



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** June 17, 2021

**From:** Karen Kinser, Deputy Director of Public Works

**Subject:** Sierra Point Landscape and Lighting District Annual Appointments, Preliminary Approval of Engineer's Report and Intention to Order the Levy and Collection of Assessments

### Community Goal/Result

Economic Development

### Purpose

To begin the process that will ultimately provide a public hearing to consider imposition of annual tax roll charges that fund Sierra Point's Landscape and Lighting Assessment District, which provides for maintenance of the landscaping, irrigation and lighting installed in 1989.

### Recommendation

Adopt the following resolutions:

1. Resolution No. 2021-53, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2021-2022."
2. Resolution No. 2021-54, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2021-2022."
3. Resolution No. 2021-55, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2021-2022 - Sierra Point Landscaping and Lighting District"
4. Resolution No. 2021-56, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2021-2022 - Sierra Point Landscaping and Lighting District"

### Background

These four resolutions are part of the required annual process for the Sierra Point Landscaping and Lighting District. In order, they appoint an Attorney and an Engineer of Record for the landscaping and lighting district, preliminarily approve the Engineer's Report (which specifies the work to be completed, the cost of the work, and the proportionate share of the costs within the district for the next fiscal year), and indicate intention to order the levy and collection of assessments for said district.

### Discussion

The requested actions begin the annual process that provides funding for the operation and maintenance of the Sierra Point Landscaping and Lighting District. At a later meeting, a Public Hearing will be held to confirm and order the Improvements/Assessments.

If the Council chooses to not approve these Resolutions, then the city will most likely not have a mechanism to collect the assessments which fund the operation and maintenance of the landscaping, irrigation and lighting at Sierra Point.

**Fiscal Impact**

There is no direct fiscal impact as a result of approving the recommended resolutions; all work to be completed in this phase of the process will be completed by existing staff.

**Measure of Success**

Approval of the Engineer’s Report and confirming the assessments will allow for the ongoing maintenance and improvements of the landscaping, lighting and pathways at Sierra Point.

**Attachments**

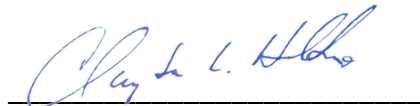
1. Resolution Nos. 2021-53, 2021-54, 2021-55, 2021-56
2. Engineer’s Report



Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City Manager

**RESOLUTION NO. 2021-53**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
APPOINTING ATTORNEY FOR THE SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT  
FISCAL YEAR 2021-2022**

**WHEREAS**, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2021-2022; and

**WHEREAS**, the public interest and general welfare will be served by appointing and employing an attorney for the preparation and conduct of said proceedings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brisbane as follows:

Thomas McMorrow, Attorney at Law, or his successor, is hereby appointed and employed to do and perform all legal services required for said proceedings.

\_\_\_\_\_  
Karen Cunningham, Mayor  
City of Brisbane

\* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution No. 2021-53 was adopted at a regular meeting of the City Council of the City of Brisbane on the 17th day of June, 2021 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Ingrid Padilla, City Clerk  
City of Brisbane

**RESOLUTION NO. 2021-54**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
APPOINTING ENGINEER FOR THE SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT  
FISCAL YEAR 2021-2022**

**WHEREAS**, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District, pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for fiscal year 2021-2022;

**WHEREAS**, the public interest and general welfare will be served by appointing and employing an engineer for the preparation and conduct of said proceedings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brisbane as follows:

Karen A. Kinser, P.E., Deputy Director of Public Works, is hereby appointed and employed as Engineer of Work, employed in order to perform all engineering work necessary in and for said proceedings.

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Karen Cunningham, Mayor  
City of Brisbane

\* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution No. 2021-54 was adopted at a regular meeting of the City Council of the City of Brisbane on the 17th day of June, 2021 by the following vote:

AYES:  
NOES:  
ABSENT:

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Ingrid Padilla, City Clerk  
City of Brisbane

**RESOLUTION NO. 2021-55**

**RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT  
FISCAL YEAR 2021 – 2022**

**SIERRA POINT LANDSCAPING AND LIGHTING DISTRICT**

**RESOLVED**, by the City Council of the City of Brisbane, California, that

**WHEREAS**, the Engineer of Work has prepared and filed with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972;

**WHEREAS**, under and pursuant to said Act, the report has been presented to this Council for consideration; and

**WHEREAS**, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof should be modified in any respect.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED**, as follows:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the assessment district or within any zone thereof, contained in said report, be, and they are hereby, preliminarily approved.

2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby, preliminarily approved.

3. That the diagram showing the exterior boundaries of the assessment district referred to and described in said Engineer's Report and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within said district as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, preliminarily approved.

4. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing,

or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.

5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had.

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Karen Cunningham, Mayor  
City of Brisbane

\* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution No. 2021-55 was adopted at a regular meeting of the City Council of the City of Brisbane on the 17th day of June, 2021 by the following vote:

AYES:

NOES:

ABSENT:

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Ingrid Padilla, City Clerk  
City of Brisbane

**RESOLUTION NO. 2021-56**

**A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION  
OF ASSESSMENTS  
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972  
FISCAL YEAR 2021-2022**

**SIERRA POINT LANDSCAPING AND LIGHTING DISTRICT**

**RESOLVED**, by the City Council of the City of Brisbane, California, as follows:

**WHEREAS**, pursuant to the Landscaping and Lighting Act of 1972, the Engineer of Work of said City has prepared and filed with the Clerk of this City the written report, which said submitted report has been preliminarily approved by this Council in accordance with said Act;

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED**, as follows:

1. In its opinion the public interest and convenience require and it is the intention of this Council to order the levy and collection of assessments for Fiscal Year 2021-2022 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as Sierra Point Landscaping and Lighting District, the exterior boundaries of which district are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said district.

3. Said Engineer's Report prepared by the Engineer of Work of said City, preliminarily approved by this Council, and on file with the Clerk of this City is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

4. Notice is hereby given that on July 15, 2021, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, the City Council shall convene and hold a public

meeting to receive public testimony with respect to said assessments, pursuant to Government Code Section 59954.6. The City Clerk is authorized to cause publication of notice of said public meeting pursuant to Government Code 6063 and to mail such notice by first-class mail to the owners of the property to be assessed as shown by the last equalized assessment roll said notice shall contain the information as specified by Government Code Section 54954.6 (C)(2).

5. Notice is hereby given that on July 15, 2021, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, be and the same are hereby appointed and fixed as the time and place for a hearing by this Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the San Mateo Times, a newspaper published and circulated in San Mateo County, there being no newspaper published in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The office of the City Manager of said City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at City Hall, 50 Park Place, Brisbane, California 94005 or by calling (415) 508-2110.

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Karen Cunningham, Mayor  
City of Brisbane

\* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution No. 2021-56 was adopted at a regular meeting of the City Council of the City of Brisbane on the 17th day of June, 2021 by the following vote:

AYES:  
NOES:  
ABSENT:

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Ingrid Padilla, City Clerk  
City of Brisbane



**EXHIBIT “A” to Resolution No. 2021-56**

**Description of District Purpose**

**SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT**

- a) The construction or installation, including the maintenance or servicing, or both, thereof, of public landscaping, including irrigation, trees, shrubs, grass, or other vegetation.
- b) The construction or installation, including the maintenance or servicing, or both, thereof, of public lighting facilities, including standards, poles and electric current or energy.

CITY OF BRISBANE

**SIERRA POINT**

**LANDSCAPING AND LIGHTING DISTRICT**

**ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for the  
2021 - 2022 Fiscal Year

Prepared by

Karen Kinser, P.E.  
Deputy Director of Public Works

June 8, 2021

I. BACKGROUND

In 1983, the Brisbane City Council determined to undertake proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled “Landscaping and Lighting Act of 1972”, for the formation of an assessment district for the purpose of constructing, installing, maintaining and servicing the following facilities within said district:

- a) Public landscaping, including trees, shrubs, grass, other vegetation, and irrigation facilities.
- b) Public lighting facilities, including standards, poles, and electric current or energy.

The proposed district was designated the “Sierra Point Landscaping and Lighting District”.

This report was prepared as part of an annually occurring process to detail the assessment charges and district expenses covering the 2021 - 2022 fiscal year.

II. PLANS AND SPECIFICATIONS

The original plans and specifications for this assessment district have been separately bound but are incorporated herein by this reference thereto.

III. ESTIMATE OF COSTS

The costs of this assessment district for the 2021 - 2022 fiscal year are estimated to be as follows:

**ZONE 1 & 2 CONSTRUCTION & MAINTENANCE COSTS**

	<b>FY 21/22</b>
Employee costs	100,843
Supplies and services	410,730
Administrative costs	122,082
<b>TOTAL ZONE 1 &amp; 2</b>	<b>\$633,655</b>

Supplies and services includes safety clothing, maintenance of vehicles and equipment, small tools and supplies, landscape and irrigation maintenance including materials, electricity, and water.

Administrative charges are indirect, overhead costs to manage the district.

A detailed breakdown of these costs is available to assesses upon request.

Costs associated with this assessment district for the 2021 - 2022 fiscal year are to be paid as follows:

**ZONE 1 & 2 FUNDING SOURCES**

		<b>FY 21/22</b>
	Assessment charges	591,719
	Supplement from Reserves	41,936
	<b>TOTAL ZONE 1 &amp; 2</b>	<b>\$633,655</b>

IV. DIAGRAM

The assessment diagrams for Zones 1 and 2 are attached hereto and are a part of this report.

V. ASSESSMENT

The assessments to be made against the assessable lots and parcels of land within this assessment district are attached hereto and are a part of this report.

Respectfully submitted,

Dated \_\_\_\_\_

\_\_\_\_\_  
Karen Kinser, P.E.  
Deputy Director of Public Works

Filed in the office of the City Clerk of the City of Brisbane, San Mateo County, California, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Ingrid Padilla  
City Clerk

Filed in the office of the County Controller-Auditor of the County of San Mateo, California, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Juan Raigoza  
County Controller

**ASSESSMENT ROLL**

<u>ASSESSMENT NUMBER</u>	<u>ASSESSOR'S PARCEL NUMBER</u>	<u>PARCEL AREA, AC.</u>	<u>ASSESSMENT</u>
<u>ZONE 1</u>			
A 1	007—165—010	4.52	\$25,180
A 2	007—165—020	8.87	49,414
A 3	007—165—110	3.44	19,164
A 4	007—165—050	6.13	34,148
A 5	007—164—020	5.66	31,530
A 6	007—164—010	10.20	56,823
A 7	007—165—130	9.78	54,483
A 8	007—165—140	7.13	39,720
A 9	007—165—150	5.93	33,035
A 10	007—163—030	3.52	19,609
A 11	007—163—040	3.08	17,158
A 12	007—165—120	4.56	25,404
C 1	015—010—530	Note <sup>1</sup>	0
C 2	015—010—560	6.92	38,551
C 3	015—010—570	8.57	47,742
C 4	015—010—580	8.56	47,686
C 5	015—010—610	2.41	13,427
	Subtotal Zone 1	99.29	\$553,074

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<sup>1</sup> Although previously assessed, this parcel is owned by California State Lands Commission, which is exempt from local assessments.

ZONE 2

B 1	None (placeholder only)		-0-
B 2	005—162—430 (Ptn)	15.2	7,189
B 3	005—162—300	66.5	31,456
B 4	005—162—400 (Ptn)	Note <sup>2</sup>	-0-
B 5	005—162—410 (Ptn)	0.2 <sup>3</sup>	-0-
B 6	005—162—390	Note <sup>4</sup>	-0-
B 7	005—162—420 (Ptn)	Note <sup>4</sup>	-0-
	Subtotal Zone 2	81.7	\$ 38,645
	Total	180.99	\$591,719

**METHOD OF ASSESSMENT SPREAD**

The amounts to be assessed against the parcels of property to pay the costs and expenses of the work and improvements shall be based on the estimated benefits to be derived by the various properties within the assessment district.

Construction and maintenance costs shall be segregated by zone, and then spread to the parcels within each zone in proportion to the area of the benefited parcels within the zone.

Incidental expenses shall be spread proportional to the area of benefited parcels within the assessment district.

Due to the County Auditor's requirement that individual parcel assessments be rounded to the nearest even cent, the total of said individual assessments may not exactly equal the total estimate of costs.

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<sup>2</sup> This portion of this parcel is private land over which the public has been granted access for use as the street, Tunnel Avenue.

<sup>3</sup> No assessment has been imposed for a value less than \$100.

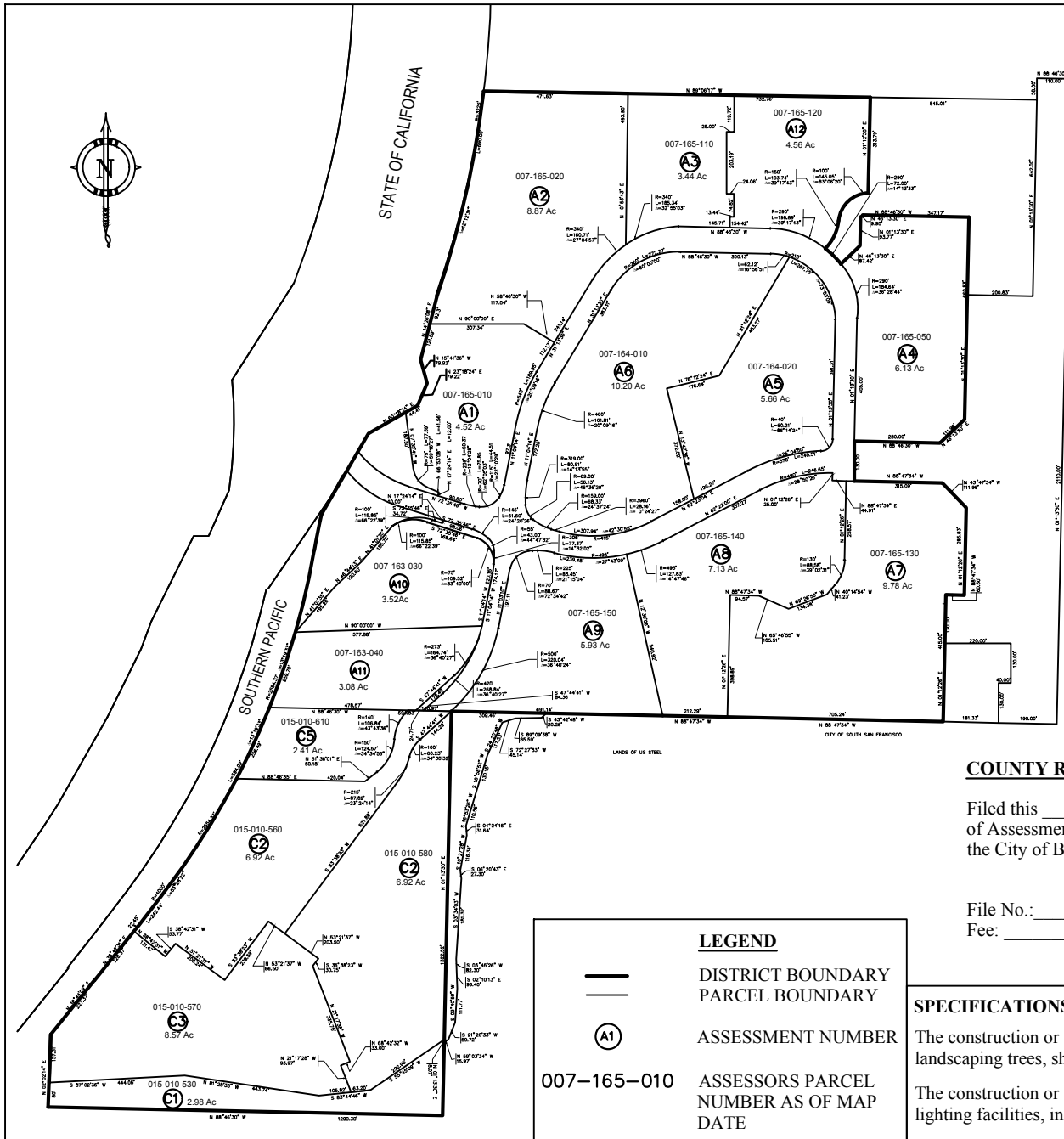
<sup>4</sup> B6 and B7 are publicly owned portions of Tunnel Avenue.

**NAMES AND ADDRESSES OF OWNERS**

<b>ASSESSMENT NUMBER</b>	<b>APN NUMBER</b>	<b>ASSESSEE</b>
A-1	007-165-010	BP3 SF4 1000 Marina LLC 4380 La Jolla Village Dr. Suite 230 San Diego, CA 92122
A-2	007-165-020	BP3 SF5 3000 3500 Marina LLC 4380 La Jolla Village Dr. Suite 230 San Diego, CA 92122
A-3	007-165-110	SNH Brisbane Ca LLC 255 Washington St Newton, MA 02458
A-12	007-165-120	PPF OFF 7000 Marina Blvd LP C/O Morgan Stanley Real Estate Advisor 555 California St. 21 <sup>st</sup> Floor San Francisco, CA 94101
A-4	007-165-050	Grand Sierra Properties, Inc. 150 Executive Park Blvd. #4000 San Francisco, CA 94134
A-5	007-164-020	HCP Life Science REIT, Inc. 1920 Main St, Suite 1200 Irvine, CA 92614
A-6	007-164-010	HCP Life Science REIT, Inc. 1920 Main St, Suite 1200 Irvine, CA 92614
A-7	007-165-130	Slough Brisbane LLC
A-8	007-165-140	1920 Main St. Suite 1200
A-9	007-165-150	Irvine, CA 92614
A-10	007-163-030	Summit Hospitality 114 LLC 12600 Hill Country Blvd., #R-100 Austin, TX 78738
A-11	007-163-040	Bre Sh Brisbane Owner LLC PO Box A-3956 Chicago, IL 60690-3956



B-2 B-3 B-4 B-5	005-162-430 005-162-300 005-162-400 005-162-410	Oyster Point Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134-3332
B-6 B-7	005-162-390 005-162-420	City of Brisbane 50 Park Place Brisbane, CA 94005
C-1	015-010-530	State of California C/O State Lands Commission Attn: Title Unit 100 Howe Ave., Ste. 100 Sacramento, CA 95825
C-2	015-010-560	HCP Life Sciences REIT, Inc. 3000 Meridian Boulevard #200 Franklin, TN 37067
C-3	015-010-570	ARE San Francisco No. 17 LLC C/O Deloitte & Touche Attn: Shanna Lehman PO Box 847 Carlsbad, CA 92018
C-4	015-010-580	Areus Inc. 1125 Trenton Harbourton Rd. Titusville, NJ 08560
C-5	015-010-610	GNS Shoreline LP 500 N Hurstbourne Pkwy Ste 200 Louisville, KY 40222



**ZONE 1**  
**ASSESSMENT DIAGRAM**  
**SIERRA POINT**  
**LANDSCAPING & LIGHTING DISTRICT**  
 CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA  
**FOR FISCAL YEAR 21-22**

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF BRISBANE, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ OF 2021.

\_\_\_\_\_  
 CITY CLERK, CITY OF BRISBANE

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, ON LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS DIAGRAM ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ OF 2021, BY ITS RESOLUTION NO. 2021 - \_\_\_\_\_.

\_\_\_\_\_  
 CITY CLERK, CITY OF BRISBANE

**COUNTY RECORDER'S STATEMENT**

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2021 at a.m./p.m. in Book \_\_\_\_\_ of Assessment Maps, at page (s) \_\_\_\_\_, at the request of Ingrid Padilla, City Clerk of the City of Brisbane.

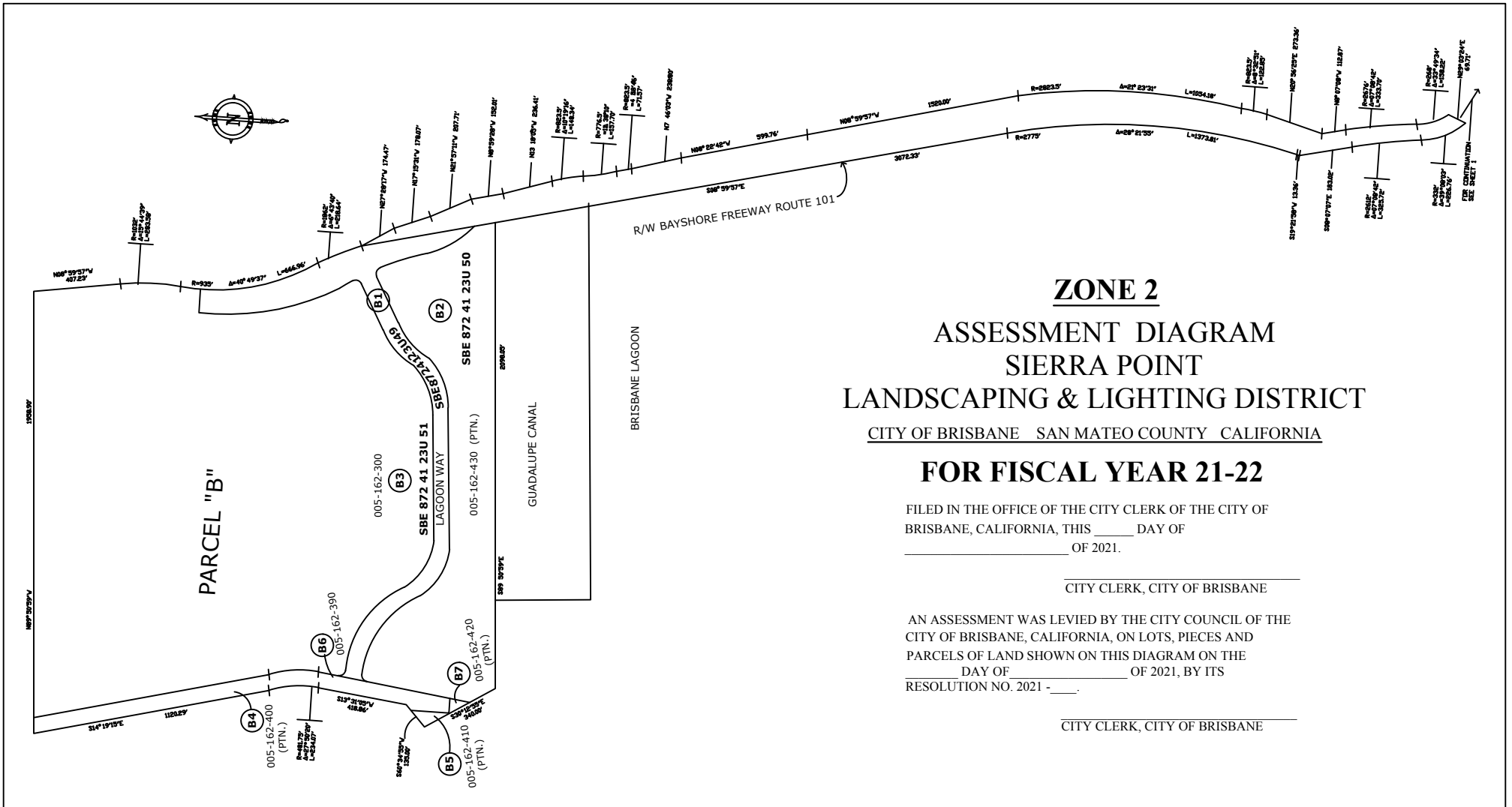
File No.: \_\_\_\_\_  
 Fee: \_\_\_\_\_

Mark Church, San Mateo County Recorder  
 By: \_\_\_\_\_  
 Deputy Recorder

<b>LEGEND</b>	
—	DISTRICT BOUNDARY
—	PARCEL BOUNDARY
(A1)	ASSESSMENT NUMBER
007-165-010	ASSESSORS PARCEL NUMBER AS OF MAP DATE

**SPECIFICATIONS**

- The construction or installation, including the maintenance or servicing, or both, of public landscaping trees, shrubs, grass or other vegetation.
- The construction or installation, including the maintenance or servicing, or both, of public lighting facilities, including standards, poles and electric current or energy.



**ZONE 2**  
**ASSESSMENT DIAGRAM**  
**SIERRA POINT**  
**LANDSCAPING & LIGHTING DISTRICT**

CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA

**FOR FISCAL YEAR 21-22**

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF BRISBANE, CALIFORNIA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ OF 2021.

\_\_\_\_\_  
 CITY CLERK, CITY OF BRISBANE

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, ON LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS DIAGRAM ON THE \_\_\_\_ DAY OF \_\_\_\_\_ OF 2021, BY ITS RESOLUTION NO. 2021 - \_\_\_\_.

\_\_\_\_\_  
 CITY CLERK, CITY OF BRISBANE

<p><b>LEGEND</b></p> <p>— DISTRICT BOUNDARY</p> <p>— PARCEL BOUNDARY</p> <p>(A1) ASSESSMENT NUMBER</p> <p>007-165-010 ASSESSORS PARCEL NUMBER AS OF MAP DATE</p>	<p><b>SPECIFICATIONS</b></p> <p>The construction or installation, including the maintenance or servicing, or both, of public landscaping trees, shrubs, grass or other vegetation.</p> <p>The construction or installation, including the maintenance or servicing, or both, of public lighting facilities, including standards, poles and electric current or energy.</p>
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**COUNTY RECORDER'S STATEMENT**

Filed this \_\_\_\_ day of \_\_\_\_\_, 2021\_\_ at a.m./p.m. in Book \_\_\_\_\_ of Assessment Maps, at page (s) \_\_\_\_\_, at the request of Ingrid Padilla, City Clerk of the City of Brisbane.

File No.: \_\_\_\_\_  
 Fee: \_\_\_\_\_

Mark Church, San Mateo County Recorder  
 By: \_\_\_\_\_  
 Deputy Recorder