

RESOLUTION NO. 2005-_____ 2005-196

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON MAR 29 2005

**RESOLUTION OF INTENTION TO ANNEX TERRITORY TO THE
NEIGHBORHOOD WATER QUALITY DISTRICT NO. 2003-03
(ANNEXATION NO. 2); TO ORDER THE PERFORMANCE OF
MAINTENANCE SERVICES WITHIN THE ANNEXED TERRITORY;
AND TO LEVY AN ASSESSMENT WITHIN THE ANNEXED TERRITORY
TO PAY FOR THE SERVICES**

RECITALS:

- A.** The City Council has previously formed the Neighborhood Water Quality District No. 2003-03 under chapter 3.124 of the Sacramento City Code (Chapter 3.124).
- B.** Tim Lewis Communities, Inc., a California corporation ("Landowner"), is the owner of all land within the Buena Park Subdivision. One of the conditions of approval for this subdivision requires the Landowner to annex it to the Neighborhood Water Quality District No. 2003-03. To fulfill this condition, Landowner has presented a petition to the City requesting that the City Council commence proceedings for annexing to the district, in accordance with Chapter 3.124, the land generally described in Exhibit A.
- C.** The city has installed or acquired or will subsequently install or acquire, within the territory generally described in Exhibit A, the public improvements described in Exhibit B (the Improvements). To finance the cost of providing the maintenance services specified in Exhibit B for these improvements (the Services), and as requested by the Landowner, the City Council proposes to annex to the district the territory generally described in Exhibit A.
- D.** By Resolution No. 2005-_____, and in response to the Landowner's petition, the City Council (1) initiated proceedings to annex to the district the land generally described in Exhibit A; (2) designated the Development Engineering & Finance Manager of the Development Services Department to be the Engineer for purposes of annexing the land to the district and levying any assessment to finance the Services; and (3) directed the Engineer to prepare and file with the City Clerk a map of the annexed territory, as required by section 3110 of the Streets and Highways Code.
- E.** The Engineer has prepared and filed with the City Clerk a map that shows the proposed boundaries of Annexation No. 2 to the Neighborhood Water Quality District No. 2003-03, as directed, and the City Council approved the map by Resolution No. 2005-_____.

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F. The City Council finds and determines that providing the Services within the boundaries of the annexed territory, as shown on the map filed with the City Clerk, is necessary, convenient, and desirable.

BASED ON THE FOREGOING RECITALS, THE CITY COUNCIL OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

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

Section 2. The City Council declares (a) that it intends to annex the territory generally described in Exhibit A in accordance with Chapter 3.124; (b) that the exterior boundaries of the annexed territory are described in section 3 below; (c) that the Improvements to be maintained and the Services by which they will be maintained are generally described in Exhibit B; (d) that all real property within the annexed territory will be specially benefited by the Services unless the City Council finds and determines otherwise at the public hearing; and (e) that the City Council intends to pay for the Services by levying annual assessments on all specially benefited real property within the annexed territory.

Section 3. Annexation No. 2 to the Neighborhood Water Quality District No. 2003-03 includes all territory within the exterior boundaries shown on the map that (a) was approved by Resolution No. 2005-___; (b) is entitled "Boundary Map, Annexation No. 2 to the Neighborhood Water Quality District No. 2003-03"; and (c) is on file in the City Clerk's office. This map will govern for all details as to the extent of Annexation No. 2 to the Neighborhood Water Quality District No. 2003-03.

Section 4. The City Council determines and gives notice that it proposes a maximum annual assessment of \$340 upon each parcel of land within the annexed territory to pay costs incurred by the city and not otherwise reimbursed for the Services and related work and for the administration and collection of the assessments. This maximum is subject to section 5 below.

Section 5. The annual assessment, including the maximum annual assessment specified in section 4 above, may be increased for inflation. The amount of the increase may not exceed 4% a year and will be computed using the prior-year annual average of the Consumer Price Index for the San Francisco-Oakland-San Jose area (All Urban Consumers) or a substitute index of a similar nature should that index be discontinued.

Section 6. The City Council determines and gives notice that penalties will be added to delinquent assessment installments in accordance with section 3.124.260 of the Sacramento City Code.

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EXHIBIT A

GENERAL DESCRIPTION OF TERRITORY TO BE ANNEXED

ALL THAT PORTION OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 4 EAST, M.D.B. & M., BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 1 AND 12, TOWNSHIP 7 NORTH, RANGE 4 EAST, M.D.B. & M., AND SECTIONS 6 AND 7, TOWNSHIP 7 NORTH, RANGE 5 EAST, M.D.B. & M., SAID CORNER ALSO BEING THE NORTHWEST CORNER OF MEADOWVIEW VILLAGE UNIT NO. 1 RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 49 OF MAPS, MAP NO. 4; THENCE FROM SAID POINT OF BEGINNING ALONG THE SECTION LINE COMMON TO SAID SECTIONS 1 AND 12 AND THE CENTER LINE OF MEADOWVIEW ROAD, A PUBLIC ROAD 80.00 FEET IN WIDTH, SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 1894.39 FEET TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN 62.566 ACRE TRACT OF LAND DESCRIBED IN A DEED RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 3836 OF OFFICIAL RECORDS, PAGE 46; THENCE ALONG THE EASTERLY LINE OF SAID 62.566 ACRE TRACT OF LAND THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) NORTH 00 DEGREES 14 MINUTES 00 SECONDS WEST 1422.20 FEET; (2) NORTH 89 DEGREES 46 MINUTES 00 SECONDS EAST 1068.61 FEET AND (3) NORTH 00 DEGREES 14 MINUTES 00 SECONDS WEST 375.00 FEET TO A POINT ON THE SOUTH LINE OF THAT CERTAIN 16.754 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE SACRAMENTO CITY UNIFIED SCHOOL DISTRICT OF SACRAMENTO COUNTY, RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 3095 OF OFFICIAL RECORDS, PAGE 383; THENCE ALONG THE SOUTH LINE OF SAID 16.754 ACRE TRACT OF LAND AND THE EASTERLY PRODUCTION THEREOF NORTH 89 DEGREES 46 MINUTES 00 SECONDS EAST 820.93 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 1; THENCE ALONG SAID EAST LINE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 1801.43 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING FOUR PARCELS:

(A) ALL THAT PORTION LYING WITHIN THE EXTERIOR BOUNDARIES OF SOUTHFIELD UNIT NO. 1, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON FEBRUARY 28, 1961 IN BOOK 64 OF MAPS, MAP NO. 15.

(B) ALL THAT PORTION LYING WITHIN THE EXTERIOR BOUNDARIES OF SOUTHFIELD UNIT NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON DECEMBER 30, 1964 IN BOOK 76 OF MAPS, MAP NO. 3.

(C) ALL THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF MEADOWVIEW ROAD, PUBLIC ROAD 80 FEET IN WIDTH, FROM WHICH SOUTHEAST CORNER OF SOUTHFIELD UNIT NO. 1, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 64 OF MAPS, MAP NO. 15, BEARS ALONG SAID CENTER LINE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 328.02 FEET; THENCE FROM SAID POINT OF BEGINNING PARALLEL WITH THE EAST LINE OF SAID SECTION 1, NORTH 00 DEGREES 23 MINUTES 16 SECONDS WEST 435.60 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS EAST 200.00 FEET TO A POINT ON A LINE PARALLEL TO SAID EAST LINE OF SECTION 1; THENCE ALONG SAID LINE SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 437.00 FEET TO A POINT IN THE CENTER LINE OF MEADOWVIEW ROAD; THENCE ALONG SAID CENTER LINE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 200.00 FEET TO THE POINT OF BEGINNING.

(D) ALL THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT IN THE CENTER LINE OF MEADOWVIEW ROAD, A PUBLIC ROAD 80 FEET IN WIDTH, FROM WHICH THE SOUTHEAST CORNER OF SOUTHFIELD UNIT NO. 1, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, IN BOOK 64 OF MAPS, MAP NO. 15, BEARS ALONG SAID CENTER LINE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 528.02 FEET; THENCE FROM SAID POINT OF BEGINNING, PARALLEL WITH THE EAST LINE OF SAID SECTION 1, NORTH 00 DEGREES 23 MINUTES 16 SECONDS WEST 694.46 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS EAST 313.26 FEET TO A POINT IN SAID EAST LINE OF SECTION 1; THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 696.00 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 1, BEING ALSO A POINT IN THE CENTER LINE OF MEADOWVIEW ROAD; THENCE ALONG SAID CENTER LINE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST 313.26 FEET TO THE POINT OF BEGINNING.

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EXHIBIT B

DESCRIPTION OF IMPROVEMENTS AND SERVICES

The work described below is to be carried out when the improvements (e.g., landscaping, irrigation systems, post & cable/ hand rail, and water quality landscaped basin area) are installed and dedicated to the City. The work will be performed in the Buena Park Subdivision in lots A & B adjacent to Meadowview Road; in lot E adjacent to Addison Way; and in Lot C between Addison way and Meadowview Road, and is more particularly described in plans and specifications approved by the City of Sacramento and on file at the City of Sacramento's Development Engineering and Finance Division of the Development Services Department, 1231 "I" Street, Room 200, Sacramento, California 95814.

The work to be performed consists of furnishing all tools, equipment, apparatus, facilities, labor, material, supplies, and utilities necessary or desirable to maintain the landscaping and irrigation systems. Maintenance work may 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 all plant material, and the repair, maintenance, replacement of the post & cable/hand rail, irrigation systems, planted materials, and amenities.

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