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DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 300
915 I STREET
SACRAMENTO, CA
95814-2608

916-449-5307

THOMAS M. FINLEY
ENGINEERING DIVISION
MANAGER

June 16, 1987

Transportation and Community Development Committee
Sacramento, California

Honorable Members In Session:

SUBJECT: New Assessment District Procedure (Chapter 75) - Pass for Publication
and Adoption of Title

SUMMARY

This item is presented to the Transportation and Community Development Committee for recommendation that the City Council approve publication of title. It is also requested that the City Council recommendation be to adopt the ordinance which provides for the levy of special assessments pursuant to the Municipal Improvement Act of 1913.

BACKGROUND

On June 2, 1987, the City Council heard this item and referred it to the Transportation and Community Development Committee.

The Municipal Act of 1913 of the State of California, Section 10010, allows for acquisition of improvements by adoption of a Resolution of Intention. Presently, only improvements already constructed can be acquired when the Resolution of Intention is adopted. The proposed ordinance provides the City with increased flexibility in adoption of the Resolution of Intention. It will allow improvements to be acquired while they are being constructed, or prior to construction. Therefore, the Resolution of Intention can be adopted at any time during the process.

This ordinance will enable the City to simplify the North Natomas Assessment District No. 1. However, adoption of this ordinance will simplify the City's ability to acquire ongoing and future improvements on a city-wide basis.

See the report to City Council for additional background information.

Transportation and Community Development Committee
New Assessment District Procedure (Chapter 75) -
Pass for Publication and Adoption of Title
June 16, 1987
Page 2

FINANCIAL

Adoption of this ordinance will have no direct financial impact upon the City.

RECOMMENDATION

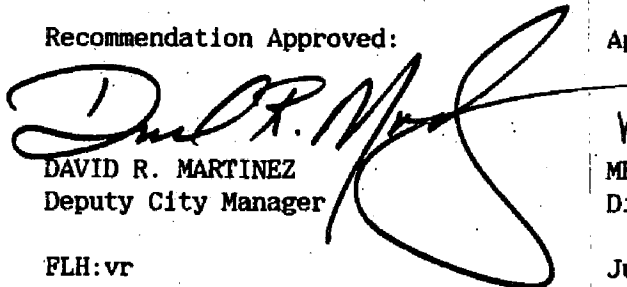
It is recommended that the attached ordinance which provides for the levy of special assessments pursuant to the Municipal Improvement Act of 1913, be forwarded to the City Council for publication of title and adoption of the ordinance.

Respectfully submitted,



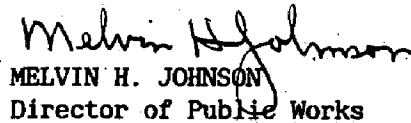
THOMAS M. FINLEY
Engineering Division Manager

Recommendation Approved:



DAVID R. MARTINEZ
Deputy City Manager

Approved:



MELVIN H. JOHNSON
Director of Public Works

FLH:vr
NNI-02.F
06.0987.1

June 16, 1987
District No. 1

Attachment

§ 10008

MUNICIPAL IMPROVEMENT ACT

have deposited the money to pay for proposed improvements to their property pursuant to Sts. & H C § 10209, is not repugnant to Sts. & H C § 10008, simply because the benefit has been paid

for in advance, thereby making an assessment for additional funds unnecessary. *Azzaro v Fresno County* (1969) 273 CA2d 16, 77 Cal Rptr 692.

§ 10009. Alternative procedure for construction of improvements, etc.

The provisions of this division apply to all counties and districts, or other public corporations insofar as such corporations have the power applicable to them to make any of the improvements authorized under this division. The officers of such counties, districts, or other public corporations who have similar powers and duties as the municipal officers referred to in this division have the powers and duties given by this division to such municipal officials. Where no similar officer exists, the legislative body of the county, district, or public corporation shall by resolution appoint a person or designate an officer to perform the duties under this division.

Added Stats 1953 ch 192 § 4.

Prior Law: Stats 1913 ch 247 § 1d, as added by Stats 1st Ex Sess 1940 ch 35 § 5 p 92.

Cross References:

Improvements authorized: §§ 10100 et seq.

Collateral References:

Legislative Counsel's Opinions:

County sanitation district. 1963 AJ 5641.

§ 10010. "Acquisition"

"Acquisition", or any of its variants, means and includes one or more of the following:

(a) Any works, improvements, appliances or facilities authorized to be made, constructed or acquired under this division and which are in existence and installed in place on or before the date of adoption of the resolution of intention for the acquisition thereof, any use or capacity rights in any of the foregoing and any works, improvements, appliances or facilities acquired or installed pursuant to Sections 10109 to 10111, inclusive;

(b) Electric current, gas or other illuminating agent for power or lighting service;

(c) Any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work or improvement authorized to be acquired or to be made or constructed under this division, excepting therefrom any such real property, rights-of-way, easements or interests in real property shown upon any final map filed with or submitted to the legislative body for acceptance and approval under

GENERAL PROVISIONS

§ 10012

the provisions of the Subdivision Map Act (commencing at Section 11500, Business and Professions Code) and offered for dedication to public use by said map or by any separate offer of dedication theretofore or thereafter made;

(d) The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon any assessment parcel included in the new assessment district. The cost of such payment shall be included in the new assessment on such parcel. This subdivision shall be applicable only in cases where such acquisition is incidental to other acquisitions or improvements.

Added Stats 1963 ch 342 § 2; Amended Stats 1968 ch 1065 § 2.

Amendments:

1968 Amendment: Added subd (d).

Note—The "Subdivision Map Act (commencing at Section 11500, Business and Professions Code)", referred to in Subd (c) of this Section, was repealed by Stats 1974 ch 1536 § 1, and re-enacted as §§ 66410 et seq. of the Government Code.

Note 2—See note to § 10002 respecting the purpose of Stats 1963 ch 342 in amending and adding specified sections.

Cross References:

Eminent domain generally: CCP § 1230.010 et seq.; Const. Art I § 19; Ev C §§ 810 et seq.; Gov C §§ 15850 et seq.

Acquisition by gift, purchase, lease, or other means: CCP §§ 1240.130 et seq.

§ 10011. "Owner"

"Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office of the county in which the property is situated, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner. If the property is leased, the possession of the tenant or lessee holding and occupying such property shall be deemed to be the possession of the owner.

Added Stats 1963 ch 418 § 3.

Cross References:

Ownership of property: CC §§ 654, 669 et seq.

§ 10012. Liberal construction: Validity of proceedings: Exclusive remedy

This division shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality, and no neglect or omission of any officer, in any procedure taken under this division, which does not directly affect the jurisdiction of the legislative body to order the work or improvement, shall avoid or invalidate such proceeding or any assessment for the cost of work done thereunder.



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95814-2608

916-449-5307

THOMAS M. FINLEY
ENGINEERING DIVISION
MANAGER

June 2, 1987

CITY MANAGER'S OFFICE
RECEIVED
MAY 27 1987

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: New Assessment District Procedure (Chapter 75) - Adoption and Pass for
Publication of Title

SUMMARY

This item is presented at this time for approval of publication of title. It is proposed that the City Council adopt an ordinance providing for the levy of special assessments pursuant to the Municipal Improvement Act of 1913. This ordinance will provide the City with additional flexibility beyond that provided in State law for the establishment of assessment districts.

BACKGROUND

The Municipal Improvement Act of 1913 of the State of California, Section 10010, allows improvements to be acquired if they have been constructed prior to adopting the Resolution of Intention. This ordinance will provide the City with the increased flexibility in the adoption of the Resolution of Intention to acquire improvements while they are being constructed, or prior to construction. It will, among other things, allow the Resolution of Intention to be adopted at any time during the process, not simply after the improvements are constructed.

For example, some of the improvements related to the North Natomas Assessment District No. 1 have been constructed. The majority of the improvements which serve this area are going to be constructed in the near future. Adoption of this ordinance will enable the City to adopt the Resolution of Intention, and then acquire these future projects under the North Natomas Assessment District No. 1. After adoption of this ordinance, staff will recommend the adoption of the Resolution of Intention at a future date.

The ordinance was proposed by bond counsel to simplify assessment districts in North Natomas, and has been reviewed and approved by the City Attorney. The City's bonding attorney has recommended that Council adopt this ordinance.

City Council
New Assessment District Procedure (Chapter 75) -
Adoption and Pass for Publication of Title
June 2, 1987
Page 2

FINANCIAL

Adoption of this ordinance will have no direct financial impact upon the City.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to June 9, 1987. It is further recommended that the City Council adopt the ordinance adding Chapter 75 to the Sacramento City Code and that the ordinance be filed with the City Clerk.

Respectfully submitted,



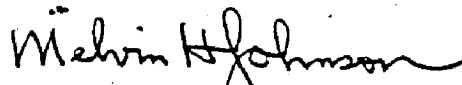
THOMAS M. FINLEY
Engineering Division Manager

Recommendation Approved:



WALTER J. SLIPE
City Manager

Approved:



MELVIN H. JOHNSON
Director of Public Works

FLC:vr
NN1-02.F
05.2687.4

June 2, 1987
District No. 1

Attachment

City Council
New Assessment District Procedure (Chapter 75) -
Adoption and Pass for Publication of Title
June 2, 1987
Page 1

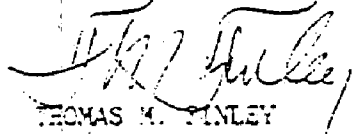
FINANCIAL

Adoption of this ordinance will have no direct financial impact upon the City.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to June 2, 1987. It is further recommended that the City Council adopt the ordinance adding Chapter 75 to the Sacramento City Code and that the ordinance be filed with the City Clerk.

Respectfully submitted.



THOMAS M. FINLEY
Engineering Division Manager

Recommendation Approved:

Approved:

WALTER J. SLIPE
City Manager

MELVIN E. JOHNSON
Director of Public Works

FLC:VT
NN1-02.F
05.2687.4

June 2, 1987
District No. 1

Attachment

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE OF THE CITY OF SACRAMENTO
ADDING CHAPTER 75 TO THE SACRAMENTO CITY
CODE PROVIDING FOR THE LEVY OF SPECIAL
ASSESSMENTS PURSUANT TO THE MUNICIPAL
IMPROVEMENT ACT OF 1913

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 75 is hereby added to the City Code of the City of Sacramento,
to read as follows:

CHAPTER 74. SPECIAL ASSESSMENTS

Sec. 75.01. Municipal Improvement Act of 1913.

In conducting special assessment proceedings for the construction or acquisition of public improvements, the City Council may employ the provisions of the Municipal Improvement Act of 1913 of the State of California (Section 10000, et seq., Streets and Highways Code). Whenever the City Council elects to employ that statute, the additions, deletions and modifications set forth in this Chapter shall be deemed to apply, notwithstanding provisions in the statute to the contrary.

Sec. 75.02. Modification of Section 10010.

Section 10010 of the Streets and Highways Code (Municipal Improvement Act of 1913) shall be deemed to read as follows:

"Acquisition", or any of its variants, means and includes one or more of the following:

- (a) Any works, improvements, appliances or facilities authorized to be made, constructed or acquired under this division, whether or not installed or in existence at the time of the adoption of the resolution of intention or the levy of the assessment; any use or capacity rights in any

of the foregoing and any works, improvements, appliances or facilities acquired or installed pursuant to Sections 10109 to 10111, inclusive;

(b) Electric current, gas or other illuminating agent for power or lighting service;

(c) Any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work or improvement authorized to be acquired or to be made or constructed under this division;

(d) The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon by any assessment parcel included in the new assessment district. The cost of such payment shall be included in the new assessment on such parcel. This subdivision shall be applicable only in cases where such acquisition accompanies other acquisitions or improvements.

PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK