CITY OF SAN JOSE

ANNUAL BUDGET REPORT

MAINTENANCE DISTRICT 22
(HELLYER AVENUE – SILVER CREEK VALLEY ROAD)

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 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 30, 2002 the City Council of San José adopted its Resolution Number 70944 providing for the establishment of Maintenance District 22 (Hellyer Avenue – Silver Creek Valley Road) 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 of Maintenance District 22 is shown on the map attached as Exhibit 3 and is generally described as: Highway 101 on the north; Coyote Creek on the west; southerly properties adjacent to Silver Creek Valley Road on the south; and a line approximately 700 feet east of Hellyer Avenue 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 shall also include but not be limited to: ornamental plantings, including trees, shrubs, vines, groundcovers and lawns; irrigation, drainage and lighting systems, and; decorative paving, curbing, maintenance bands, seats, walls, and signs.

3. THE MAINTENANCE AND OPERATION of the improvements means the necessary servicing, repairs, replacement or construction of additional facilities as may be appropriate to continue safe and proper operation. Maintenance includes, without limitation, the furnishing of power, water, equipment and supplies, fuel, electric current as may be required and, the care, supervision, administration 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 below.

MAINTENANCE DISTRICT 22 - FUND 367			
SOURCE OF FUNDS	TOTAL	USE OF FUNDS	TOTAL
Beginning Fund Balance:		Expenditures:	
Restricted Cash	55,840	Non Personal Services	101,133
Unrestricted Cash	246,383	Overhead	1,429
Total Beginning Fund Balance	**$302,223**	Personal Services	5,359
		Worker's Comp Claims	500
		Total Expenditures	**$108,421**
Transfers:		Transfers:	
General Fund (GASB43/45)	0	City Hall Debt Service Fund	0
General Fund	35,223	General Fund (GASB43/45)	0
Total Transfers	**$35,223**	Total Transfers	**$0**
		Ending Fund Balance:	
Revenue:*		Restricted Cash	55,840
Interest	2,500	Unrestricted Cash **	
Benefit Assessment	49,500	Operating Funds	81,316
Total Revenue	**$52,000**	Replacement Funds	143,869
		Total Ending Fund Balance	**$281,025**
TOTAL SOURCE OF FUNDS	**$389,446**	**TOTAL USE OF FUNDS**	**$389,446**

* 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 to apportion the special benefit assesses each parcel in proportion to the benefit each property receives from street islands based on parcel size with an adjustment for proximity. The amount of the General Benefit allocation is subtracted from the amount of the total budgeted expenditures for the maintenance and operation of the improvements and the remaining amount is the cost of the maintenance to be apportioned among district properties on the basis of special benefit. Therefore, the resulting special benefit assessment from street islands is apportioned to parcels, in the district or in a benefit zone, based on three components: 1) the specific enhancements as a result of having well-maintained street islands in the district; 2) the specific benefit associated with owning a parcel that has frontage on the streets with islands and; 3) the specific benefit derived by proximity to the facilities being maintained.

1. Any parcel having frontage on the enhanced landscaped street islands in Hellyer Avenue is assigned a benefit multiplier of 1.25 applied to the parcel acreage.

2. Parcels that do not have frontage along islands with enhanced landscaping are assigned a benefit multiplier of 1.0 applied to the parcel acreage.
3. Unoccupied institutional parcels are not assessed, and therefore are assigned a 0.00 factor.

6. THE ANNUAL ADJUSTMENT FORMULA sets maximum limits on the assessments in future annual district budgets. The assessment of $48,000 for fiscal year 2002-03 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 2001 base year, which is 189.9, to the subsequent year. The limit for this fiscal year has been calculated to be an adjustment factor of 1.1978 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 22
(HELLYER AVENUE - SILVER CREEK VALLY ROAD)
ASSESSMENT ROLL
FISCAL YEAR 2011-12

EXHIBIT 1

Fund 367
Tax code 937

BASE Assessment	$48,000.00	BASE CPI (2001)	189.900
2011-12 CPI Adjusted Maximum Assessment	$57,496.10	2010 CPI	227.469
General Fund Contribution	$35,223.00	CPI Adjustment Factor	1.1978

BENEFIT FACTOR = 1.00 for parcels not fronting landscaped medians.
1.25 for parcels fronting landscaped medians.
0.00 for unoccupied institutional parcels.

PARCEL NUMBER ASSESSOR/DISTRICT		NET ASSESSMENT	MAXIMUM ALLOWABLE ASSESSMENT	CREDITS	PARCEL ACREAGE	BENEFIT FACTOR	NET * PARCEL ACREAGE
	TOTALS:	**$49,526.10**	**$57,496.10**	**($7,970.02)**	**298.18**		**348.48**
	CK TTL:		57,496.12				
	DIFF:		0.02				
679-05-002	1	1,749.84	2,031.44	(281.60)	9.85	1.25	12.31
679-05-003	2	3,721.76	4,320.68	(598.92)	20.95	1.25	26.19
679-05-009	3 A	1,103.20	1,280.74	(177.54)	6.21	1.25	7.76
679-05-010	3 B	673.30	781.64	(108.34)	3.79	1.25	4.74
679-01-019	4 A	3,648.92	4,236.12	(587.20)	20.54	1.25	25.68
679-01-020	4 B	1,445.34	1,677.94	(232.60)	10.17	1.00	10.17
679-01-011	5	663.70	770.50	(106.80)	4.67	1.00	4.67
679-01-017	6 A	2,330.76	2,705.84	(375.08)	16.40	1.00	16.40
679-01-018	6 B	1,406.98	1,633.40	(226.42)	7.92	1.25	9.90
679-01-005	7	2,114.02	2,454.22	(340.20)	11.90	1.25	14.88
679-01-006	8	710.58	824.94	(114.36)	5.00	1.00	5.00
679-01-007	9	731.92	849.70	(117.78)	5.15	1.00	5.15
679-02-012	10	834.24	968.50	(134.26)	5.87	1.00	5.87
679-02-011	11	1,314.60	1,526.16	(211.56)	9.25	1.00	9.25
678-93-024	14	2,326.48	2,700.88	(374.40)	16.37	1.00	16.37
678-93-016	15	309.82	359.68	(49.86)	2.18	1.00	2.18
678-93-015	16	309.82	359.68	(49.86)	2.18	1.00	2.18
678-93-031	17	616.80	716.06	(99.26)	4.34	1.00	4.34
679-02-022	18	4,505.18	5,230.18	(725.00)	25.36	1.25	31.70
	19 NOT USED						
679-02-016	20	1,613.06	1,872.64	(259.58)	9.08	1.25	11.35
679-01-023	21	1,297.18	1,505.94	(208.76)	7.30	1.25	9.13
679-02-005	22	154.92	179.84	(24.92)	1.09	1.00	1.09
679-01-022	23	3,089.32	3,586.46	(497.14)	17.39	1.25	21.74
	24 NOT USED						
679-01-021	25	2,012.76	2,336.66	(323.90)	11.33	1.25	14.16
679-01-016	26	1,867.10	2,167.56	(300.46)	10.51	1.25	13.14
679-01-015	27	0.00	0.00	0.00	1.97	0.00	0.00
679-05-005	28	7,386.66	8,575.36	(1,188.70)	41.58	1.25	51.98
679-05-007	29	953.98	1,107.50	(153.52)	5.37	1.25	6.71
678-93-034	30	633.86	735.86	(102.00)	4.46	1.00	4.46

* Net acreage used for calculation of assessments is shown rounded to two decimal places.

MAINTENANCE DISTRICT 22

EXHIBIT 2

(HELLYER AVE – SILVER CREEK VALLEY ROAD)
OWNERS LIST
FISCAL YEAR 2011-12

PARCEL NUMBER DIST	PARCEL NUMBER ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	ASSESSMENT 2011-12 NET	ASSESSMENT 2010-11 MAX	PERCENT CHANGE
1	67905002	ARRILLAGA JOHN TRUSTEE & ET AL 2450 WATSON CT; PALO ALTO CA 94303	$1,749.84	$2,003.98	-12.68%
2	67905003	GRE HELLYER OAKS LP 980 FIFTH ST; SAN RAFAEL CA 94901	$3,721.76	$4,262.28	-12.68%
3A	67905009	POWER INTEGRATIONS INC 5425 HELLYER AVE; SAN JOSE CA 95138	$1,103.20	$1,263.42	-12.68%
3B	67905010	TODA DEVELOPMENT INC 5816 CORPORATE AVE STE 160; CYPRESS CA 90630	$ 673.30	$ 771.08	-12.68%
4A	67901019	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$3,648.92	$4,178.86	-12.68%
4B	67901020	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$1,445.34	$1,655.28	-12.68%
5	67901011	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$ 663.70	$ 760.10	-12.68%
6A	67901017	MAVERICK EMBEDDED WAY LLC 737 BRYANT ST; PALO ALTO CA 94301-2504	$2,330.76	$2,669.26	-12.68%
6B	67901018	MISSION WEST PROPERTIES L.P. 10050 BANDLEY DR; CUPERTINO CA 95014	$1,406.98	$1,611.32	-12.68%
7	67901005	MISSION WEST PROPERTIES LP I 10050 BANDLEY DR; CUPERTINO CA 95014	$2,114.02	$2,421.06	-12.68%
8	67901006	GRE FONTANOSO LLC 980 FIFTH ST; SAN RAFAEL CA 94901	$ 710.58	$ 813.80	-12.68%
9	67901007	LEGACY PARTNERS I SJ FONTANOSO LLC 4000 E 3RD AVE UNIT 6TH FLR; FOSTER CITY CA 94404	$ 731.92	$ 838.22	-12.68%
10	67902012	PEERY RICHARD T TRUSTEE & ET AL 2450 WATSON CT; PALO ALTO CA 94303	$ 834.24	$ 955.40	-12.68%
11	67902011	PEERY RICHARD T TRUSTEE & ET AL 2450 WATSON CT; PALO ALTO CA 94303	$1,314.60	$1,505.54	-12.68%
14	67893024	INTEGRATED DEVICE TECH INC 6024 SILVER CREEK VALLEY RD; SAN JOSE CA 95138-1002	$2,326.48	$2,664.38	-12.68%
15	67893016	RBR SILVER CREEK LLC 985 UNIVERSITY AVE UNIT #12; LOS GATOS CA 95032	$ 309.82	$ 354.82	-12.68%
16	67893015	TING THOMAS Y-C & AMY YUEN-MING TR 19 SANTA RITA AVE; SAN FRANCISCO CA 94116	$ 309.82	$ 354.82	-12.68%
17	67893031	IONICS ULTRAPURE WATER CORP 5900 SILVER CREEK VALLEY RD; SAN JOSE CA 95138-1009	$ 616.80	$ 706.38	-12.68%

MAINTENANCE DISTRICT 22

EXHIBIT 2

(HELLYER AVE – SILVER CREEK VALLEY ROAD)
OWNERS LIST
FISCAL YEAR 2011-12

PARCEL NUMBER DIST	PARCEL NUMBER ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	ASSESSMENT 2011-12 NET	ASSESSMENT 2010-11 MAX	PERCENT CHANGE
18	67902022	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014-2102	$4,505.18	$5,159.50	-12.68%
20	67902016	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$1,613.06	$1,847.32	-12.68%
21	67901023	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$1,297.18	$1,485.60	-12.68%
22	67902005	BERG & BERG ENTPRS LLC 5808 HELLYER AVE; SAN JOSE CA 95138-1005	$ 154.92	$ 177.40	-12.67%
23	67901022	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$3,089.32	$3,538.00	-12.68%
25	67901021	MISSION WEST PROPERTIES LP 10050 BANDLEY DR; CUPERTINO CA 95014	$2,012.76	$2,305.10	-12.68%
26	67901016	HELLYER AVENUE LP 10050 BANDLEY DR; CUPERTINO CA 95014-2102	$1,867.10	$2,138.26	-12.68%
27	67901015	PACIFIC GAS & ELEC CO 5298 HELLYER AVE; SAN JOSE CA 95138	$ .00	$ .00	0.00%
28	67905005	ARRILLAGA JOHN TRUSTEE & ET AL 2450 WATSON CT; PALO ALTO CA 94303	$7,386.66	$8,459.46	-12.68%
29	67905007	ARRILLAGA JOHN TRUSTEE & ET AL 2450 WATSON CT; PALO ALTO CA 94303	$ 953.98	$1,092.52	-12.68%
30	67893034	INTEGRATED DEVICE TECH INC 6024 SILVER CREEK VALLEY RD; SAN JOSE CA 95138-1002	$ 633.86	$ 725.92	-12.68%

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

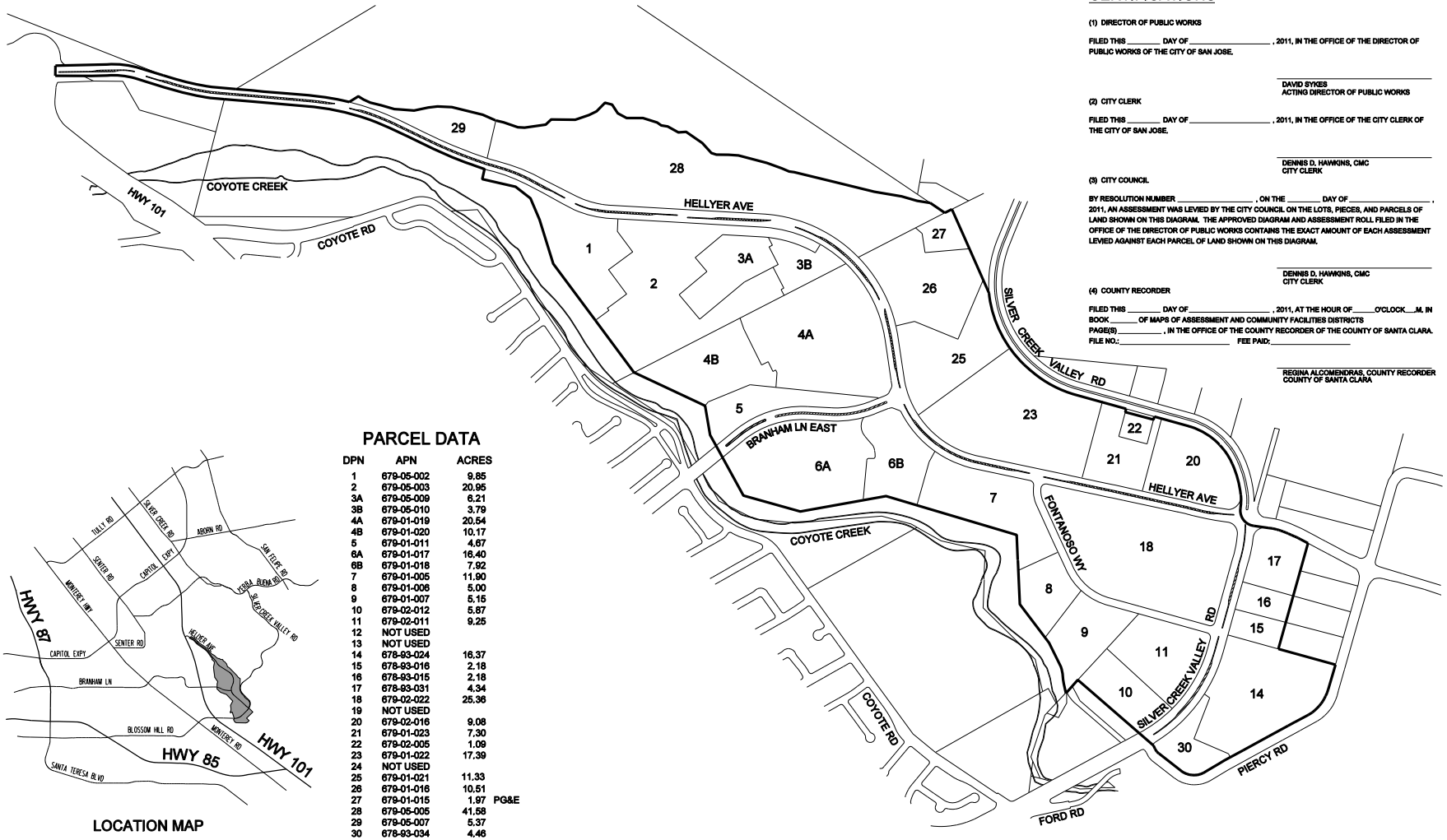
BY RESOLUTION NUMBER _____ , ON THE _____ DAY OF _____ , 2011, AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS DIAGRAM. THE APPROVED DIAGRAM AND ASSESSMENT ROLL FILED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS CONTAINS THE EXACT AMOUNT OF EACH ASSESSMENT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



PARCEL DATA

DPN	APN	ACRES	
1	679-05-002	9.85	
2	679-05-003	20.95	
3A	679-05-009	6.21	
3B	679-05-010	3.79	
4A	679-01-019	20.54	
4B	679-01-020	10.17	
5	679-01-011	4.67	
6A	679-01-017	16.40	
6B	679-01-018	7.92	
7	679-01-005	11.90	
8	679-01-006	5.00	
9	679-01-007	5.15	
10	679-02-012	5.87	
11	679-02-011	9.25	
12	NOT USED		
13	NOT USED		
14	678-93-024	16.37	
15	678-93-016	2.18	
16	678-93-015	2.18	
17	678-93-031	4.34	
18	679-02-022	25.36	
19	NOT USED		
20	679-02-016	9.08	
21	679-01-023	7.30	
22	679-02-005	1.09	
23	679-01-022	17.39	
24	NOT USED		
25	679-01-021	11.33	
26	679-01-016	10.51	
27	679-01-015	1.97	PG&E
28	679-05-005	41.58	
29	679-05-007	5.37	
30	678-93-034	4.46	

LOCATION MAP

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

LEGEND

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

0' 500' 1,000' 1,500'
SCALE: 1" = 500'

CITY OF SAN JOSE, COUNTY OF SANTA CLARA
STATE OF CALIFORNIA

MAINTENANCE DISTRICT 22

(HELLYER AVENUE - SILVER CREEK VALLEY ROAD)
FISCAL YEAR 2011-12

SHEET 1 OF 1

EXHIBIT 3