

# Santa Clara County Open Space Authority

---

## RESOLUTION 10-20

### A RESOLUTION OF THE GOVERNING BOARD OF THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR THE OPEN SPACE ACQUISITION AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011

---

**WHEREAS**, the Board of Directors of the Santa Clara County Open Space Authority (the "Board"), County of Santa Clara, State of California, designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file an Engineer's Report for the Open Space Acquisition and Maintenance District ("District"); and

**WHEREAS**, the report was duly made and filed with the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings; and

**WHEREAS**, that June 24, 2010 at the hour of 7:00 p.m. at the Open Space Authority Administration Office, 6980 Santa Teresa Blvd, Suite 100, San Jose, California, were appointed as the time and place for a hearing by this Board on the question of the levy of the assessment, notice of which hearing was given as required by law; and

**WHEREAS**, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Board, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

**NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED**, that:

1. The public interest, convenience and necessity require that the levy be made.
2. The District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Board, which map is made a part hereof by reference thereto.
3. The Engineer's Report as a whole and each part thereof, to wit:
  - (a) The Engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith, and the plans and specifications for the improvements;
  - (b) The diagram showing the assessment district and the boundaries and dimensions of the respective lots and parcels of land within the District; and
  - (c) The assessment of the total amount of the cost and expenses of the proposed improvements upon the several lots and parcels of land in the District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the improvements, and of the expenses incidental thereto;

are finally approved and confirmed.

4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications,

# Santa Clara County Open Space Authority

---

estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.

5. The assessment to pay the costs and expenses of the improvements for fiscal year 2010-11 is hereby levied.
6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
7. Immediately upon the adoption of this resolution, but in no event later than August 10<sup>th</sup> following such adoption, the Board shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Santa Clara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Open Space Acquisition and Maintenance District of the Santa Clara County Open Space Authority.
8. The moneys representing assessments collected by the County shall be deposited in the District Treasury to the credit of the improvement funds for the Santa Clara County Open Space Authority previously established under the distinctive designation of the Open Space Acquisition and Maintenance District. Moneys in the improvement funds shall be expended only for the maintenance, servicing, construction or installation of the improvements.

**ADOPTED** as a resolution of the Board of the Santa Clara County Open Space Authority at an adjourned meeting duly held on the 24<sup>th</sup> day of June, 2010, by the following called vote:

AYES:  
NOES:  
ABSENT:

---

S. Hall, Chairperson  
Santa Clara County Open Space Authority

APPROVED AS TO FORM:

ATTEST:

---

William Parkin, Legal Counsel

---

Lauren Monack, Clerk of the Board