

RESOLUTION NO. 99-17
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
OF INTENTION TO ORDER IMPROVEMENT IN
AVALON DRIVE CURB AND GUTTER ASSESSMENT DISTRICT

WHEREAS, this City Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

1. The installation of concrete curbs and gutters in an existing street, including clearing, grading, subbase, base, pavement, curbs, gutters, driveways, storm drainage facilities, adjusting existing manholes and survey monuments to grade, relocating signs and mailboxes, and all other improvements and appurtenances necessary for a complete improvement of Avalon Drive between Almond Avenue and Jardin Drive.
2. Where necessary, the acquisition of all lands and easements, and the performance of all work auxiliary to any of the above and necessary to complete the same.

WHEREAS, this City Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Avalon Drive Curb and Gutter Assessment District, City of Los Altos, Santa Clara County, California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Avalon Drive Curb and Gutter Assessment District, City of Los Altos, Santa Clara County, California.

NOW THEREFORE, BE IT RESOLVED as follows that:

This City Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement.

Where any disparity occurs in level or size between the improvement and private property, this City Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

This City Council intends, pursuant to Section 8682.1 and subparagraph (f) of Section 10204 of the California Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the proposed assessment district to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed to the City which result from the administration and collection of assessment

installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

This City Council orders \$20,000 of the cost of the improvement shall be paid by a contribution from the City, and that the balance of the cost shall be specially assessed.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature fourteen (14) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City of Los Altos will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City, in its sole discretion, from so advancing funds.

This City Council appoints the Director of Public Works as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this City Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized from the assessment it shall be used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

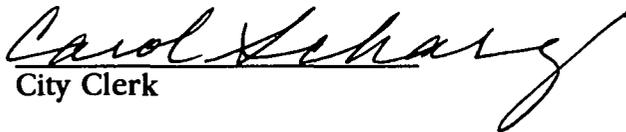
- (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the City Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions;

- (c) For the maintenance of the improvements; or
- (d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Los Altos, California, at a meeting thereof held on the 8th day of June, 1999, by the following vote of members thereof:

AYES: Mayor Becker, Councilmembers Casto, La Poll, Lear, and Moss
NOES: None
ABSENT: None


Louis E. Becker, Mayor


City Clerk