

RESOLUTION NO. 2001-032

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JAN 16 2001

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SACRAMENTO PRELIMINARILY APPROVING
AN ENGINEER'S REPORT ON MAINTENANCE
SERVICES IN AND FOR THE
NEIGHBORHOOD LANDSCAPING DISTRICT, AS
REVISED TO REFLECT ANNEXATION OF TERRITORY
AND FIXING THE TIME AND PLACE FOR A
PUBLIC HEARING OF PROTESTS TO THE
PROVISION OF MAINTENANCE SERVICES,
THE EXTENT OF THE ASSESSMENT DISTRICT
AND THE LEVY OF THE ASSESSMENT
AND PROVIDING FOR PROPERTY OWNER
BALLOTS FOR SUCH ASSESSMENT DISTRICT
(ANNEXATION NO. 17)**

WHEREAS:

A. The City Council of the City of Sacramento ("City") has heretofore established the City of Sacramento Neighborhood Landscaping District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code Sections 12500 et seq. ("Act").

B. The purpose of the District is to provide an assured source of financing the cost of specified maintenance services ("Services") relating to certain improvements which are installed in and about approved subdivisions by landowners, so as to maintain those improvements in a manner designed to deter deterioration and to improve the quality of life of subdivision residents.

C. As part of the conditions for approval of subdivision maps within the City, landowners are required to annex the property within the subdivision to the District, and City will not approve a final subdivision map without such proceedings having been commenced and completed.

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D. Sacramento Housing and Redevelopment Agency ("Landowner") has presented a petition to the City requesting that the City commence proceedings for annexation of the land described in Exhibit A, attached hereto and incorporated herein by this reference ("Property"), to the District, pursuant to the provisions of Article XIID of the California Constitution and the Act.

E. Landowner has installed, or will install the improvements specified in Exhibit B, attached hereto and incorporated herein by this reference ("Improvements") in and upon the Property.

F. The maintenance services specified in Exhibit B, attached hereto and incorporated herein by this reference ("Services") are those that will be provided with respect to the improvements specified in Exhibit B, attached hereto and incorporated herein by this reference, to be financed through these proceedings to annex the Property to the District, all of which are authorized as "Maintenance" under Section 22531 of the Act and "Services" under Section 22538 of the Act.

G. The City Council has heretofore adopted Resolution No. 2001-029, whereunder Landowner's petition to annex territory to the District was accepted, annexation proceedings were initiated, the Director of Public Works was appointed as engineer of record ("Engineer"), and the Engineer was directed to prepare the report required by Article 4 (commencing with Section 22565) of Chapter 1 of the Act.

H. The City Council has heretofore adopted Resolution No. 2001-030, whereunder the boundary map, which was duly filed with the City Clerk, was approved.

I. The City Council has heretofore adopted Resolution No. 2001-031, whereunder it declared its intention to order annexation of the Property to the District, and to order the provision of the Services within the annexed territory.

J. The Council, in said resolution, directed the Engineer to prepare and file with the City Clerk the Engineer's report, which report has been duly filed with the Clerk and presented to the Council for consideration and has been fully considered by the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:

Section 1. The recitals set forth above are true and correct, and the City Council so finds and determines.

Section 2. The Engineer's report is hereby preliminarily approved by the Council, and

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2:00 p.m. on Tuesday, March 6 2001, at the regular meeting place of the Council, City Council Chambers, Sacramento City Hall, 915 I Street, Sacramento, California 95814, is hereby fixed as the time and place for a public hearing of protests to the annexation of the Property to the District, to the Services to be provided in and for the District, to the extent of said District and to the levy of the assessment which will finance the cost of the Services. Any interested person may object to the annexation of the Property to the District, to the provision of the Services, or to the extent of said District or to the levy of said assessment by filing a written protest with the City Clerk of the City at or before the time set for said public hearing; provided, that each protest must contain a description of the property in which the signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. The City Clerk of the City shall endorse on each protest the date of its receipt and at said time appointed for said hearing shall present to the Council all protests filed with said Clerk's office.

Section 3. The City Clerk is directed to cause a notice to property owners owning property within the area to be annexed (the Property) of the time and place of said public hearing and of the ballot procedure required by Article XIID of the California Constitution (together with the property owner ballots) to be given by mailing notices thereof (together with such ballots) in the time, form and manner provided by law, and upon the completion of the mailing of said notice and said ballots, the City Clerk is directed to file with the Council an affidavit setting forth the time and manner of the compliance with the requirements of law for mailing said notice and ballots. Notice is hereby given that the balloting procedure shall apply only to the owners of the Property which is being annexed to the District. The notice shall be in the form set forth in Exhibit C, attached hereto and incorporated herein by this reference.

Section 4. Ron Wicky, Special Districts Analyst, Department of Public Works, City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814, telephone (916) 264-5628, is hereby designated to answer inquiries regarding the protest proceedings herein provided for.

ATTEST:

Valerie A. Burrows
CITY CLERK

Heather Fargo
MAYOR

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Exhibit A

DESCRIPTION

ANNEXATION NO. 17 TO THE
NEIGHBORHOOD LANDSCAPING DISTRICT

All that real property situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

The subdivision Map entitled "Del Paso Nuevo Unit 1", recorded on December 14, 2000 in Book 281 of Maps, Map no. 1, records of Sacramento County, California.

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EXHIBIT B

DESCRIPTION OF SERVICES AND OF IMPROVEMENTS TO BE MAINTAINED

The Services to be provided within the area to be annexed to the District are described as follows:

Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the landscape improvements as shown on Exhibit B-1, and more particularly described on plans and specifications approved by the City of Sacramento on file at the City of Sacramento, Department of Neighborhood Services, 1231 I Street, Room 400, Sacramento CA 95814.

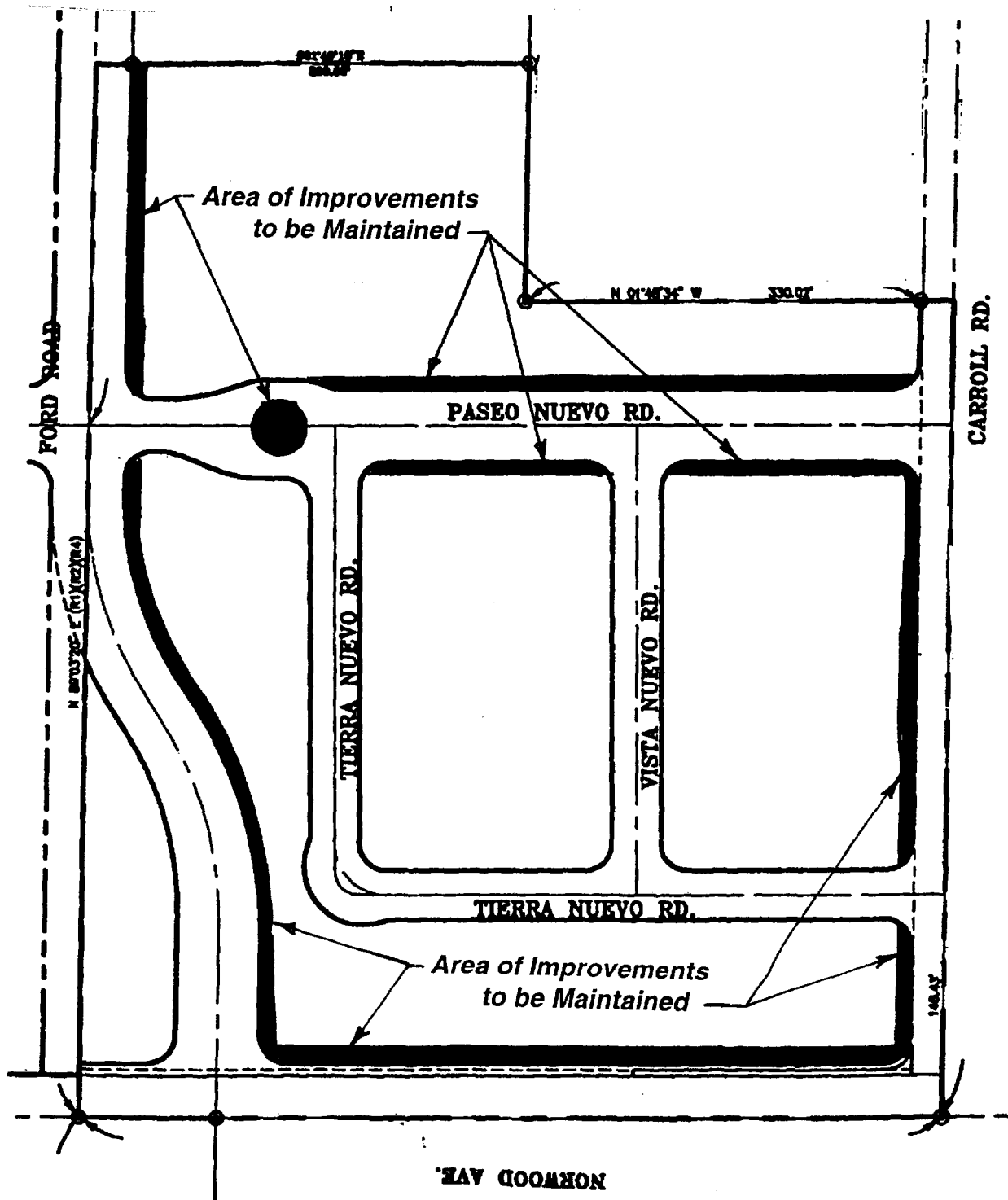
The improvements to be maintained generally consist of masonry walls, landscaping and irrigation systems for the landscape areas within or adjacent to the residential subdivision or subdivisions identified on Exhibit B-1. Maintenance of said improvements shall include, but not be limited to periodic mowing of grass, trimming of trees and shrubs, and fertilizing, together with the regular furnishing of water for irrigation of plant material, and the repair, maintenance and replacement of the irrigation system, planted materials, and amenities. Maintenance of masonry walls includes periodic repair, as may be required.

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EXHIBIT B-1
IMPROVEMENTS TO BE MAINTAINED
ANNEXATION NO. 17 TO THE
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EXHIBIT C
CITY OF SACRAMENTO

ANNEXATION NO. 17 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT

**NOTICE OF PUBLIC HEARING
ON THE RESOLUTION OF INTENTION TO ESTABLISH
ANNEXATION NUMBER 17 TO THE NEIGHBORHOOD
LANDSCAPING DISTRICT
AND TO LEVY A SPECIAL ASSESSMENT THEREIN TO FINANCE
THE MAINTENANCE OF
LANDSCAPING IMPROVEMENTS**

NOTICE IS HEREBY GIVEN that on January 16, 2001, the City Council (the "Council") of the City of Sacramento (the "City") duly adopted Resolution No. 2001-031 (the "Resolution of Intention"), wherein it declared its intention to order the maintenance of those certain public improvements more particularly described in Attachment A attached hereto and incorporated herein and made a part hereto under the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code sections 12500 et.seq. ("Act").

NOTICE IS HEREBY FURTHER GIVEN that the Council in and by the Resolution of Intention referred said public improvements to the Director of Public Works of the City as the Engineer of Work in said proceedings and directed the Engineer of Work to prepare and file with the City Clerk of the City a report as required by Law, and that the Engineer of Work duly prepared and filed his report dated January 16, 2001, with the City Clerk of the City on January 16, 2001, which report was presented to and was preliminarily approved by the Council by resolution adopted on January 16, 2001.

NOTICE IS HEREBY FURTHER GIVEN that 2:00 o'clock p.m. on Tuesday, March 6, 2001, at the regular meeting place of the Council, City Council Chambers, 2nd Floor, Sacramento City Hall, 915 I Street, Sacramento, California 95814, has been fixed by the Council as the time and place for a public hearing of protests to the maintenance of said public improvements, to the extent of said assessment district and to the levy of said assessment, and that any interested person may object to the maintenance of said public improvements, or to the extent of said assessment district or to the levy of said assessment by filing a written protest with the City Clerk of the City at or before the time set for said public hearing, and all mailed protests should be addressed to the City Clerk, Sacramento City Hall, 915 I Street, Room 304, Sacramento, California 95814. Each protest must contain a description of the property in which each signer thereof is interested sufficient to identify the property and, if the signers are not shown on the last equalized assessment roll as the owners of the property, must contain or be accompanied by written evidence that the signers are the owners of such property. The City Clerk of the City shall endorse on each protest the date of its receipt and at the time appointed for said hearing shall present to the Council all protests filed with her.

NOTICE IS HEREBY FURTHER GIVEN that the total estimated cost of the maintenance of said public improvements is \$4,640, which is proposed to be met by the levy of said assessment in said proceedings for fiscal year 2001/2002.

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NOTICE IS HEREBY FURTHER GIVEN that the basis on which the amount of such proposed assessment was calculated is more particularly set forth in Attachment B attached hereto and incorporated herein and made a part hereof.

NOTICE IS HEREBY FURTHER GIVEN that, as required by Section 4 of Article XIID of the California Constitution, a Property Owner Ballot has been enclosed with this notice, along with a self-addressed, return envelope by which the ballot may be returned to the City Clerk at her office at the Sacramento City Hall, City of Sacramento, 915 I Street, Room 304, Sacramento, California 95814. This ballot may be used by the owner or owners of any parcel to express either support for or opposition to the proposed assessment, and the ballot may be returned either by mail (which may be done using the enclosed envelope but requires the user to provide the required postage) or by personal delivery, either prior to or at the time of the public hearing of protests on March 6, 2001

NOTICE IS HEREBY FURTHER GIVEN that, immediately following the close of the public hearing of protests, the returned property owner ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided, that in the event the City Clerk requires opportunity to determine whether any ballot has been properly signed by an owner or authorized representative of an owner, the Council reserves entitlement to continue the matter of announcing results to provide the City Clerk with such opportunity. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest", and the City Council will be precluded from proceeding with the proposed assessment. THIS MEASURE OF MAJORITY PROTEST IS COMPLETELY INDEPENDENT OF THE WRITTEN PROTEST PROCEDURE, WHICH IS DESCRIBED ABOVE.

NOTICE IS HEREBY FURTHER GIVEN that Ron Wicky, Special Districts Analyst, Department of Public Works, City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814, telephone (916) 264-5628, has been designated to answer inquiries regarding the protest proceedings.

NOTICE IS HEREBY FURTHER GIVEN that the legal records of Sacramento County indicate that you own that certain real property constituting the Sacramento County Assessor's Parcel Number set forth below, and that the amount proposed to be assessed against such parcel, as shown by said report, is set forth below.

For all further particulars concerning said proceedings, reference is hereby made to the Resolution of Intention and to said report, both of which are on file in the office of the City Clerk of the City, Sacramento City Hall, 915 I Street, Sacramento, California 95814, and may be examined at said office by any interested persons.

Dated: February 5, 2001

Patricia A. Burrows
City Clerk of the City of Sacramento

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ATTACHMENT A

DESCRIPTION OF SERVICES AND OF IMPROVEMENTS TO BE MAINTAINED

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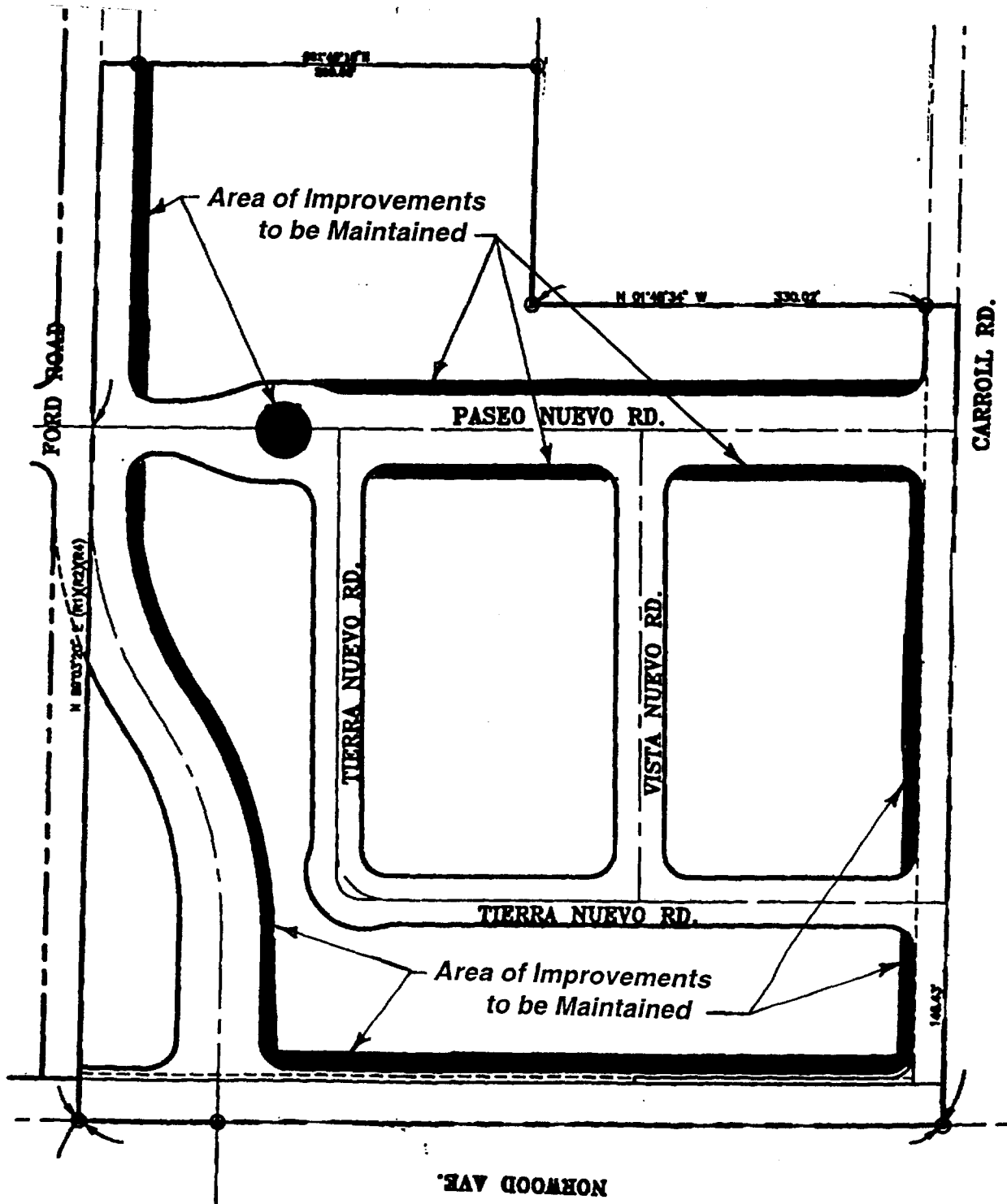
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ATTACHMENT A-1
IMPROVEMENTS TO BE MAINTAINED
ANNEXATION NO. 17 TO THE
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ATTACHMENT B

NEIGHBORHOOD LANDSCAPING DISTRICT

METHOD OF SPREADING ASSESSMENTS

1. The cost of maintenance for landscaping, irrigation systems and masonry wall and the cost for contract maintenance will be spread equally to each residential unit (lot) within their respective subdivision.
2. The cost of all incidental expenses including preparation of the Engineer's Report, district administration and annual billing expenses will be spread equally to each residential unit within the district.

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