF WAY	1.23 AC	PARCEL AREA IN ACRES
	PROPERTY LINE		

SCALE: 1" = 300'

CITY OF SAN JOSE, COUNTY OF SANTA CLARA
 STATE OF CALIFORNIA
MAINTENANCE DISTRICT 5
 (ORCHARD PARKWAY - PLUMERIA DRIVE)
 FISCAL YEAR 2011-12