

Memorandum

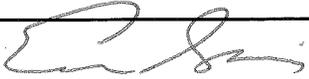
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

**SUBJECT: PROPOSED ANNEXATION TO
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

DATE: July 16, 2012

Approved



Date

7/25/12

COUNCIL DISTRICT: 8

RECOMMENDATION

- (a) Adopt a resolution preliminarily approving the Engineer's Report for Annexation Area No. 1 and formation of Zone I (Cadwallader) to Maintenance District 15 (Silver Creek Valley).
- (b) Set the Public Meeting to be held on September 18, 2012 at 1:30 p.m.
- (c) Set the Public Hearing and tabulation of property owner ballots for October 30, 2012 at 1:30 p.m.
- (d) Direct the notice of said meeting, hearing and ballots be mailed to the property owners in district.

OUTCOME

Adoption of a resolution to preliminarily approve the Engineer's Report and to call an election satisfies the legal requirement to allow affected property owners to vote on the proposed assessment on the annexation and zone formation.

BACKGROUND

Maintenance District 15 (Silver Creek Valley) (hereafter "MD 15") was formed in 1992 to accommodate the maintenance requirements of the various enhanced public improvements installed around the Silver Creek Valley Country Club area. These improvements include enhanced landscape in the median islands, neighborhood entrances, and along the slopes adjacent to some streets; unique street lighting; and open space trails. Currently, there are seven zones within MD 15 to address specific maintenance needs of the various neighborhoods in the Silver Creek area.

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TRI Pointe Homes, LLC currently has a development permit (PDC09-010) to construct 38 homes (Tract 10057) on a 16.5 acre site located on Nieman Boulevard approximately 500 feet south of Sequoia Creek Drive on the west and extends to Cadwallader Avenue approximately 450 feet south of Country Vista Court on the east. This project is on land both within and adjacent to the maintenance district and requires a new public cul-de-sac and various other improvements to facilitate the project. In order to comply with current stormwater guidelines and to improve the overall impact of the addition to the adjacent neighborhood, the project proposes three public underground storm water treatment vaults in public easements, a landscaped Emergency Vehicle Access path and various enhanced landscaping areas within the public right-of-way.

On April 3, 2012, Council adopted a Resolution of Intention to annex territory into Maintenance District 15, form new Zone I, annex a portion of the new territory into existing Zone B, and directed the Director of Public Works to create and file an engineer's report. The proposed formation schedule anticipated staff presenting the Engineer's Report to Council on May 15, 2012. However, due to complications in finalizing the Engineer's Report, we have delayed presenting the report to Council until August 7, 2012, which requires modification of the proposed schedule.

The revised proposed schedule of events for the district annexation:

April 3, 2012	Adopt resolution of intention (Council) (completed)
August 7, 2012	Adopt resolution to preliminarily approve the engineer's report, set Public Hearing, and Tabulation of Ballot (Council) (this action)
September 7, 2012	Publish Notice of Public Meeting and Hearing (staff)
September 7, 2012	Mail Notice of Public Meeting and Hearing along with property owner ballots (staff)
September 18, 2012	Conduct Public Meeting (Council)
October 30, 2012	Conduct Public Hearing and tabulate ballots (Council) Adopt resolution declaring ballot tabulation results, and if approved by voters annexing the land into the district (Council)

ANALYSIS

This action requests Council to preliminarily approve the Engineer's Report on file in the Clerk's Office. The report includes the description of improvements to be maintained, the budget and assessments for Fiscal Year 2012-2013, the base assessment and escalation limit, the assessment spread formula, the general benefit share, the assessment roll, and the boundary description and the district map. It is proposed that new Zone I be formed to address the additional maintenance needs of various non-standard public improvements constructed for TRI Pointe Homes LLC's Tract No. 10057. By the benefit analysis in the Engineer's Report, the parcels will be assessed

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equally for the maintenance of three underground storm treatment vaults and a landscaped emergency vehicle access road (EVA). Properties within this tract seeking to gain street access via Nieman Boulevard will be assessed equally for the maintenance of Gateway improvements and various enhanced landscaped areas along Nieman Boulevard, except those having areas with easements for those improvements are assessed a five percent premium representing their avoided underlying minimum maintenance expenses. Properties within this tract seeking to gain street access via Nieman Boulevard will be assessed between \$1,455.68 and \$1,476.88 per unit annually. Properties that do not gain street access via Nieman Boulevard will be assessed, \$1,031.46 annually. It is also proposed that properties seeking to gain street access via Nieman Boulevard be annexed into existing Zone B and be subject to the same assessment as those properties currently within Zone B, which is \$33.60 per unit annually. The maximum annual aggregate assessment for the annexation area is proposed to be \$53,649.90 in Fiscal Year 2012-2013, with a provision for the assessment to be adjusted annually thereafter by the average annual change in the Consumer Price Index for the San Francisco-Oakland-San José area to attempt to keep pace with inflation in the same manner as the other zones in MD 15.

Since the water runoff from the City streets constructed as a part of this project will be treated by the storm vault and bioretention areas, there must be a general benefit contribution to the district to cover associated maintenance costs. The Engineer's Report quantifies the general benefit to be approximately \$22,200, and will be funded by the Environmental Services Department. The general benefit contribution would be satisfied through a transfer from the Storm Sewer Operating Fund to the Maintenance District 15 (Silver Creek Valley) Fund. A recommendation to establish this transfer will be brought forward at a later date, once construction is finalized and the 2012-2013 actual maintenance costs can be accurately projected. In future years, the transfer would be built into the annual budget process.

The Public Meeting on September 18, 2012, and Public Hearing on October 30, 2012, will allow for public testimony to be presented to Council. The Public Meeting, as prescribed by the San José Municipal Code and the Brown Act, allows the public to hear about the project and provide comments, although the Council does not take action at that time. At the Public Hearing, Council must consider all objections or protests to the proposed assessment. The hearing may be continued if necessary to allow staff to respond to Council's inquiries or to implement changes proposed by Council. At the close of the Public Hearing, Council will conduct a form of an election called an assessment ballot proceeding whereby the affected property owners cast ballots in favor of or opposed to the assessment, with votes weighted by the amount of the assessment on each parcel. The assessment can only be implemented if affected property owners protesting do not outweigh the ballots cast in favor of the assessment (simple majority). If approved, the proposed assessment will commence in Fiscal Year 2012-2013, and will be adjusted annually by the Consumer Price Index. In the event the ballots submitted in opposition to the assessment exceed the ballots in favor of the assessment, Council cannot impose the assessment.

The Notice of Public Hearing is scheduled to be mailed on or before September 7, 2012, and will include the property owner ballot. The notice will inform the owners of the Public Meeting and

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Hearing, the services to be provided by the district and the proposed assessment. Each completed ballot must be received by the City Clerk prior to the close of the Public Hearing in order to be included in the tabulation. Although this is a mailed ballot election, any property owner may submit their ballot prior to the close of the public hearing on October 30, 2012.

EVALUATION AND FOLLOW-UP

If the district annexation and zone formation is approved by the affected property owners, the assessments will be placed on the County property tax roll for collection. Staff will bring forward appropriation and funding sources recommendations for Council approval at a later date as appropriate.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum will be posted on the City's website for the August 7, 2012 Council agenda. This action was initiated at the request and with support from the Developer and was prepared by Public Works. City staff has met with the Developer regularly regarding the district and their development plans.

COORDINATION

This memorandum, related documents and resolutions were prepared in cooperation with the City Attorney's Office, the Departments of Transportation and Planning, Building and Code Enforcement, and the City Manager's Budget Office.

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FISCAL/POLICY ALIGNMENT

These actions are in compliance with the Council-approved Budget strategy in that staff costs are funded by the Developer's deposit. If district annexation and zone formation is approved by the property owners, the costs of services provided through the district will be funded through annual assessments on the properties within the district.

COST IMPLICATIONS

The Developer has deposited funds to pay annexation costs for the district. Any unused funds will be returned to the Developer. If all funds are exhausted prior to the tabulation of ballots, the Developer must provide additional funds to continue the process or the formation process will be discontinued. It should be noted that the developer funds were recognized in 2011-2012, and inadvertently not rebudgeted as part of the Adopted Budget process. It is anticipated that these funds will be recommended for rebudget into 2012-2013, as part of the 2011-2012 Annual Report, scheduled for City Council consideration in October 2012.

If the district annexation and formation of Zone I is approved on October 30, 2012, the City would be required to contribute approximately \$22,200 annually to the Maintenance District No. 15 Fund for the City's general benefit share of costs associated with the maintenance and operation of the storm vaults and bioretention cells. It is anticipated that a recommendation to establish a transfer from the Storm Sewer Operating Fund to the Maintenance District No. 15 Fund will be brought forward at a later date, once the construction of the storm vaults is completed and the 2012-2013 maintenance costs can be accurately projected.

CEQA

Mitigated Negative Declaration, File No. PDC09-010

Planning has issued a mitigated negative declaration for the Brookside Estates Project. The environmental impacts that need to be addressed are identified in the Mitigation Monitoring and Reporting Program (MMRP) for the project. The mitigations that are required for this project have been incorporated into the project design and the construction documents.

HONORABLE MAYOR AND CITY COUNCIL

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Construction activities shall adhere to the guidelines as stated in the MMRP for the following required mitigation measures:

- Air Quality
- Biological Resources
- Geology and soils
- Hazardous Materials
- Transportation and Traffic

/s/

DAVID SYKES
Director of Public Works

For questions please contact Thomas Borden, Special Districts Manager, Department of Public Works, at (408) 535-6831.

Attachment

ATTACHMENT

DPN	APN	DPN	APN	DPN	APN
901	676-01-021	914	676-01-034	927	676-01-047
902	676-01-022	915	676-01-035	928	676-01-048
903	676-01-023	916	676-01-036	929	676-01-049
904	676-01-024	917	676-01-037	930	676-01-050
905	676-01-025	918	676-01-038	931	676-01-051
906	676-01-026	919	676-01-039	932	676-01-052
907	676-01-027	920	676-01-040	933	676-01-053
908	676-01-028	921	676-01-041	934	676-01-054
909	676-01-029	922	676-01-042	935	676-01-055
910	676-01-030	923	676-01-043	936	676-01-056
911	676-01-031	924	676-01-044	937	676-01-057
912	676-01-032	925	676-01-045	938	676-01-058
913	676-01-033	926	676-01-046		



CERTIFICATIONS

(1) DIRECTOR OF PUBLIC WORKS
 FILED THIS _____ DAY OF _____, 2012, IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN JOSE.

 DAVID SYKES
 DIRECTOR OF PUBLIC WORKS

(2) CITY CLERK
 FILED THIS _____ DAY OF _____, 2012, IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SAN JOSE.

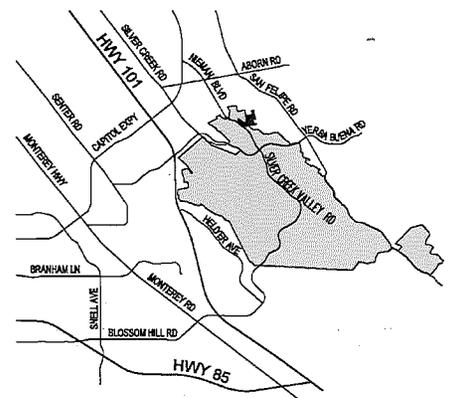
 DENNIS D. HAWKINS, CMC
 CITY CLERK

(3) CITY COUNCIL
 BY RESOLUTION NUMBER _____, ON THE _____ DAY OF _____, 2012, AN ASSESSMENT WARD 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 _____, 2012, 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. RECORDER'S SERIES NO.: _____ FEE PAID: _____

 REGINA ALCCMENDRAB, COUNTY RECORDER
 COUNTY OF SANTA CLARA



LOCATION MAP

CITY OF SAN JOSE
 CAPITAL OF SILICON VALLEY PUBLIC WORKS DEPARTMENT
DEVELOPMENT SERVICES DIVISION
 BY: [Signature]

LEGEND

	ANNEXATION AREA NO. 1		STREET RIGHT OF WAY
	PROPOSED ZONE I BOUNDARY		PROPERTY LINE
	PROPOSED ZONE II ANNEXATION		DISTRICT PARCEL NUMBER (DPN)
			ASSESSOR'S PARCEL NUMBER (APN)

SCALE: 1" = 100'

CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
ANNEXATION AREA NO. 1
 AND
ZONE I (CADWALLADER)
 ANNEXATION TO
MAINTENANCE DISTRICT 15
 (SILVER CREEK VALLEY)
 FISCAL YEAR 2012-2013

SHEET 1 OF 1

CITY OF SAN JOSE
ENGINEER'S REPORT

**ANNEXATION AREA NO. 1 AND
FORMATION OF ZONE I (CADWALLADER)
TO
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

FISCAL YEAR 2012-2013

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

DENNIS D. HAWKINS, CMC
City Clerk

This Engineer's Report was preliminarily approved by the City Council of the City of San José at a meeting thereof on _____.

DENNIS D. HAWKINS, CMC
City Clerk

This Engineer's 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 Acting Director of Finance of the City of San José, hereby certify that on _____, the assessments contained in this Engineer's 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.

JULIA H. COOPER
Acting Director of Finance

WHEREAS, Chapter 14.15 of the City of San José Municipal Code establishes the Alternative Procedures for Maintenance Districts in conformance with the requirements of the California Constitution and provides that benefit assessments may be apportioned upon all assessable lots or parcels of land within a maintenance district in proportion to the estimated special benefits to be received by each lot or parcel from the improvements.

WHEREAS, Articles XIII C and XIII D of the California Constitution require property owner approval of any imposed, extended or increased assessment and that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Constitution also provides that public property is subject to assessments.

WHEREAS, Article XIII D of the California Constitution provides that only special benefits are assessable; a special benefit being a particular and distinct benefit over and above general benefits conferred on real property within the district or the public at large. The general enhancement of property value does not constitute a special benefit; the general benefits must be separated from the special benefits conferred on a parcel.

WHEREAS, Chapter 14.15 of the City of San José Municipal Code requires that the assessment be authorized by a vote of those proposed to be assessed, and; that the Director of Public Works prepare an Engineer's Report containing:

1. a written description of the boundaries of the district;
2. a description of the improvements to be maintained;
3. a description of the maintenance to be provided;
4. a budget for the ensuing fiscal year;
5. a formula for apportioning the maintenance costs among the parcels
6. an estimate of the initial Annual Aggregate assessment and the proposed annual adjustment together with an explanation of the proposed adjustment formula;
7. an assessment roll with a property owners list, and;
8. a map or diagram showing the boundaries of the district and identifying the parcels in the district.

WHEREAS, on March 17, 2009 the City of San José Council reconfirmed the Median Island Landscape Program policy adopted on June 9, 1994 that only Type 1 landscaping be installed on City streets unless an alternate funding source has been identified for maintenance. Type 1 includes trees and paved surfaces as the City maintained standard (with an exception for downtown sites).

WHEREAS, on August 4, 1992 the City Council of San José adopted its Resolution Number 63973 providing for the establishment of the Maintenance District 15 (Silver Creek Valley).

WHEREAS, on June 20, 1995 the City Council of San José adopted its Resolution Number 66024 providing for the reformation of Maintenance District 15 (Silver Creek Valley) pursuant to the provisions of Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts, which provides for the reforming of districts established under Chapter 14.16 Part 15.

WHEREAS, on June 11, 1996, the San José City Council adopted its Resolution 66689, providing for the reauthorization of Maintenance District 15 (Silver Creek Valley), pursuant to the provisions of Municipal Code Chapter 14.15, which was revised to conform to the requirements of California Proposition 218.

WHEREAS, Maintenance District 15, through various benefit zones, provides for the special maintenance amenities benefiting the District. As properties were subdivided, zones (A, B, C, E, F, G and H) provided for special maintenance of amenities that were of benefit only to those areas.

WHEREAS, a portion of Tract 10057 lies within the boundaries of Zone B, in the northerly half of Maintenance District 15 (Silver Creek Valley), which provides for the maintenance and operation of landscaped street islands in Silver Creek Valley Road, Yerba Buena Road and Nieman Boulevard.

WHEREAS, a portion of Tract 10057 outside the boundaries of Maintenance District 15 (Silver Creek Valley) seeks to gain street access via Nieman Boulevard.

WHEREAS, the owners of Tract 10057 intend to install special landscaping and storm detention features of benefit to only Tract 10057 and to add a special zone of benefit in Maintenance District 15 (Silver Creek Valley).

NOW, THEREFORE:

1. **THE BOUNDARY** of proposed Annexation Area No. 1 to Maintenance District 15 (Silver Creek Valley), as shown on the diagram attached as Exhibit 3, is generally described as: a line approximately 110 feet south of the southerly border of Tract No. 6699 to the north, the easterly border of Tract No. 8971 on the west, the northerly border of Tract No. 9031 on the south, and Cadwallader Avenue on the east. The boundary of Maintenance District 15 proposed Zone I (Cadwallader), as shown on the diagram attached as Exhibit 3, is generally described as: a line approximately 274 feet south of the southerly border of Tract No. 6699 to the north, Nieman Boulevard on the west, the northerly border of Tract No. 9031 on the south, and Cadwallader Avenue on the east. The boundary of land proposed to be annexed to Zone B of Maintenance District 15 (Silver Creek Valley), as shown on the diagram attached as Exhibit 3, is generally described as: a line approximately 274 feet south of the southerly border of Tract No. 6699 to the north, the easterly border of Tract No. 8971 on the west, the northerly border of Tract No. 9031 on the south, and Cadwallader Avenue on the east.

2. **THE IMPROVEMENTS** within the District for which maintenance and operation exist in various degrees throughout the District and have been divided into separate zones. The improvements associated with the Annexation and new Zone are described below.

Zone B

The areas proposed to be maintained include: street island landscaping on Silver Creek Valley Road from Yerba Buena Road south to approximately 1,580 feet northerly of Farnsworth Drive, on Yerba Buena Road and on Nieman Boulevard; sidewalks, park strip landscaping (strip areas within the right-of-way behind curbs or sidewalks) and slope landscaping (open space areas within public easements) along Silver Creek Valley Road, Yerba Buena Road, and Nieman Boulevard.

Zone I (Cadwallader)

The areas to be maintained in proposed Zone I for which maintenance and operation would be provided are to be constructed by Tract 10057 and include: landscaping in slope areas (within landscape easements) and adjoining frontages along Nieman Boulevard and Cirelli Drive; entrance landscaping at Cirelli Drive; street trees along the frontage landscaping; storm system and vault maintenance; fencing facing the Cadwallader right-of-way adjacent to wetlands; and all additions, improvements and enlargements thereto which may hereafter be made for the district, and of benefit to the district but not to the benefit to the City of San José as a whole. Improvements may include, but are not limited to: storm water vaults, bioretention areas, ornamental plantings including trees, shrubs, vines, groundcover, flowers and lawns; irrigation, drainage, and lighting systems; and decorative paving, curbing, maintenance bands, rocks, mulches, seats, walls, fences, signs, and statuary. Specifically excluded are: sidewalk, fence, or soundwall replacement or major repairs, with exception to the fence adjacent to the street side of wetlands.

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

4. **THE BUDGET** for the costs and expenses of maintaining and operating any and all of the public improvements for upcoming Fiscal Year 2012-2013 is shown on the following table.

MAINTENANCE DISTRICT 15 - FUND (368)		FISCAL YEAR 2012-2013	
SOURCE OF FUNDS	TOTAL	USE OF FUNDS	TOTAL
Beginning Fund Balance:		Expenditures:	
Restricted Cash	0	Personal Services	2,400
Unrestricted Cash	0	Non-Personal Services	63,649
Total Beginning Fund Balance	\$0	Overhead	1,080
		Worker's Comp Claims	0
		Total Expenditures	\$67,129
Interfund Transfers:		Interfund Transfers:	
Loans from Other Funds	0	Repayment to Other Funds	0
Interest	0	Interest	0
Total Interfund Transfers	\$0	Total Interfund Transfers	\$0
Revenue:		Ending Fund Balance:	
Benefit Assessment	53,650	Restricted Cash	0
Interest	0	Unrestricted Cash *	
City General Benefit Share	22,119	Operating Funds	2,592
Total Revenue	\$75,769	Replacement Funds	6,048
		Total Ending Fund Balance	\$8,640
TOTAL SOURCE OF FUNDS	\$75,769	TOTAL USE OF FUNDS	\$75,769

* 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 METHOD OF ASSESSMENT** upon and by which the special assessment is to be levied is based upon the special benefit received.

BACKGROUND

Articles XIIC and XIID of the California Constitution require that a parcel's assessment not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Articles provide that only special benefits are assessable. If there are general benefits, they must be separated from the special benefits conferred on a parcel; a special benefit being a particular and distinct benefit over and above general benefits which are conferred on the public at large, including real property within the District. The general enhancement of property value is not considered to constitute a special benefit.

Maintenance District 15 provides for several areas and types of benefit, so the resultant assessments are grouped by benefit zones. Each and every parcel in the District is assigned to zones according to the benefits received. Nearly half of the area (Zone A) within Maintenance District 15 was initially developed by Local Improvement District 88-203SJ. The property owner requested formation of the Improvement District to fund major public infrastructure capital costs, including about half of the street landscaping now within the maintenance district. They also requested a maintenance district formation to fund the ongoing maintenance of these improvements because: (1) the level of improvements constructed exceeded the level of improvements typically maintained by the City in such a area, and; (2) a higher than normal City standard of maintenance was desired.

A portion of Tract No. 10057 lies within existing Zone B of Maintenance District 15 and is assessed for the maintenance and operation of Zone B special landscaping on Silver Creek Valley and Yerba Buena Road street islands. A greater portion of Tract No. 10057 which consists of two cul-de-sacs is being annexed into Maintenance District 15 and gains access via Nieman Boulevard, therefore also benefitting from the special landscaping in Silver Creek Valley and Yerba Buena Road.

The special landscaping improvements are installed by the developer to enhance proposed Zone I and provide special benefit to the residents. The slopes within the landscape easement areas along Nieman Boulevard elevate the home sites above Nieman Boulevard, increasing the separation from the roadway and buffering the homes from that major thoroughfare. More importantly, the slopes are needed to meet the contours of streets and lands abutting the District. The slope areas also allow storm drain runoff to drain away from the home sites into storm vaults. Although City design standards prefer that lots to drain to the front, these subdivisions could not exist without the rear lot drainage in some of the slope areas that allows the subdivisions' surface grades to meet adjacent land contours.

Hydromodification Management (HM) controls are required for developments in the Santa Clara Valley to address the increase in runoff flow and volume as a result of the development. If a project creates and/or replaces one acre or more of impervious surface and is not specifically exempted, then HM controls must be implemented so that the increase in runoff flow and volume are managed so that post-project runoff does not exceed estimated pre-project rates and durations. The storm vaults and bioretention cells for this project are designed and installed to serve only these properties and to be in compliance with the National Pollutant Discharge Elimination System permit issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program by the San Francisco Bay Regional Water Quality Control Board.

A landscaped emergency vehicle access (EVA) road with a water treatment feature was installed by the developer for the sole benefit of the tract due to the limited access for emergency vehicles to the cul-de-sac parcels. The EVA allows emergency vehicles access to and from Cadwallader Avenue to the Oxsen Court cul-de-sac. An isolated wetland feature is located on the project site and must be protected appropriately since wetlands provide habitat for various species of aquatic and terrestrial plants and animals. Arrangements have been made for an environmental conservation organization to maintain the wetlands, relieving the property owners of the responsibility. The district will provide for the maintenance of a fence adjacent to the street to provide an exclusion barrier while still allowing access to the private property from Cadwallader Avenue to perform maintenance

duties. Access for maintenance of the enhanced landscaping in the slope areas, storm treatment features and EVA are allowed by separate respective easements.

BENEFIT APPORTIONMENT

The special versus general benefit evaluation in the following table, of typical Type 1 landscape street island maintenance services, is an aid in determining general benefits and the associated costs.

COMPARISON OF CITY AND SPECIAL DISTRICT MAINTENANCE		
ITEM	CITY – GENERAL TYPE 1	SPECIAL DISTRICT TYPE 2
DESIGN	Trees only	May include all or part of: trees, shrubs, ground cover, turf, mulches/crushed rock, lighting, pathways, decorative walls & signage, fountains and/or structures
SERVICE FREQUENCY	Twice annually	Weekly
TREES		
Trimming (clearance)	None	As needed
Trimming (structural)	None	Every 3 years
Replacement	None	As needed
SHRUBS and GROUND COVER		
Pruning	None	Yearly (and as needed)
Fertilize	None	2 times per year (or as needed)
Replacement	None	As needed
Flowers	None	Seasonal
TURF		
Mowing	None	Weekly
Fertilize	None	3 times per year
WEED CONTROL		
Pre-emergent	Yearly	Yearly (and as needed)
Contact Spray	Yearly	As needed
Hand Removal	None	As needed
DEBRIS REMOVAL	Twice annually	Weekly
IRRIGATION REPAIR	Adjusted every 6 months / 2 weeks for complaint response (Some are just abandoned)	Weekly
MULCH/BARK/ROCK		
Grooming	None	As needed
Replacement	None	As needed
GRAFFITI REMOVAL	Within 1 - 2 weeks	Within 1-2 days
STREET ISLAND HARDSCAPE		
Cleaning	Safety only	As needed
Repair	Safety only	As needed

The table, however only represents the street island landscaping. Further consideration of special versus general benefit must also take into account the storm system and vault components of the District services.

Each and every assessed parcel within the District receives a particular and distinct benefit from the maintenance and operation of the special improvements over and above any general benefit that may be conferred by those services. The District benefit is specific and direct to all properties within the District and therefore may be levied upon the properties in proportion to the benefit received.

Special benefits provided by the District maintenance:

1. Storm vault and bioretention facilities installed to address a project's hydromodification requirements are typically located solely on private property and would need to be maintained by the property owners or a homeowner's association of the property owners.
2. The bioretention cells have been allowed to be installed in the public right-of-way in anticipation of the district maintaining the facilities, thereby relieving the property owners of the tract as a whole from the maintenance responsibility.
3. The EVA and the landscape along the EVA are located on private property and therefore the maintenance would be the responsibility of the property owners.
4. Maintenance of the storm vault, bioretention facilities and EVA, relieve the property owners of the maintenance and the necessity of forming an owner's association and establishing a board in order to manage the maintenance for the development.
5. The frontage landscape maintenance and operation services meet the legal obligation of the property owners. State and City laws hold property owners individually responsible for the safe and proper maintenance of their frontages.
6. The slope landscaping maintenance and operation services, provided in easements over private property, meets the underlying legal and social obligations of property ownership.
7. Special amenities and landscaping that is well maintained and readily accessible to the properties may be enjoyed by all owners, and visitors without the owners expending the effort of individually maintaining, replacing and repairing the improvements.
8. The Nieman Boulevard special landscaping and maintenance reduces the noise, pollution and visual impact of traffic and other activities in the adjoining areas, thereby improving the physical environment within a neighborhood, making it more livable, viable, desirable and providing a sense of exclusivity.
9. The special landscaping and maintenance, by increasing separation of each neighborhood from the major street, enhances a neighborhood's identity, unity, serenity and security.
10. The presence of special landscaping that is well maintained and available for the enjoyment of the property owners and their visitors specifically enhances the desirability of their property. This contributes to the ability of the parcels to remain superior in comparison to other similarly zoned parcels without these special features.

11. The special landscaping and maintenance, by enhancing the attractiveness of a neighborhood, increases desirability for potential home buyers, thereby improving salability.
12. Attractive, well maintained special landscaping fosters a sense of community pride in a neighborhood. This tends to influence the individual property owners, encouraging improved landscaping and maintenance of their property, increasing the attractiveness and desirability of all property in the neighborhood.

Apportionment of Special Benefit:

In apportioning the special benefit assessment for the maintenance of the special amenities, the following list of considerations lead to a conclusion that the special benefit for storm vault, bioretention and EVA be apportioned equally between each and every residential unit. For parcels that gain access from Nieman Boulevard, the following list of considerations lead to a conclusion that the special benefit for Zone B landscaping on street islands, park strips and slopes within public easements, entrance landscaping at Cirelli Drive and slope landscaping along Nieman Boulevard be apportioned equally between each and every residential unit with parcels having an easement for such improvements be assigned a premium for added proximity benefit.

1. The parcels within the District are similar. All lots are zoned single family residential. This uniform land use contributes to a determination that the benefits are essentially equal.
2. Another consideration is the use of the maintained facilities.
 - a. The storm improvements and associated maintenance are needed to treat the runoff from all of these similar residential units. The EVA provides an additional access point for emergency vehicles to reach the parcels or residents in need of assistance. Facility use is approximately equal, further contributing to the determination that the benefits are essentially equal.
 - b. For most residents that gain access from Nieman Boulevard, the landscaped features will be considered an enhancement of the area and a pleasant view as they come and go in their daily routines. The landscape and street tree improvements use is approximately equal, further contributing to the determination that the benefits are essentially equal.
3. In considering proximity to the facilities, it is concluded that there the special benefit received by each property is inherently equal.
 - a. All parcels will have contributed to the increased post-project storm runoff from the development of this tract and will also have the reassurance that emergency vehicles will be able to reach their property if access from Cadwallader Avenue is necessary.
 - b. All residents that gain access from Nieman Boulevard pass through the entrance areas, proximity has minimal effect on their travels.
4. Parcels having an easement for entrance and slope landscaping along Nieman Boulevard receive a slight added benefit from the District relieving the owner of the responsibility of maintaining the special amenities. This additional benefit, however, is offset a bit because the easement allows the improvements to be installed on their property for the benefit of the community.

Evaluation of the special benefit received by all parcels within the District included an analysis to assure that no assessment would exceed proportional special benefit conferred on any parcel within the District. The special benefit for all services provided by the District greatly exceeds the annual assessment amount of \$53,649.90 as does the corresponding benefit to each parcel. This included the use of information, statistics and valuations from the California Urban Forests Council, Center for Urban Forest Research, the Journal of Arboriculture, the U. S. Forest Service and the Council of Tree and Landscape Appraisers. As an example, just the valuation of average annual benefit for the District maintained street trees (\$178.57/tree) without even considering the value of relieving the owner of the responsibility for the tree or trees in front of their property would exceed \$3,200 annually representing a dramatic benefit over the \$375 budget for that single item in the list of all services being delivered.

General benefits provided by the District maintenance include services for storm vault and bioretention cell maintenance due to the impervious area created for the public right-of-way by the development. In evaluating the general benefit associated with street island landscaping, the traffic circulation patterns associated within the District area were evaluated. It was concluded that the general benefit to traffic passing through the District is primarily associated with the paved roadway portions, traffic signals and signs. Any general benefit associated with the landscaping is immeasurable. Therefore, from a public use perspective, the street island landscaping provides only a direct and special benefit to those parcels in the area as discussed in the "Special Benefit" section above. However, the City of San Jose usually promotes the maintenance of street island landscaping on major collector streets throughout the City. The standard level of landscaping is limited to a non-organic ground cover usually aggregate rock or similar material, trees, and an irrigation system. The City's standard level of landscape maintenance includes traffic clearance trimming on trees, occasional weed and litter control, minimal watering, minor irrigation repairs and no tree replacement. Therefore, the general benefit to the parcels in this District is the equivalent of the City's cost to perform street island maintenance for the area of street islands funded by the District. All costs above this minimum maintenance level are of special and direct benefit to the parcels in the District. The EVA was installed by the developer to serve the potential needs of the parcels within Tract 10057 and is located on private lands. The maintenance of the EVA is of a special and direct benefit to the parcels within the tract because the access was provided for their benefit, and therefore, no general benefit is associated with this maintenance cost.

In evaluating the general benefit associated with the maintenance and operation provided, it is concluded that there is general benefit. The general benefit is not assessable and must be covered by a public agency contribution for that benefit.

1. A portion of the impervious surface created by this project is the public right-of-way.
2. In similar areas throughout the City, the City is implementing mitigation efforts to address the runoff flows due to new or modified City's infrastructure network.
3. The storm vault and bioretention cells treat the runoff from the private lands as well as from the public right-of-way. The proportionate share of costs of maintaining the storm vaults and bioretention cells for the right-of-way runoff represents the general benefit within the District, so the City must contribute for that portion of the costs to the District.

4. Silver Creek Valley Road and Yerba Buena Road was designed and constructed as major thoroughfares.
5. The City proposes street islands for traffic control on major thoroughfares.
6. The original traffic model forecast and current conditions confirm significant general traffic flowing through the traffic circulation patterns within the District.
7. In similar areas throughout the City, minimal island landscaping is provided, consisting of trees and a crushed rock surface. It is maintained by the City, funded from generally available funds.
8. The cost of providing this minimum service represents the general benefit within the District. It underlies the costs of the enhanced landscape service provided by the District, so the City must contribute for that portion of the costs to the District.

This general benefit value for the storm vault and bioretention cells is based on the quantity of impervious area created and/or replaced as public property by the development of Tract No. 10057. In this case, it is determined by multiplying the quotient of the square footage of impervious public right-of-way (approximately 96,450 square feet) by the total square footage of impervious area created and/or replaced by this development (approximately 247,891 square feet) with all costs associated with the maintenance of the storm system. This general benefit value for the street islands is based on the quantity of the standard improvements that would be constructed and maintained by the City in the event the District was not in place. It is evaluated by compiling the square footage of standard improvements (approximately 96,700 square feet) and applying it to the average cost for maintenance of such items which is approximately \$0.08 per square foot. The general benefit contribution for the Zone B component has already been recognized and applied to the existing District through the annual budgeting process for fiscal year 2012-2013.

6. **THE FORMULA** to apportion the special benefit assesses each parcel in proportion to the special benefit each property receives from the improvements based on proximity and access to the maintained improvements. The amount of the general benefit contribution is added to the Source and Use of Funds for accounting purposes. These funds are over and above the cost of the District services as only special benefit is assessable although the contribution is shown for the purposes of budgeting and to solidify and acknowledge funds contributed to cover the base level of service.

The Equivalent Dwelling Unit Yield for a parcel is determined based on the planned number of residential lots within a Zone. One dwelling unit represents one residential property. The City Planning, Building, and Code Enforcement Department uses the San Jose General Plan guidelines to calculate the maximum number of dwelling units allowed upon a subdivision not yet subdivided into residential lots. The resulting amounts are Dwelling Unit Yields. The Dwelling Unit Yield is adjusted when required to represent City zoning changes and the direct benefit to a particular property from the maintained public facility. The adjusted yield is called the Equivalent Dwelling Unit Yield (EDUY).

1. Equally assess the special benefit costs for storm drain, bioretention and EVA maintenance to each and every residential lot assessed at 1.0 EDUY except that any lot having an easement for said service shall be levied a five percent (5%) premium.
2. Equally assess the special benefit costs for entrance landscaping at Cirelli Drive and slope landscaping along Nieman Boulevard to each and every residential lot assessed at 1.0 EDUY that gains access from Nieman Boulevard except that any lot having an easement for said service shall be levied a five percent (5%) premium.
3. Assess the special benefit costs for Zone B landscaping on street islands, park strips and slopes based on each parcel's EDUY.

The general benefit allocation for the storm vault maintenance service is valued to be \$22,118.55, which is determined from the general benefit value identified in Section 5 above. This amount will be contributed to the District from the City's generally available funds and is over and above the assessment amounts assessed by the District upon properties within the District.

7. THE ANNUAL ADJUSTMENT FORMULA, upon approval of a majority vote of the property owners, sets maximum limits to the assessments in future annual District budgets. The Annual Adjustment shall be equal to the change in the average annual Consumer Price Index, All Urban Consumers, for the San José - San Francisco - Oakland Area. Assessments for any future fiscal year may not exceed the maximum Annual Adjustment; the maximum assessment is calculated by dividing the exiting fiscal year's maximum assessment by the CPI for the calendar year preceding the exiting fiscal year and then multiplying the resulting quotient by the CPI for the calendar year preceding the desired future fiscal year. 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.

8. INTERPRETATION and application of any section of this document shall be left to the City's discretion. In addition, the City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Assessment Formula or Annual Adjustment Formula.

NOW, THEREFORE, I, DAVID SYKES, 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: 7/16/12



DAVID SYKES
Director of Public Works

**ANNEXATION AREA NO. 1 and
Formation of ZONE I (Cadwallader)
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

EXHIBIT 1

**ASSESSMENT ROLL
FISCAL YEAR 2012-13**

General Benefit Contribution 22,118.55

PARCEL NUMBERS ASSESSOR / DISTRICT	NET ASSESSMENT ZONES B + I	ASSESSMENT BY ZONE			EDUY
		B	I Frontage	I Storm & EVA	
TOTALS:	53,649.32	772.80	13,681.04	39,195.48	38.0
CHECK TOTALS:	53,649.90	772.80	13,681.53	39,195.57	38.0
DIFFERENCE:	(0.58)	0.00	(0.49)	(0.09)	0.0
UNITS WITH ASSESSMENTS INCLUDING A 5% PREMIUM					
676-01-040 920 **	1,476.88	0.00	445.42	1,031.46	1.0
676-01-041 921 **	1,476.88	0.00	445.42	1,031.46	1.0
676-01-042 922 **	1,476.88	0.00	445.42	1,031.46	1.0
676-01-043 923 **	1,476.88	0.00	445.42	1,031.46	1.0
676-01-044 924 **	1,476.88	0.00	445.42	1,031.46	1.0
UNITS WITH STANDARD ASSESSMENTS					
676-01-021 901 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-022 902 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-023 903 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-024 904 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-025 905 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-026 906 *	1,031.46	0.00	0.00	1,031.46	1.0
676-01-027 907	1,489.28	33.60	424.22	1,031.46	1.0
676-01-028 908	1,489.28	33.60	424.22	1,031.46	1.0
676-01-029 909	1,489.28	33.60	424.22	1,031.46	1.0
676-01-030 910	1,489.28	33.60	424.22	1,031.46	1.0
676-01-031 911	1,489.28	33.60	424.22	1,031.46	1.0
676-01-032 912	1,489.28	33.60	424.22	1,031.46	1.0
676-01-033 913	1,489.28	33.60	424.22	1,031.46	1.0
676-01-034 914	1,489.28	33.60	424.22	1,031.46	1.0
676-01-035 915	1,489.28	33.60	424.22	1,031.46	1.0
676-01-036 916	1,489.28	33.60	424.22	1,031.46	1.0
676-01-037 917 **	1,455.68	0.00	424.22	1,031.46	1.0
676-01-038 918 **	1,455.68	0.00	424.22	1,031.46	1.0
676-01-039 919 **	1,455.68	0.00	424.22	1,031.46	1.0
676-01-045 925 **	1,455.68	0.00	424.22	1,031.46	1.0
676-01-046 926	1,489.28	33.60	424.22	1,031.46	1.0
676-01-047 927	1,489.28	33.60	424.22	1,031.46	1.0
676-01-048 928	1,489.28	33.60	424.22	1,031.46	1.0
676-01-049 929	1,489.28	33.60	424.22	1,031.46	1.0
676-01-050 930	1,489.28	33.60	424.22	1,031.46	1.0
676-01-051 931	1,489.28	33.60	424.22	1,031.46	1.0
676-01-052 932	1,489.28	33.60	424.22	1,031.46	1.0
676-01-053 933	1,489.28	33.60	424.22	1,031.46	1.0
676-01-054 934	1,489.28	33.60	424.22	1,031.46	1.0

**ANNEXATION AREA NO. 1 and
Formation of ZONE I (CADWALLADER)
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

EXHIBIT 2

**OWNERS LIST
FISCAL YEAR 2012-13**

PARCEL NUMBER DIST / ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	2012-13 ASSESSMENT
901 67601021	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
902 67601022	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
903 67601023	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
904 67601024	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
905 67601025	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
906 67601026	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,031.46
907 67601027	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
908 67601028	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
909 67601029	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
910 67601030	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
911 67601031	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
912 67601032	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
913 67601033	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
914 67601034	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
915 67601035	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
916 67601036	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
917 67601037	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,455.68

**ANNEXATION AREA NO. 1 and
Formation of ZONE I (CADWALLADER)
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

EXHIBIT 2

**OWNERS LIST
FISCAL YEAR 2012-13**

PARCEL NUMBER DIST / ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	2012-13 ASSESSMENT
918 67601038	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,455.68
919 67601039	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,455.68
920 67601040	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,476.88
921 67601041	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,476.88
922 67601042	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,476.88
923 67601043	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,476.88
924 67601044	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,476.88
925 67601045	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,455.68
926 67601046	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
927 67601047	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
928 67601048	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
929 67601049	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
930 67601050	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
931 67601051	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
932 67601052	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
933 67601053	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
934 67601054	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28

**ANNEXATION AREA NO. 1 and
Formation of ZONE I (CADWALLADER)
MAINTENANCE DISTRICT 15
(SILVER CREEK VALLEY)**

EXHIBIT 2

**OWNERS LIST
FISCAL YEAR 2012-13**

PARCEL NUMBER DIST / ASSESSOR'S	PROPERTY OWNER MAILING ADDRESS	2012-13 ASSESSMENT
935 67601055	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
936 67601056	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
937 67601057	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28
938 67601058	TRI POINTE HOMES LLC 20201 SW BIRCH ST STE 100; NEWPORT BEACH CA 92660	\$1,489.28

DPN	APN	DPN	APN	DPN	APN
901	676-01-021	914	676-01-034	927	676-01-047
902	676-01-022	915	676-01-035	928	676-01-048
903	676-01-023	918	676-01-036	929	676-01-049
904	676-01-024	917	676-01-037	930	676-01-050
905	676-01-025	918	676-01-036	931	676-01-051
906	676-01-026	919	676-01-039	932	676-01-052
907	676-01-027	920	676-01-040	933	676-01-053
908	676-01-028	921	676-01-041	934	676-01-054
909	676-01-029	922	676-01-042	935	676-01-055
910	676-01-030	923	676-01-043	936	676-01-056
911	676-01-031	924	676-01-044	937	676-01-057
912	676-01-032	925	676-01-045	938	676-01-058
913	676-01-033	926	676-01-046		



CERTIFICATIONS

(1) DIRECTOR OF PUBLIC WORKS
 FILED THIS _____ DAY OF _____, 2012, IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN JOSE.

 DAVID BYRKS
 DIRECTOR OF PUBLIC WORKS

(2) CITY CLERK
 FILED THIS _____ DAY OF _____, 2012, IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SAN JOSE.

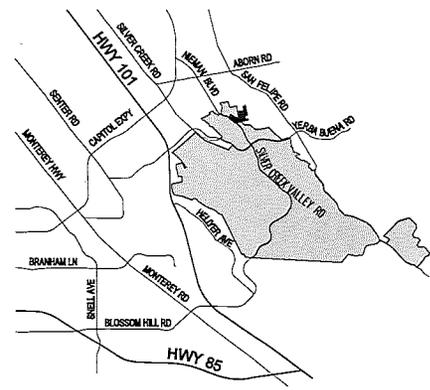
 DENNIS D. HAWMONS, CMC
 CITY CLERK

(3) CITY COUNCIL
 BY RESOLUTION NUMBER _____, ON THE _____ DAY OF _____, 2012, 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. HAWMONS, CMC
 CITY CLERK

(4) COUNTY RECORDER
 FILED THIS _____ DAY OF _____, 2012, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGES _____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA. RECORDER'S SERIES NO. _____ FEE PAID: _____

 REGINA ALLOMEDEAS, COUNTY RECORDER
 COUNTY OF SANTA CLARA



LOCATION MAP

CITY OF SAN JOSE
 CAPITAL OF SILICON VALLEY
PUBLIC WORKS DEPARTMENT
 DEVELOPMENT SERVICES DIVISION
 201 S. FIDELITY AVENUE

LEGEND

—	ANNEXATION AREA NO. 1	—	STREET RIGHT OF WAY
- - -	PROPOSED ZONE 1 BOUNDARY	—	PROPERTY LINE
- · - · -	PROPOSED ZONE 2 ANNEXATION	1	DISTRICT PARCEL NUMBER (DPN)
		123-45-678	ASSESSOR'S PARCEL NUMBER (APN)

SCALE: 1" = 100'

CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
ANNEXATION AREA NO. 1
 AND
ZONE 1 (CADWALLADER)
 ANNEXATION TO
MAINTENANCE DISTRICT 15
 (SILVER CREEK VALLEY)
 FISCAL YEAR 2012-2013