IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2026-XXX**

**RESOLUTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE HERON BAY MAINTENANCE ASSESSMENT DISTRICT; ASSESSMENT DISTRICT NO. 96-3 FOR FISCAL YEAR 2026-2027 (PROVIDES FUNDING FOR THE ON-GOING MAINTENANCE OF CERTAIN PUBLIC FACILITIES CONSTRUCTED AS PART OF THE HERON BAY DEVELOPMENT)**

**WHEREAS**, the City Council approved the Annual Engineer's Report as presented or amended, which describes the assessments against parcels of land within the Heron Bay Maintenance Assessment District (Assessment District No. 96-3) (hereafter referred to as the "District") for the fiscal year commencing July 1, 2026, and ending June 30, 2027; and

**WHEREAS**, pursuant to the provisions of the San Leandro Municipal Code, Chapter 5, Title II (hereafter referred to as the "Code") the District shall pay the costs and expenses of operating, maintaining, and servicing the improvements located within the District; and

**WHEREAS**, the Engineer selected by the City Council prepared and filed with the City Clerk, and the City Clerk presented to the City Council a Report in connection with the proposed levy and collection upon eligible parcels of land within the District, and the City Council did, by previous Resolution, approve such Report; and

**WHEREAS**, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2026, and ending June 30, 2027, to pay the costs and expenses of operating, maintaining, and servicing the improvements within the District; and

**WHEREAS**, the assessments are in compliance with all laws pertaining to the levy of maintenance district assessments, the assessments are levied without regard to property valuation, and the assessments are exempt from or in compliance with the provisions of Proposition 218.

**NOW, THEREFORE,** the City Council of the City of San Leandro does **RESOLVE** as follows:

Section 1. The City Council reviewed the Report and determined the assessments, and considered all oral and written statements, protests, and communications made or filed by interested persons.

Section 2. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council, and which has been filed with the City Clerk, the City Council hereby finds and determines that:

i. The land within the District will receive special benefit by the operation, maintenance, and servicing of the improvements and appurtenant facilities within the boundaries of the District.

ii. The District includes all of the lands receiving such special benefit.

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iii. The net amount to be assessed upon the lands within the District in accordance with the costs for the fiscal year commencing July 1, 2026 and ending June 30, 2027, is apportioned by a formula and method that fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

Section 3. The Report and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 4. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the operating, maintaining, servicing, and replacing of public improvements including: the Storm Water Lift Station and Detention Pond; the Storm Water Treatment Pond; the "buffer" area and trail; the tidal marshlands; the sound walls on both sides of Lewelling Boulevard; Lewelling Boulevard improvements including curb, gutter, sidewalk, and landscaping; the Shoreline Trail and trail extension; the water circulation and drainage improvements, shoreline levees, outfalls, tide gates, pumps, maintenance roads, bank protection, drainage facilities, and animal control in marshland and trail area; wetland habitats; any other public improvements, including, but not limited to, streets, sidewalks, public rights-of-way, sewers, waterlines, sound walls, traffic signals, signage, streetlights, drains, storm water facilities, parks, landscaping, and lift station; the Buffer Zone and Interpretive Centers; and all appurtenances.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance of the facilities and improvements, including repair, removal, or replacement of all or part of any of the improvements or appurtenant facilities, and providing for the satisfactory working condition of the improvements. Services provided include any and all necessary service, operation, administration, and maintenance required to keep the improvements in a satisfactory condition.

Section 5. The maintenance, operation, and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Code, and the County Auditor of the County of Alameda shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the new amount of the levy shall be paid to the City Finance Director.

Section 6. The City Finance Director shall deposit all money representing assessments collected by the County of Alameda for the District to the credit of a fund for the Heron Bay Maintenance Assessment District No. 96-3, and such money shall be expended only for the maintenance, operation, and service of the improvements and facilities as described in Section 4.

Section 7. The adoption of this resolution constitutes the District levy for the fiscal year commencing July 1, 2026, and ending June 30, 2027.

Section 8. The City Clerk is hereby authorized and directed to file the levy, which is attached hereto as Exhibit A and made a part hereof, with the County Auditor upon adoption of this resolution.

Section 9. A certified copy of the levy shall be filed in the office of the City Clerk and open for public inspection.

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Section 10. The City Council hereby imposes the annual assessments on the assessable parcels within the District.

Introduced by Councilmember _____ and passed and adopted this 8th day of June 2026 by the following vote:

**AYES:** ()

**NOES:** ()

**ABSENT:** ()

**ATTEST:** _____
Sarah K. Bunting
City Clerk

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