

**CITY OF SAN JOSE**

**ANNUAL BUDGET REPORT**

**MAINTENANCE DISTRICT 13  
(KARINA - O'NEL)**

**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 April 25, 1985, the City Council of San José adopted its Resolution 58246 providing for the establishment of City of San José Maintenance District 13 (Karina - O'Nel); and

**WHEREAS**, on June 20, 2000, the City Council of San José adopted its Resolution 69687 providing for the modification and re-authorization of Maintenance District 13 (Karina - O'Nel) 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: a triangle by Guadalupe Parkway on the north; Highway 101 on the south and North First Street on the east.
  
2. **THE IMPROVEMENTS** for which maintenance and operation are provided shall include all street islands, special paving, fountains 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; fountains planters, decorative paving, curbing, maintenance bands, seats, walls, and signs.
  
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.

| <b>MAINTENANCE DISTRICT 13 - FUND 366</b> |                  |                             |                  |
|---|------------------|-----------------------------|------------------|
| <b>SOURCE OF FUNDS</b>                    | <b>TOTAL</b>     | <b>USE OF FUNDS</b>         | <b>TOTAL</b>     |
| Beginning Fund Balance:                   |                  | Expenditures:               |                  |
| Restricted Cash                           | 18,662           | Non Personal Services       | 34,515           |
| Unrestricted Cash                         | 38,566           | Overhead                    | 1,694            |
| Total Beginning Fund Balance              | <b>\$57,228</b>  | Personal Services           | 6,221            |
|   |                  | Workers' Comp Claims        | 500              |
|   |                  | Total Expenditures          | <b>\$42,930</b>  |
| Transfers:                                |                  | Transfers:                  |                  |
| General Fund (GASB43/45)                  | 0                | City Hall Debt Service Fund | 0                |
| Total Transfers                           | <b>\$0</b>       | General Fund (GASB43/45)    | 0                |
|   |                  | Total Transfers             | <b>\$0</b>       |
| Revenue:*                                 |                  | Ending Fund Balance:        |                  |
| Interest                                  | 500              | Restricted Cash             | 18,662           |
| Benefit Assessment                        | 43,600           | Unrestricted Cash **        |                  |
| Total Revenue                             | <b>\$44,100</b>  | Operating Funds             | 32,198           |
|   |                  | Replacement Funds           | 7,538            |
|   |                  | Total Ending Fund Balance   | <b>\$58,398</b>  |
| <b>TOTAL SOURCE OF FUNDS</b>              | <b>\$101,328</b> | <b>TOTAL USE OF FUNDS</b>   | <b>\$101,328</b> |

\* 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 is 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 \$33,075 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 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 13  
(KARINA - O'NEL)  
ASSESSMENT ROLL  
FISCAL YEAR 2011-12**

**EXHIBIT 1**

Fund 366  
Taxcode 936

|   |             |                       |         |
|---|-------------|-----------------------|---------|
| BASE Assessment                         | \$33,075.00 | BASE CPI (1999)       | 172.500 |
| 2011-12 CPI Adjusted Maximum Assessment | \$43,614.70 | 2010 CPI              | 227.469 |
|   |             | CPI Adjustment Factor | 1.3187  |

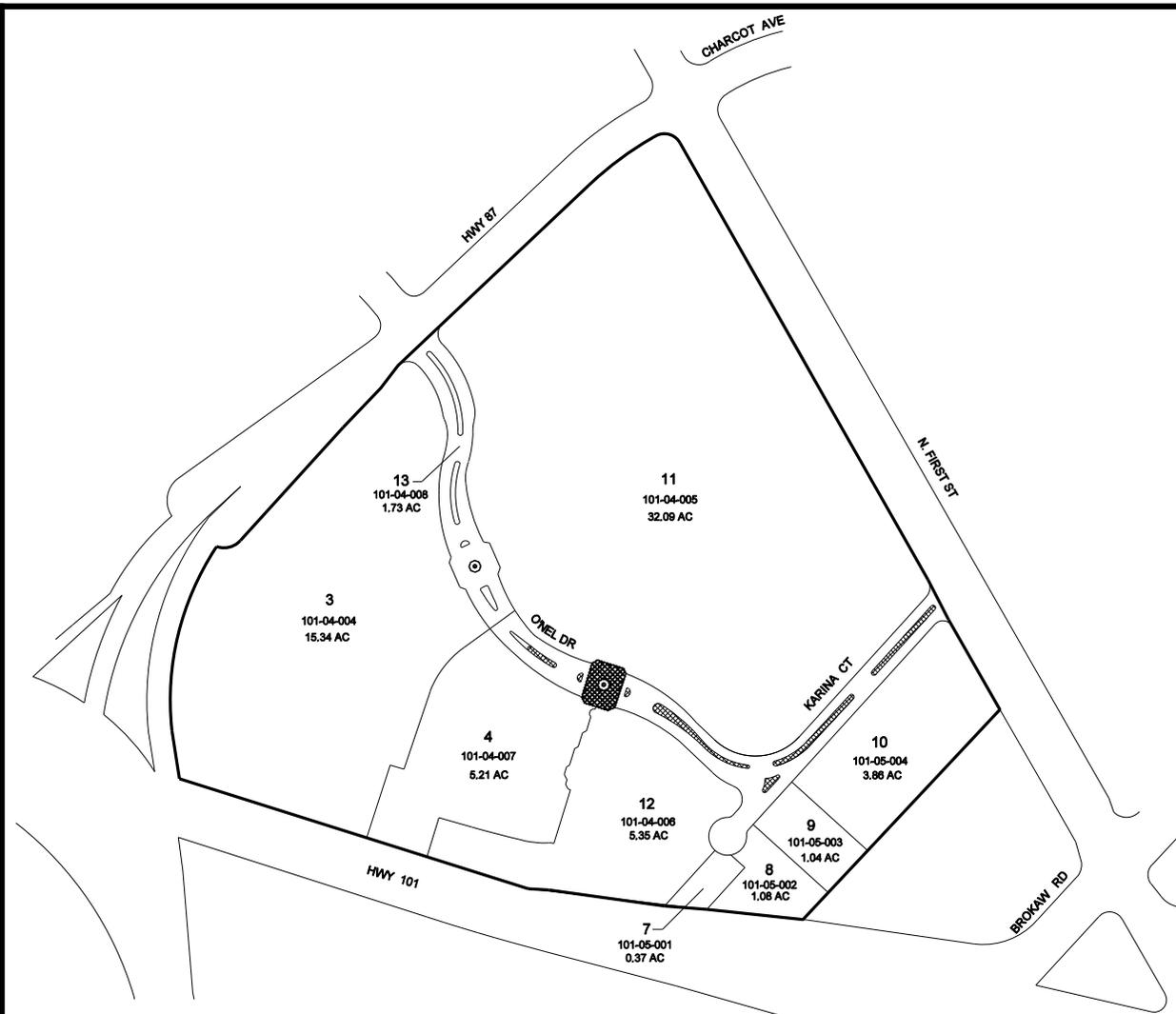
NET AREA FACTOR = 1.00 for parcels fronting landscaped medians only on Karina Ct.  
1.25 for parcels fronting landscaped medians on O'Nel Dr.

| PARCEL NUMBER<br>ASSESSOR / DISTRICT |    | NET<br>ASSESSMENT  | MAXIMUM<br>ALLOWABLE<br>ASSESSMENT | CREDITS         | PARCEL<br>AREA | X FACTOR = NET AREA |                |
|--------------------------------------|----|--------------------|------------------------------------|-----------------|----------------|---------------------|----------------|
| <b>DISTRICT TOTAL:</b>               |    | <b>\$43,611.72</b> | <b>\$43,614.70</b>                 | <b>(\$2.98)</b> | <b>64.34</b>   |                     | <b>78.8375</b> |
| <b>CK TTL:</b>                       |    |                    | 43,614.70                          |                 |                |                     |                |
| <b>DIFF:</b>                         |    |                    | 0.00                               |                 |                |                     |                |
| 101-04-004                           | 3  | 10,607.32          | 10,608.04                          | (0.72)          | 15.34          | 1.25                | 19.175         |
| 101-04-007                           | 4  | 3,602.62           | 3,602.86                           | (0.24)          | 5.21           | 1.25                | 6.513          |
| 101-05-001                           | 7  | 204.68             | 204.70                             | (0.02)          | 0.37           | 1.00                | 0.370          |
| 101-05-002                           | 8  | 597.44             | 597.48                             | (0.04)          | 1.08           | 1.00                | 1.080          |
| 101-05-003                           | 9  | 575.32             | 575.36                             | (0.04)          | 1.04           | 1.00                | 1.040          |
| 101-05-004                           | 10 | 2,135.30           | 2,135.44                           | (0.14)          | 3.86           | 1.00                | 3.860          |
| 101-04-005                           | 11 | 22,189.62          | 22,191.14                          | (1.52)          | 32.09          | 1.25                | 40.113         |
| 101-04-006                           | 12 | 3,699.42           | 3,699.68                           | (0.26)          | 5.35           | 1.25                | 6.688          |
| 101-04-008                           | 13 | Assessed with 3    |                                    |                 |                |                     |                |

**MAINTENANCE DISTRICT 13  
(KARINA - O'NEL)  
OWNERS LIST  
FISCAL YEAR 2011-12**

**EXHIBIT 2**

| PARCEL NUMBER<br>DIST / ASSESSOR'S | PROPERTY OWNER MAILING ADDRESS   | ASSESSMENT      |                | PERCENT<br>CHANGE |
|------------------------------------|--|-----------------|----------------|-------------------|
|                                    |  | 2011-12<br>NET  | 2010-11<br>MAX |                   |
| 3                                  | 10104004<br>EBAY INC<br>2145 HAMILTON AVE; SAN JOSE CA 95125                                 | \$10,607.32     | \$10,464.70    | 1.36%             |
| 4                                  | 10104007<br>O'NEL OFFICE HOLDINGS LLC<br>1999 AVE OF THE STARS FL 32ND; LOS ANGELES CA 90067 | \$3,602.62      | \$3,554.18     | 1.36%             |
| 7                                  | 10105001<br>LEPIANE CARL J<br>15890 SHANNON RD; LOS GATOS CA 95032-5729                      | \$ 204.68       | \$ 201.92      | 1.37%             |
| 8                                  | 10105002<br>MP PARTNERSHIP,GENERAL PARTNERSHIP<br>1690 DELL AVE; CAMPBELL CA 95008           | \$ 597.44       | \$ 589.40      | 1.36%             |
| 9                                  | 10105003<br>MP PARTNERSHIP<br>1690 DELL AVE; CAMPBELL CA 95008                               | \$ 575.32       | \$ 567.58      | 1.36%             |
| 10                                 | 10105004<br>BAYSHORE PLAZA INC<br>2235 FARADAY AVE STE O; CARLSBAD CA 92008                  | \$2,135.30      | \$2,106.58     | 1.36%             |
| 11                                 | 10104005<br>EBAY INC<br>2145 E HAMILTON AVE; SAN JOSE CA 95125                               | \$22,189.62     | \$21,891.26    | 1.36%             |
| 12                                 | 10104006<br>CARR NP PROPERTIES LLC<br>P O BOX A- 3879; CHICAGO IL 60690-3879                 | \$3,699.42      | \$3,649.68     | 1.36%             |
| 13                                 | 10104008<br>EBAY INC<br>2145 E HAMILTON AVE; SAN JOSE CA 95125                               | Assessed with 3 |                | N/A               |



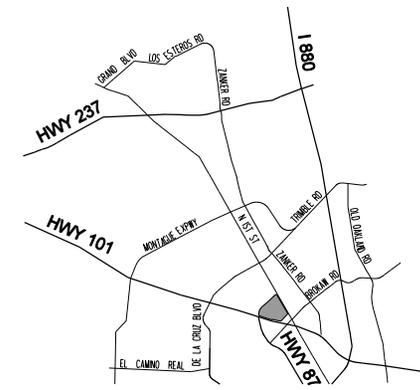
**CERTIFICATIONS**

(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 SYKES  
 ACTING DIRECTOR OF PUBLIC WORKS

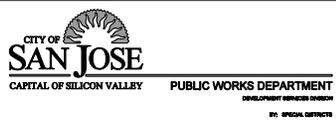
(2) CITY CLERK  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SAN JOSE.  
 \_\_\_\_\_  
 DENNIS D. HAWKINS, CMC  
 CITY CLERK

(3) CITY COUNCIL  
 BY RESOLUTION NUMBER \_\_\_\_\_, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS, PIECES, 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 \_\_\_\_\_ AM, 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

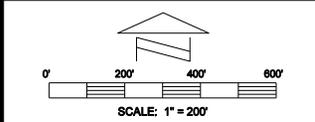


LOCATION MAP



**LEGEND**

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



CITY OF SAN JOSE, COUNTY OF SANTA CLARA  
 STATE OF CALIFORNIA  
**MAINTENANCE DISTRICT 13**  
 (KARINA - O'NEL)  
 FISCAL YEAR 2011-12