

RESOLUTION NO. 2005-080

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEB 15 2005

RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 2005, FOR THE SUBMISSION TO THE QUALIFIED VOTERS A PROPOSED MEASURE RELATING TO THE FREEPORT ANNEXATION/REORGANIZATION TO THE CITY OF SACRAMENTO

WHEREAS, the City Council of the City of Sacramento, California desires to submit to the voters at a Special Municipal Election a proposed measure relating to the annexation/reorganization of Freeport to the City of Sacramento; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed measure to the voters of the affected territory of Freeport as attached;

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

SECTION 1: There is called and ordered to be held in the affected territory of Freeport, California, on Tuesday, June 7, 2005, a Special Municipal Election conducted by mailed ballot for the purpose of submitting the following measure:

Measure B – Freeport Annexation/Reorganization

"Shall the order adopted on August 4, 2004, by the Sacramento Local Agency Formation Commission ordering the detachment of the territory described in the order as the Town of Freeport from Sacramento County Service Area No. 1, Sacramento County Water Agency Zone 13, and the Sacramento County Sanitation District No.1 and ordering the annexation of the entire detached area to the City of Sacramento be confirmed, subject to the terms and conditions specified in the order, such terms and conditions including that the annexation is subject to an Ad Valorem Property Tax Sharing Agreement between the City of Sacramento and the County of Sacramento; that the City of Sacramento and the affected property owners may develop and approve a financing plan, or assessment district, for the construction of the necessary infrastructure to replace private septic systems and well systems; and that the City of Sacramento shall be authorized and may continue to levy in the annexed area general and special taxes, fees, and charges as currently levied by the City of Sacramento, all as more particularly described and set forth in the order?"	YES
	NO

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080
DATE ADOPTED: FEB 15 2005

SECTION 2: That the text of the measure submitted to the voters is as attached.

SECTION 3: The ballots to be used at the election shall be in the form and content as required by law.

SECTION 4: The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly conduct the election by all mail ballot.

SECTION 5: All particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6: Pursuant to the City of Sacramento Municipal Code, and other applicable provisions of the City Charter, said Special Election shall be conducted by mailed ballot, and shall be conducted pursuant to Chapter 2, Division 4 (Commencing with Section 4100) of the California Elections Code insofar as required by law, and only where not inconsistent with the Charter and ordinances of the City of Sacramento. Notwithstanding Elections Code Section 4103, ballots cast in this Special Election shall be returned to the County of Sacramento Voter Registration and Elections Office located at 7000 65th Street, Ste. A, Sacramento, California by 8:00 p.m. on election day. Only ballots received in this location and by this deadline shall be counted.

SECTION 7: Notice of the time and place of holding this election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080
DATE ADOPTED: FEB 15 2005

RESOLUTION NO. LAFC 1283

**RESOLUTION OF THE
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS FOR THE APPROVAL OF THE
FREEPORT REORGANIZATION**

***[Annexation to City of Sacramento; Detachment from CSA #1, Sacramento County Water Agency, Zone 13, and County Sanitation District No. 1]
(08-04)***

WHEREAS, an application for Reorganization [Annexation of the Town of Freeport to the City of Sacramento; Detachment from County Service Area No. 1, and Sacramento County Water Agency, Zone 13, and County Sanitation District No. 1 from the County of Sacramento] was submitted to the Commission by the City of Sacramento pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and all amendments thereto, which commences at Government Code Section 56000 et. seq. and all references in the Resolution shall be to the Government Code unless otherwise noted;

WHEREAS, at the times and in the substantial form and manner provided by law, the Executive Officer has given notice of public hearing(s) by this Commission upon the Proposal;

WHEREAS, a public hearing on the proposed Freeport Reorganization (08-04) was held by the Commission on August 4, 2004;

WHEREAS, the Executive Officer has reviewed all available information and prepared reports, including recommendations, and presented the findings, reports and related information to the Commission, which were then considered by the Commission; and

WHEREAS, at the public hearing(s) the Commission heard and received all oral and written testimony, objections, all oral and written evidence, which was made, presented, or filed, and persons present were given an opportunity to hear and be heard with respect to any matter relating to these hearing(s).

NOW, THEREFORE, the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** does hereby find, determine, resolve and order as follows:

1. The Commission has considered Government Code Sections 56425 and 56668 and all relevant factors in reaching its conclusions regarding the proposal.
2. Notice as required by law has been given.
3. The Affected Territory is inhabited and located in an urbanized area.
4. The Affected Territory is located within the City of Sacramento Sphere of Influence.

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080

DATE ADOPTED: FEB 15 2005

5. The City of Sacramento has rezoned the Affected Territory as required by law.
6. In accordance with Section 56430, the Commission has conducted a review of municipal services provided by the City of Sacramento and makes determinations that the municipal services will be adequate to serve the community of Freeport, as rezoned, by the City of Sacramento.
7. The Commission, through its Executive Officer, has considered the Mitigated Negative Declaration, together with the Addendum, and Mitigation Monitoring Plan previously certified by the City of Sacramento. The Commission, as the Responsible Agency, has reviewed and considered the Mitigated Negative Declaration and incorporates all Mitigation Measures, as identified, into this Resolution. The Commission reserves the right to monitor the enforcement of Mitigation Measures as identified. The Commission directs the Executive Officer to file the Notice of Determination with the County Clerk.
8. Subject to the terms and conditions set forth herein, the annexation proposed by the Resolution and Proposal submitted, is hereby approved as follows:
 - a. The Affected Territory, known as Freeport, consisting of 180 acres, more or less, (total area to centerline of the Sacramento River, including public Right-of-Ways) is annexed to the City of Sacramento, shown on Exhibit "A" and described in the attached legal description, [both as modified pursuant to this order].
 - b. The boundaries of the City of Sacramento shall be amended to include subject territory.
 - c. The City of Sacramento shall provide all necessary services as required by law including Animal Control and Regulation, Building Inspection, Code Enforcement, Police and Law Enforcement, Fire, Ambulance, and Emergency Services, Parks and Recreation, Solid Waste, Public Works, Traffic, Drainage, Water, and other authorized services currently provided to the residents of the City of Sacramento. Notwithstanding that the City of Sacramento and affected property owners may develop and approve a financing plan, or assessment district, for the construction of the necessary infrastructure to replace private septic systems and well systems.
 - d. The following independent Special Districts shall be detached from the Affected Territory: County Service Area No. 1, Sacramento County Water Agency Zone 13, and County Sanitation District No.1.
 - e. The annexation is subject to an Ad Valorem Property Tax sharing Agreement between the City of Sacramento and the County of Sacramento for this reorganization consistent with Revenue and Taxation Code Section 99 attached hereto and made a part hereof.
9. The Commission has reviewed the following factors and made the following determinations:

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080
DATE ADOPTED: FEB 15 2005

- a. The proposal is consistent with the population needs and natural geographic boundary.
 - b. The proposal meets the need to provide municipal services to an area planned for urban development.
 - c. The proposal is consistent and compatible with the surrounding land uses.
 - d. The City of Sacramento has the ability and resources to provide governmental and municipal services to the Affected Territory in an efficient and accountable manner.
 - e. The Proposal will not adversely affect the surrounding area, nor affect other governmental services provided by the County of Sacramento or other special districts.
 - f. The City of Sacramento currently serves the community of Freeport with both fire and police services without compensation or a contract for service provision.
 - g. The proposal contains definite and certain boundaries, it does not split ownership or assessment lines, and it does not create islands or corridors of unincorporated areas.
10. The City of Sacramento shall be authorized and may continue to levy in the annexed area General and Special Taxes as currently levied by the City of Sacramento including but not limited to utility user taxes, transient occupancy taxes, sales taxes, real property transfer taxes, franchise fees, and any other fee and charges levied as authorized under Government Code Section 57330.
 11. The City of Sacramento has adequate water to serve the affected territory.
 12. The effective date of the reorganization shall be upon filing the Notice of Completion by the Executive Officer with the Sacramento County Clerk.
 13. Pursuant to Government Code Section 57329 all roads and highways or portions thereof, which had been accepted into the County Road system pursuant to Section 941 of the Streets and Highway Code, shall become City of Sacramento streets on the effective date of the annexation, excepting therefrom the Freeport Bridge, approach/ roadways, and any related easements.
 14. The Commission designates the Executive Officer as the Conducting Authority for all matters related to the Freeport Reorganization.

BE IT FURTHER RESOLVED by the Sacramento Local Agency Formation Commission the Executive Officer is directed to initiate appropriate proceedings in compliance with this

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080
DATE ADOPTED: FEB 15 2005

Resolution and State law and that the Executive Officer of this Commission is authorized and directed to:

1. File the CEQA Notice of Determination with the Sacramento County Clerk;
2. Initiate the Conducting Authority protest proceeding before the Executive Officer acting on behalf of the Sacramento Local Agency Formation Commission pursuant to Government Code Section 57000 et. seq., and set the Conducting Authority Hearing at the Executive Officer's discretion.
3. Prepare a Certificate of Completion and make the filings as required under State law;
4. Mail a certified copy of this Resolution to the City Clerk of the City of Sacramento and to those affected governmental agencies whose boundaries are affected by the Resolution;
5. File a certified copy of this Resolution with the Clerk of the Board of Supervisors of the County of Sacramento; and
6. Request the City of Sacramento to prepare the modified legal description, as designated by the Commission, of the Affected Territory to be filed with the Clerk of the Commission.

On a motion by Commissioner Tooker, seconded by Commissioner Rose, the foregoing Resolution was passed and adopted by the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**, State of California, this 4th day of August, 2004, by the following vote to-wit:

AYES: *Commissioners Charles Rose, Elliot Mulberg, Chris Tooker, Muriel Johnson, Lauren Hammond, and Illa Collin.*

NOES: *None*

ABSTAIN: *None*

ABSENT: *Sophia Scherman*

Illa Collin, Chair
**SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION**

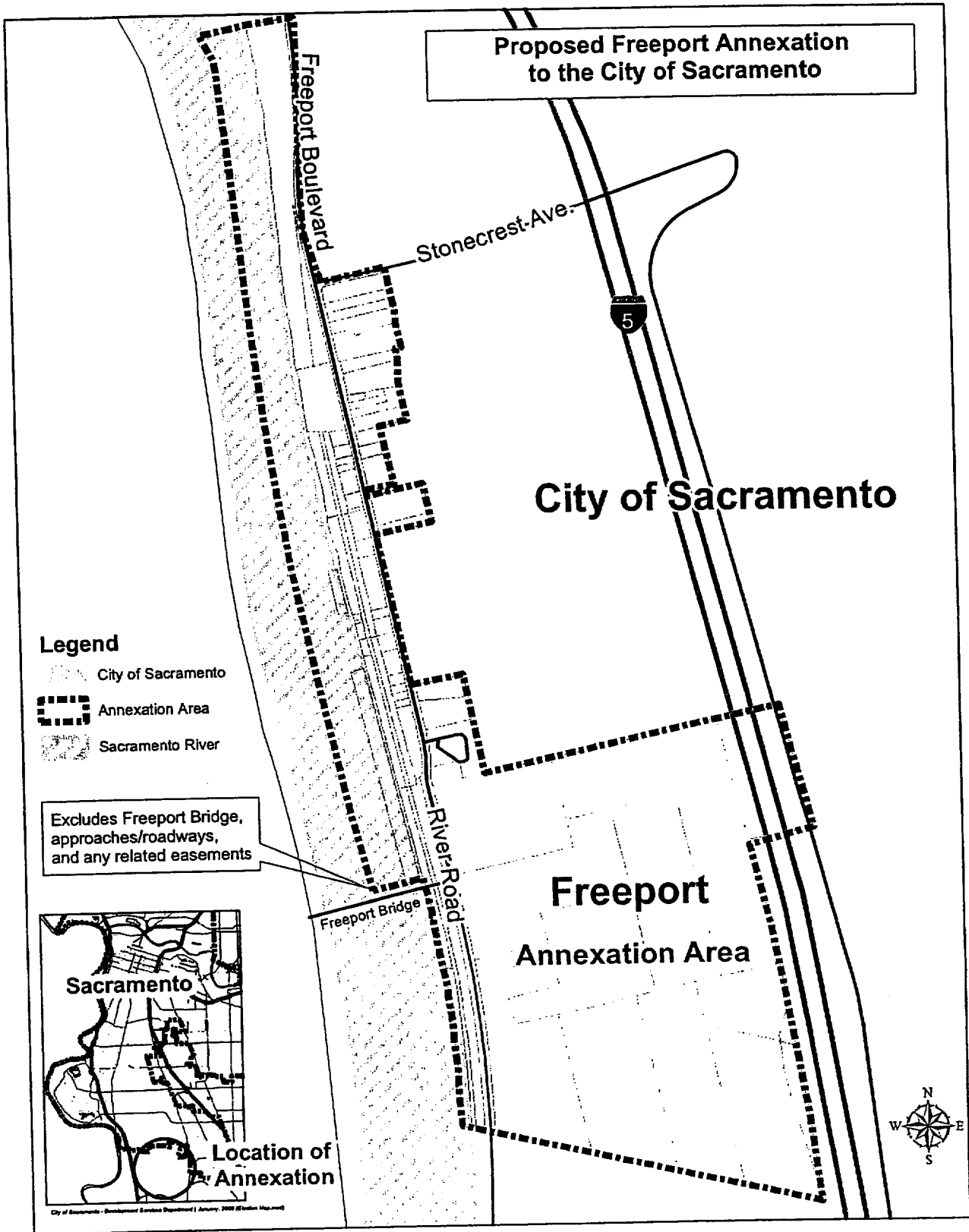
ATTEST:

Marilyn Ann Flemmer
Commission Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080

DATE ADOPTED: _____



FOR CITY CLERK USE ONLY

RESOLUTION NO. FEB 15 2005
DATE ADOPTED: 2005-080

FREEPORT ANNEXATION

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

Beginning at a point on the City Limits line of the City of Sacramento, said point being located on the easterly right of way line of Freeport Boulevard where said right of way line intersects the northerly boundary of that certain parcel described in deed to Lawrence Dee, dated January 23, 1939, and recorded in Book 732 of Official Records, Filing No. 1566, Sacramento County Records, said point also being the northwest corner of the "Freeport Acres Annexation Area" as described in Sacramento City Ordinance No. 2170, Fourth Series; thence southerly and easterly along the westerly and southerly boundary of said Annexation to the northwest corner of the "Peery/Arrillaga Annexation" as described in Sacramento City Ordinance No. 87-047; thence southerly along the westerly line of said Annexation, South 14° 32' 00" East 845.43 feet; thence leaving said Annexation, South 80° 09' 23" West 375.68 feet to a point on the westerly line of Interstate Freeway Route 5 as shown on the State of California Department of Transportation Monument Map designated Sacramento County, RTE 5, P.M. 14.4, sheet 6 of 12; thence southerly and coincident with said westerly line along a curve to the right, concave westerly, with a radius of 9850 feet, a radial line through said beginning of curve bears North 76° 26' 17" East, subtended by a chord bearing South 11° 35' 31" East 677.28 feet; thence South 09° 37' 18" East 239.10 feet; thence South 07° 53' 31" East 1129.00 feet; thence leaving said westerly line of Interstate Freeway Route 5, North 16° 37' 17" West 2.43 feet; thence North 77° 33' 57" West 2115.30 feet to the easterly high water line of the Sacramento River, said point also being the southwest corner of Swamp Land Survey No. 155; thence northerly following the meanderings of said high water line 1425.40 feet; thence leaving said easterly high water line South 77° 54' 30" West 367.50 feet, more or less, to the center line of the Sacramento River, said center line also being the boundary between Yolo and Sacramento Counties; thence meandering northerly, along said center line, 5108.00 feet, more or less, to the southwest corner of the "Riverside Annexation Area" as described in Sacramento City Ordinance No. 2107, Fourth Series; thence easterly along said southerly line of "Riverside Annexation Area" to the point of beginning containing 188.047 acres, more or less.

Excepting therefrom Freeport Bridge, approaches / roadways, and any related easements.

FOR CITY CLERK USE ONLY

RESOLUTION NO. 2005-080
DATE ADOPTED: FEB 15 2005