

## **RESOLUTION NO. 2007-669**

Adopted by the Sacramento City Council

September 11, 2007

### **INTENTION TO ANNEX TERRITORY TO THE NEIGHBORHOOD WATER QUALITY DISTRICT; TO ORDER THE PROVISION OF MAINTENANCE AND SERVICES OF IMPROVEMENTS WITHIN THE ANNEXED TERRITORY; AND TO LEVY AN ASSESSMENT WITHIN THE ANNEXED TERRITORY TO PAY FOR THE MAINTENANCE AND SERVICE OF IMPROVEMENTS (ANNEXATION 4)**

#### **BACKGROUND**

- 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. Buzz Oates Development L. P., a California Limited Partnership; The Marvin L. Oates Trust and Woodside Hampton Station, Inc., a California Corporation (Landowners), are the owners of the territory described in Exhibit A. Landowners have applied for a subdivision map covering this territory, and one of the conditions of approval for the subdivision map requires Landowners to annex the territory to the district. To fulfill this condition, Landowners presented to the City a petition requesting that the City commence proceedings for annexing the territory to the district in accordance with Chapter 3.124.
- C. The City has installed, constructed, or acquired within the territory described in Exhibit A, or will subsequently install, construct, or acquire, the public improvements generally described in Exhibit B. The City will also maintain and service these improvements in the manner generally described in Exhibit B. To finance the cost of providing the maintenance, and service of improvements, and as requested by Landowners, the City Council proposes to annex to the district the territory described in Exhibit A.
- D. By Resolution No. 2007-667, and in response to Landowners' petition, the City Council (1) initiated proceedings to annex to the district the territory described in Exhibit A; (2) designated the Development Engineering Manager of the Development Services Department to be the Engineer for purposes of the annexing the territory to the district and levying an assessment to finance the maintenance, and service of improvements generally described in Exhibit B; (3) directed the Engineer to prepare and file with the City Clerk a map of the territory to be annexed, as required by Streets and Highways Code section 3110; and (4) directed the Engineer to prepare and file with the City Clerk the Engineer's Report required by section 4 in article XIID of the California Constitution and Section 3.124.110 of the Sacramento City Code.

- E. As directed, the Engineer has prepared and filed with the City Clerk (1) a map entitled "Boundary Map Annexation #4 to the Neighborhood Water Quality District No. 2003-03" which shows the proposed boundaries of the territory to be annexed (the Boundary Map); and (2) an Engineer's Report prepared in accordance with section 4 in article XIID of the California Constitution and Section 3.124.110 of the Sacramento City Code (the Engineer's Report). The City Clerk presented the Boundary Map and the Engineer's Report to the City Council for consideration, and, after considering them, the City Council approved the Boundary Map and preliminarily approved the Engineer's Report by Resolution No. 2007-668.
- F. The City Council finds and determines that providing the maintenance and service of improvements within the boundaries of the annexed territory, as shown on the Boundary Map filed with the City Clerk, is necessary, convenient, and desirable.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds and determines that the background statements A through F are true and correct.
- Section 2. The City Council declares (a) that it intends to annex the territory described in Exhibit A in accordance with Chapter 3.124; (b) that the boundaries of the annexed territory are described in section 3 below; (c) that the maintenance, and service of improvements to be provided are generally described in Exhibit B; (d) that all real property within the annexed territory will be specially benefited by the maintenance, and service of improvements unless the City Council finds and determines otherwise at the public hearing; and (e) that the City Council intends to pay for the maintenance, and service of improvements by levying annual assessments, in accordance with Chapters 3.44 and 3.124 of the Sacramento City Code and article XIID of the California Constitution, on all assessable lots and parcels within the annexed territory that are specially benefited by the maintenance, and service of improvements.
- Section 3. Annexation No. 4 to the Neighborhood Water Quality District includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2007-668; (b) is entitled "Boundary Map Annexation #4 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. 4 to the Neighborhood Water Quality District.
- Section 4. The Engineer's Report on file in the City Clerk's office contains (a) a full and detailed description of the maintenance and service of improvements, including estimated costs; (b) the diagram for Annexation No. 4 to the Neighborhood Water Quality District; and (c) the proposed assessments upon assessable lots and parcels within the territory to be annexed.
- Section 5. The annual assessment described in the Engineer's Report 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. A public hearing on the Engineer's Report and the proposed assessment on assessable lots and parcels within Annexation No. 4 to the Neighborhood Water Quality District will take place at:

**2:00 p.m. on Tuesday, November 6, 2007, at the City Council's regular meeting place, the Council Chambers in the City Hall, 915 "I" Street, Sacramento, California.**

Section 7. The City Clerk is directed to mail notice of the date, time, and place of the public hearing in accordance with Chapter 3.124 and Chapter 3.44 of the Sacramento City Code to all owners of real property located within the territory to be annexed. Each notice must also describe the assessment-ballot procedure required by article XIID of the California Constitution and include an assessment ballot. Mailing of the notices and ballots must be done in the time, form, and manner provided by law. Upon the completion of the mailing, the City Clerk is directed to file with the City Council an affidavit setting forth the time and manner of compliance with the legal requirements for mailing. The notice and assessment ballots must be in the forms set forth in Exhibit C.

Section 8. At the hearing, the City Council will (a) hear all protests against the proposed assessment from record owners of real property within the territory to be annexed; and (b) accept testimony from all interested persons, whether or not they own real property within the territory to be annexed. At the conclusion of the hearing, the City Clerk will tabulate the assessment ballots submitted and not withdrawn, weighting the ballots according to the proportional financial obligations of the affected properties. The assessment will not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of it.

Section 9. The Development Engineer Manager or his designee is hereby designated to answer inquiries regarding the protest proceedings.

Section 10. Exhibits A, B, B-1, and C are part of this resolution.

Exhibit A: Legal Description of Territory to Be Annexed – 1 Page

Exhibit B: Description of maintenance – 1 Page

Exhibit B-1: Map of Territory to Be Annexed – 1 Page

Exhibit C: Forms, Hearing Notice and Assessment Ballot – 7 Pages

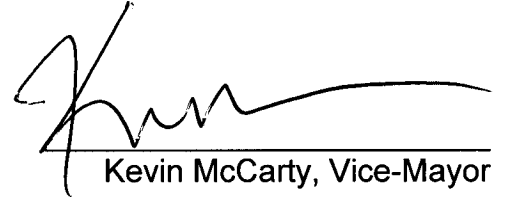
Adopted by the City of Sacramento City Council on September 11, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters .

Noes: None.

Abstain: None.

Absent: Mayor Fargo.



Kevin McCarty, Vice-Mayor

Attest:



Shirley Concolino  
Shirley Concolino, City Clerk

Resolution of Intention  
**EXHIBIT A**

**LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED**

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

The subdivision map entitled "Hampton Station Unit No.1", recorded on July 13, 2007 in Book 370 of Maps, Map number 1, records of Sacramento County.

Resolution of Intention  
**EXHIBIT B**

**DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS**

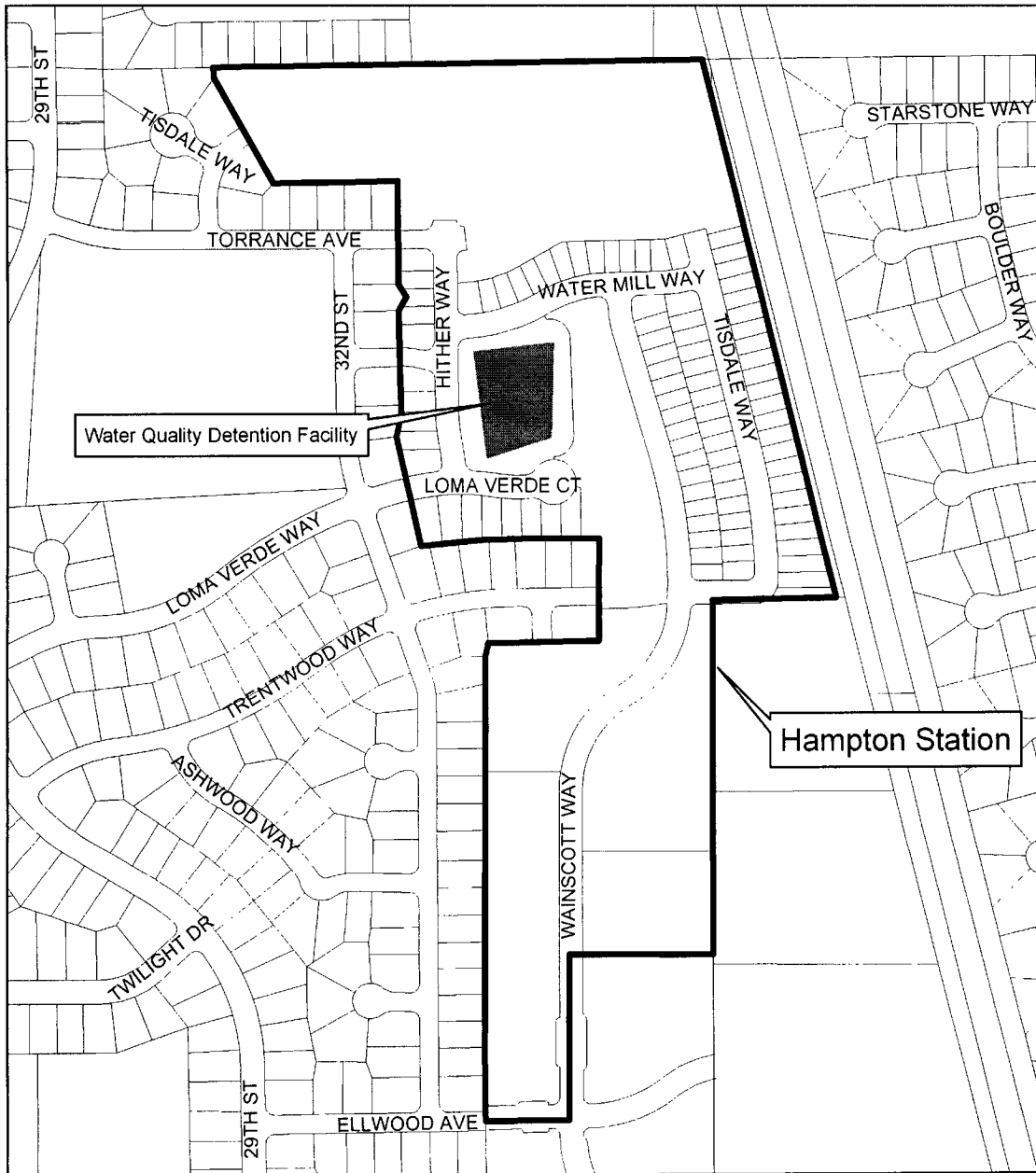
The Services to be provided within the subdivision entitled Hampton Station (lot A) the area to be annexed to the District are described as follows:

Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the landscaping, irrigation systems, drainage structures and water quality features 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, Development Services Department, 915 "I" Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814.

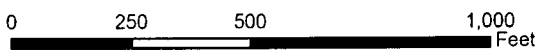
The improvements to be maintained generally consist of landscaping, irrigation systems, drainage structures and water quality features for the maintenance areas within the subdivision identified on Exhibit B-1. Maintenance of said improvements shall include, but not be limited to, periodic mowing of grass and fertilizing, together with the regular furnishing of water for irrigation of all plant material, and the repair, maintenance, and replacement of irrigation systems, drainage structures, water quality features, planted materials, and amenities.

Resolution of Intention  
EXHIBIT B-1

Annexation #4 to the Neighborhood Water Quality District No. 2003-03  
Hampton Station Subdivision



BMueller 8/7/07



Resolution of Intention

**EXHIBIT C**

**ANNEXATION NO. 4 TO THE NEIGHBORHOOD WATER QUALITY DISTRICT**

**Notice to Owners of Property within the Hampton Station Subdivision of a Public Hearing on a Proposed Assessment to pay for Maintaining, and Servicing Public Improvements. Summary of Procedures for Completing, Returning, and Tabulating Ballots for and against the Assessment.**

**BACKGROUND**

On September 11, 2007, the City Council of the City of Sacramento adopted Resolution No. 2007-\_\_\_\_ (the Resolution of Intention) declaring its intention, under Chapter 3.124 of the Sacramento City Code, to annex the Hampton Station Subdivision to an existing assessment district formally named the Neighborhood Water Quality District. The general location and boundaries of the territory to be annexed are shown in Attachment A-1 to this notice. Among other things, the Resolution of Intention:

- designated the territory proposed for annexation to the assessment district as "Annexation #4 to the Neighborhood Water Quality District No. 2003-03";
- declared the City Council's intention to order that the maintenance and service of improvements described in Attachment A to this notice be provided; and
- referred to the Engineer's Report prepared by the Development Engineering Manager of the Development Services Department and filed with the City Clerk for detailed information on a proposed annual assessment on property within the annexed territory to pay for the maintenance and service of improvements (the Development Engineering Manager of the Development Services Department was previously designated as the Engineer for purposes of annexing the territory to the district and levying the assessment).

Any interested person may review the Resolution of Intention, the Engineer's Report, and other materials pertinent to the proposed assessment at the City Clerk's office, 915 "I" Street, Historic City Hall, Sacramento, California.

**DATE, TIME, AND PLACE OF PUBLIC HEARING**

**At 2:00 p.m. on November 6, 2007, the City Council will hold a Public Hearing on the proposed assessment at the City Council's regular meeting place: City Council Chambers, 1st Floor, 915 "I" Street, Sacramento, California.**

At the Public Hearing, the City Council will hear all protests against the proposed assessment from record owners of property within the territory to be annexed. The City Council will also accept testimony from all interested persons, whether or not they own property within the territory to be annexed.



## **THE ASSESSMENT**

The proposed assessment will be charged annually to the annexed territory so long as the improvements described in Attachment A require the maintenance and service described in Attachment A. The total amount of the proposed assessment to be charged to the district during fiscal year 2008/2009 will be **\$26,640.00**.

**According to the official records of Sacramento County, you own the real property identified by Assessor's Parcel Number in Attachment B to this notice. Attachment B also shows the amount the City Council proposes to assess against your property during fiscal year 2008/2009.**

In subsequent years, the assessment amounts shown above may be **increased for inflation at a rate not to exceed 4% a year**. Attachment C to this notice describes the basis on which the amount of the proposed assessment was calculated.

## **BALLOTS**

As required by the California Constitution (article XIID, section 4), an assessment ballot has been enclosed with this notice, along with a self-addressed envelope for returning the ballot to the City Clerk. The owner or owners of any parcel within the annexed territory may use this ballot to express support for or opposition to the proposed assessment. The ballot must be returned by mail to the City Clerk's office (which may be done using the enclosed envelope *but requires the user to provide the required postage*), by personal delivery to the City Clerk's office, or by personal delivery at the Public Hearing. To be valid, the ballot must be received before the close of the Public Hearing. The address of the City Clerk's office is 915 "I" Street, Historic Building, Sacramento, California 95814.

Following the close of the Public Hearing, the City Clerk will open and tabulate all ballots that have been timely received and not rejected. Ballots will be rejected if they are not properly signed, were not timely received at the proper location, or are otherwise defective. The City Clerk will weight the ballots according to the proportional financial obligation of each affected parcel (using the maximum possible assessment for fiscal-year 2008-2009), and the results will be announced. The assessment will be imposed only if the total dollar amount submitted in favor or the assessment exceeds the total dollar amount submitted against it. The City Council may postpone the announcing of results if the City Clerk needs additional time to confirm that a ballot has been properly signed by an owner or an owner's authorized representative.

## **FOR FURTHER INFORMATION**

For further particulars, you may refer to the Resolution of Intention and the Engineer's Report, both of which are on file with the City Clerk. Inquiries about the assessment proceedings will be answered by the Development Engineering Manager or his designee at 915 I Street, Sacramento, California 98514, telephone (916) 808-5419.

Dated: \_\_\_\_\_, 2007

**City Clerk of the City of Sacramento**

Resolution of Intention – Exhibit C  
**ATTACHMENT A**

**DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS**

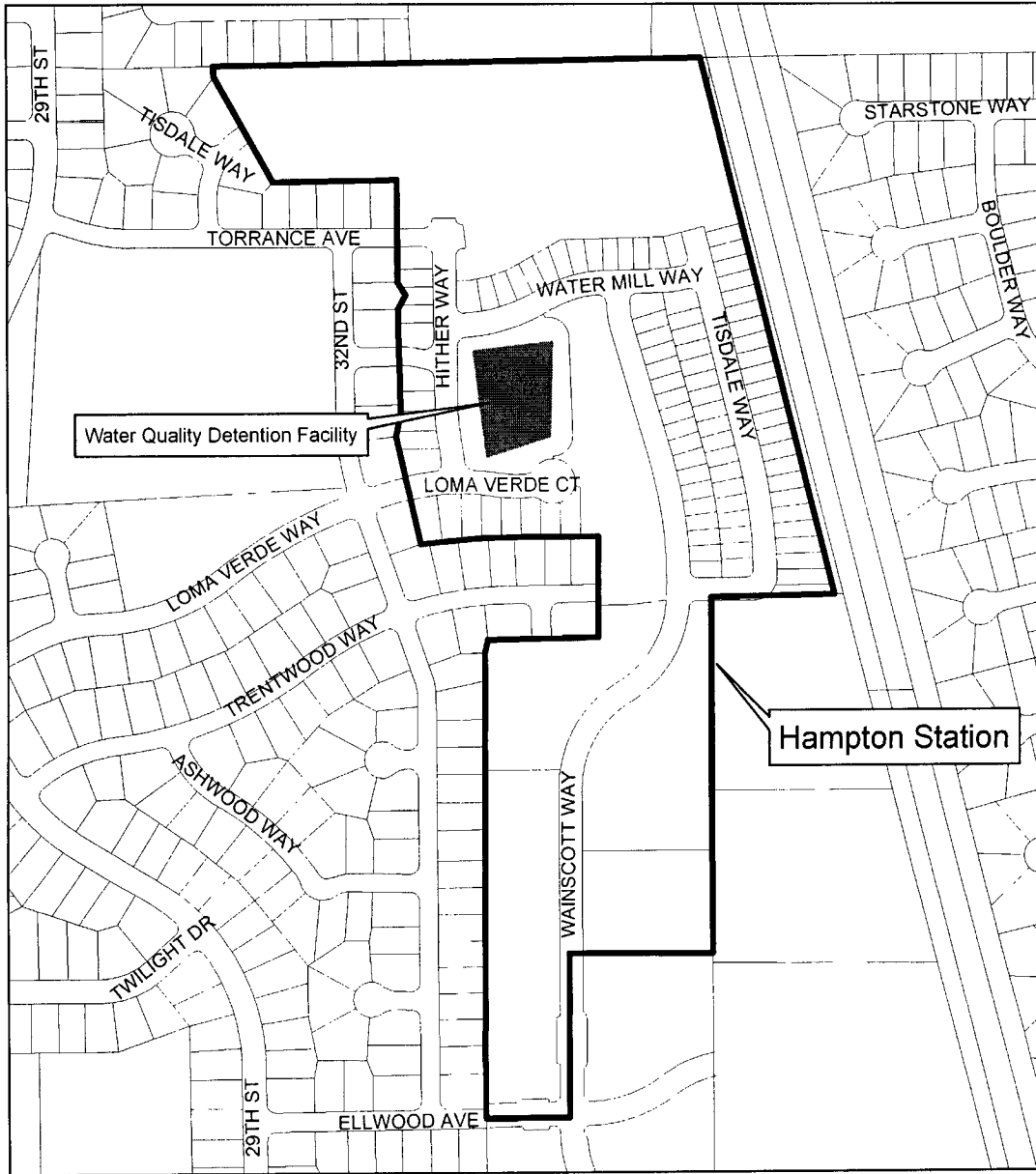
The Services to be provided within the subdivision entitled Hampton Station (lot A) the area to be annexed to the District are described as follows:

Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the landscaping, irrigation systems, drainage structures and water quality features 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, Development Services Department, 915 "I" Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814.

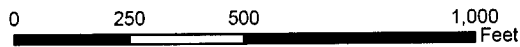
The improvements to be maintained generally consist of landscaping, irrigation systems, drainage structures and water quality features for the maintenance areas within the subdivision identified on Exhibit B-1. Maintenance of said improvements shall include, but not be limited to, periodic mowing of grass and fertilizing, together with the regular furnishing of water for irrigation of all plant material, and the repair, maintenance, and replacement of irrigation systems, drainage structures, water quality features, planted materials, and amenities.

Resolution of Intention – Exhibit C  
**ATTACHMENT A-1**

**Annexation #4 to the Neighborhood Water Quality District No. 2003-03  
Hampton Station Subdivision**



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Resolution of Intention – Exhibit C  
**ATTACHMENT B**

**ASSESSOR'S PARCEL NUMBER:** \_\_\_\_\_

**AMOUNT OF ASSESSMENT: \$**\_\_\_\_\_

Resolution of Intention – Exhibit C  
**ATTACHMENT C**

**ASSESSMENT METHODOLOGY**

The maintenance cost for landscaping, irrigation systems, drainage structures and water quality features and the cost for contract maintenance will be spread according to the following steps:

1. **Determining cost by land use acreage.** The total maintenance cost will be apportioned to both residential and non-residential areas, according to the acreage of each land use area. Except for Lot 98 of the subdivision map entitled “Hampton Station Unit No.1”, recorded on July 13, 2007 at the Sacramento County in Book 370 of Maps, Map number 1. Only the acreage portion of this lot that is benefiting from the improvement maintenance work being described in this report will be included.
2. **Residential maintenance cost.** After determining the total cost for the residential area, based on the acreage of the residential area, the maintenance cost will now be spread to each residential unit equally. However, since the Remainder Parcel (Remainder) in the above recorded map of “Hampton Station Unit No. 1” has not been subdivided yet, the number of proposed units in the approved tentative map for the Remainder will be used to define the total number of residential units. The cost for each proposed unit in the Remainder will be totaled and billed to the Remainder. When the Remainder’s subdivision map is approved, the cost for the Remainder will then be assessed equally to each subdivided residential unit within the Remainder.
3. **Non-residential maintenance cost.** After determining the total cost for the non-residential area, based on the acreage of the non-residential area, the maintenance cost will now be spread to each non-residential lot according to the acreage of each lot. Except for Lot 98 in the above recorded map of “Hampton Station Unit No. 1”. Only the acreage portion of this lot that is benefiting from the improvement maintenance work being described in this report will be included.

The cost of all incidental expenses including preparation of the Engineer’s Report, annexation documents (only if annexed that year), district administration and annual billing expenses will be spread equally to each residential unit and to each non-residential lot within the district. Since the Remainder has not been subdivided yet, the cost for each proposed unit in the Remainder will be totaled and billed to the Remainder. When the Remainder’s subdivision map is approved, the cost for the Remainder will then be assessed equally to each subdivided residential unit within the Remainder.

The annual assessment 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.

Resolution of Intention – Exhibit C  
**ASSESSMENT BALLOT**

This ballot is for the use of the property owner of the parcel identified below by assessment-parcel number. The parcel is located within the proposed Annexation No. 4 to City of Sacramento Neighborhood Water Quality District. Please advise the City Clerk as soon as possible at (916) 808-7200 if the name set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed assessment in the Annexation No. 4. The assessment is described in an Engineer's Report dated September 11, 2007, which is on file with the City Clerk and available for inspection at her office. To be counted, this ballot must be signed below by an owner of the identified parcel or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be returned to the City Clerk at the Sacramento Historic City Hall, City of Sacramento, 915 "I" Street, Sacramento, California 95814, either by mail or in person.

**Delivery by Mail:** Seal the ballot in the envelope provided, affix first-class postage, and place in the mail by Wednesday, October 31, 2007. Mailing later than this time creates a risk that the ballot may not be received in time to be counted.

**Personal Delivery:** Deliver to the City Clerk before 1:00 p.m. on November 6, 2007, at the City Clerk's office, Sacramento Historic City Hall, City of Sacramento, 915 "I" Street, Sacramento, California. Or deliver to the City Clerk at the public hearing beginning at 2:00 p.m. on October 30, 2007, at the City Council Chambers, Sacramento City Hall, 1st Floor, 915 "I" Street, Sacramento, California.

**THIS BALLOT MUST BE RECEIVED BY THE CITY CLERK BEFORE THE CLOSE OF THE PUBLIC HEARING TO BE COUNTED.**

TO CAST THIS BALLOT, RETURN EITHER THIS ENTIRE PAGE  
OR THE PORTION BELOW THIS LINE

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**BALLOT**

AN "X" OR OTHER MARK WILL CAST YOUR VOTE IN THE SPACE PROVIDED:

Assessment Number: \_\_\_\_\_

Assessor Parcel Number(s): \_\_\_\_\_

Owner Name(s): \_\_\_\_\_

Votes Cast (Assessment Amount): \$ \_\_\_\_\_

\_\_\_\_\_ Yes, I approve of the proposed assessment amount on the parcel identified in this ballot.

\_\_\_\_\_ No, I do not approve of the proposed assessment on this parcel.

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_, 2007