

**RESOLUTION NO. 2003-271**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

DATE APPROVED ON: MAY 13 2003

**RESOLUTION OF INTENTION TO INCREASE THE ANNUAL  
ASSESSMENT LEVIED ON PROPERTY WITHIN ANNEXATION NO. 21  
TO THE CITY OF SACRAMENTO NEIGHBORHOOD LANDSCAPING  
DISTRICT AND TO AMEND THE DESCRIPTION OF IMPROVEMENTS  
MAINTAINED AND SERVICED WITH THE ASSESSMENT**

**RECITALS:**

- A. The City Council has previously established the City of Sacramento Neighborhood Landscaping District under the Landscaping and Lighting Act of 1972, which is set forth in sections 22500 through 22679 of the Streets and Highways Code (the Act). The district's purpose is to finance the cost of maintaining and servicing certain improvements installed in and about approved subdivisions, so as to prevent deterioration of the improvements and to improve the quality of life for subdivision residents.
- B. On December 3, 2002, by Resolution No. 2002-796, the City Council annexed to the district the territory described in Exhibit A to that resolution. The annexed territory is designated as Annexation No. 21 and is also described in Exhibit A to this resolution.
- C. Exhibit B to Resolution No. 2002-796 describes the improvements within Annexation No. 21 that should be maintained and serviced so as to prevent their deterioration and to improve the residents' quality of life. It also describes the maintenance and servicing to be provided.
- D. Exhibit B to Resolution No. 2002-796 does not describe all the improvements that should be maintained and serviced. Accordingly, on May 13, 2003, by Resolution No. 2003-~~269~~, the City Council proposed to amend the description of improvements that are maintained and serviced. Exhibit B to Resolution No. 2003-~~269~~ sets forth the amended description and describes the maintenance and servicing to be provided.
- E. With Resolution No. 2003-~~269~~, the City Council also designated the Director of Public Works as the engineer for purposes of section 22622 in the Act and ordered him to prepare and file a report in accordance with article 4 (beginning with section 22565) in chapter 1 of the Act and in compliance with article XIID of the California Constitution.

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The Director of Public Works duly filed the report with the City Clerk. On May 13, 2003, by Resolution No. 2003-~~270~~, the City Council preliminarily approved the engineer's report.

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

**Section 1.** The City Council finds that Recitals A through E are true.

**Section 2.** The City Council declares its intention to do the following:

- (a) to amend the description of improvements that are to be maintained and serviced using the proceeds of an annual assessment levied on property within Annexation No. 21 to the City of Sacramento Neighborhood Landscaping District;
- (b) to increase the maximum annual assessment that may be levied on property within Annexation No. 21 to finance the cost of maintaining and servicing the improvements; and
- (c) to levy and collect the increased assessment on property within Annexation No. 21 in accordance with the procedures required by article XIID of the California Constitution, by the Act, or by both.

**Section 3.** The property within Annexation No. 21 is described in Exhibit A to this resolution and is the property to be benefitted by the improvements, maintenance, and servicing described in Exhibit B to this resolution.

**Section 4.** The City Council determines and gives notice that, subject to section 5 below, it proposes to levy and collect a maximum annual assessment of \$175.00 upon each of the 90 lots within Annexation No. 21, with a total annual assessment of \$15,750.00 for all lots within Annexation No. 21. This assessment may be used only for the following purposes: to pay the City's costs, not otherwise reimbursed, of (a) performing and administering the maintenance and servicing of the improvements described in Exhibit B to this resolution; and (b) levying, collecting, and administering the assessments.

**Section 5.** The annual assessment, including the maximum annual assessment, may be increased for inflation each year. The actual amount of the increase may not exceed 4% a year and must be computed using the prior-year's average of the Consumer Price Index (All Urban Consumers/All Items/1982-1984=100) published by the U.S. Department of Labor, Bureau of Labor Statistics, for the San Francisco-Oakland-San Jose area. If that index is no longer published, then the City Council may substitute a similar index.

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**Section 6.** The City Council determines and gives notice that it intends to add penalties to delinquent assessment installments in accordance with chapter 3.124 of the Sacramento City Code.

**Section 7.** The City Council fixes the following time and place for a public hearing on the increased assessment: 2:00 p.m. on Thursday, July 17, 2003, at the City Council's regular meeting place, the City Council Chambers in the Interim Sacramento City Hall, 730 "I" Street, Sacramento, California. Any interested person may object to the proposed increase in the assessment by filing a written protest with the City Clerk before the conclusion of the public hearing. A protest must state all grounds of objection and describe the property in which each person signing the protest is interested. The property description must be sufficient to identify the property. If a signer of the protest is not shown on the last equalized assessment roll as an owner of the property, then the protest must also contain or be accompanied by written evidence confirming that the signer is an owner. The City Clerk is to endorse on each written protest the date of receipt, and written protests must be received by the day of the hearing to be considered. At the public hearing, the City Clerk must present to the City Council all protests filed with her office; all interested persons will be afforded the opportunity to hear and be heard; and the City Council will consider all oral statements and written protests made or filed by any interested person.

**Section 8.** The City Clerk is ordered to give notice to all persons who own property within Annexation No. 21 of the time and place of the public hearing and of the ballot procedure required by article XIID of the California Constitution. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by law to all persons who own property that is within Annexation No. 21 and will be subject to the increased assessment. The notice must be in the form set forth in Exhibit C to this resolution. When all notices and ballots have been mailed, the City Clerk is further ordered to file with the City Council an affidavit setting forth the time and manner of compliance with the requirements of law for mailing the notices and ballots.

**Section 9.** The City Council designates Ron Wicky, Special Districts Analyst, City of Sacramento Department of Public Works, as the person to answer inquiries regarding the protest proceedings. His address is 1231 I Street, Room 300, Sacramento, California 95814, and his telephone number is (916) 264-5628.

**Section 10.** Interested persons are referred to the engineer's report on file with the City Clerk for a full-and-detailed description of the improvements, the boundaries of Annexation No. 21, and the proposed assessments upon assessable lots within Annexation No. 21.

**Section 11.** The documents attached to this resolution as Exhibits A, B, and C are

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incorporated into this resolution and made part of it.

Heather Jugo  
MAYOR

ATTEST:

William A. Burrows  
CITY CLERK

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**Exhibit A**

**DESCRIPTION**

**ANNEXATION NO. 21 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 "East Land Park Village", recorded on October 9, 2002 in Book 304 of Maps, Page 9, records of Sacramento County, California.

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**EXHIBIT B**  
**DESCRIPTION OF IMPROVEMENTS**  
**AND OF**  
**MAINTENANCE AND SERVICING TO BE PROVIDED FOR**  
**THE IMPROVEMENTS**

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.

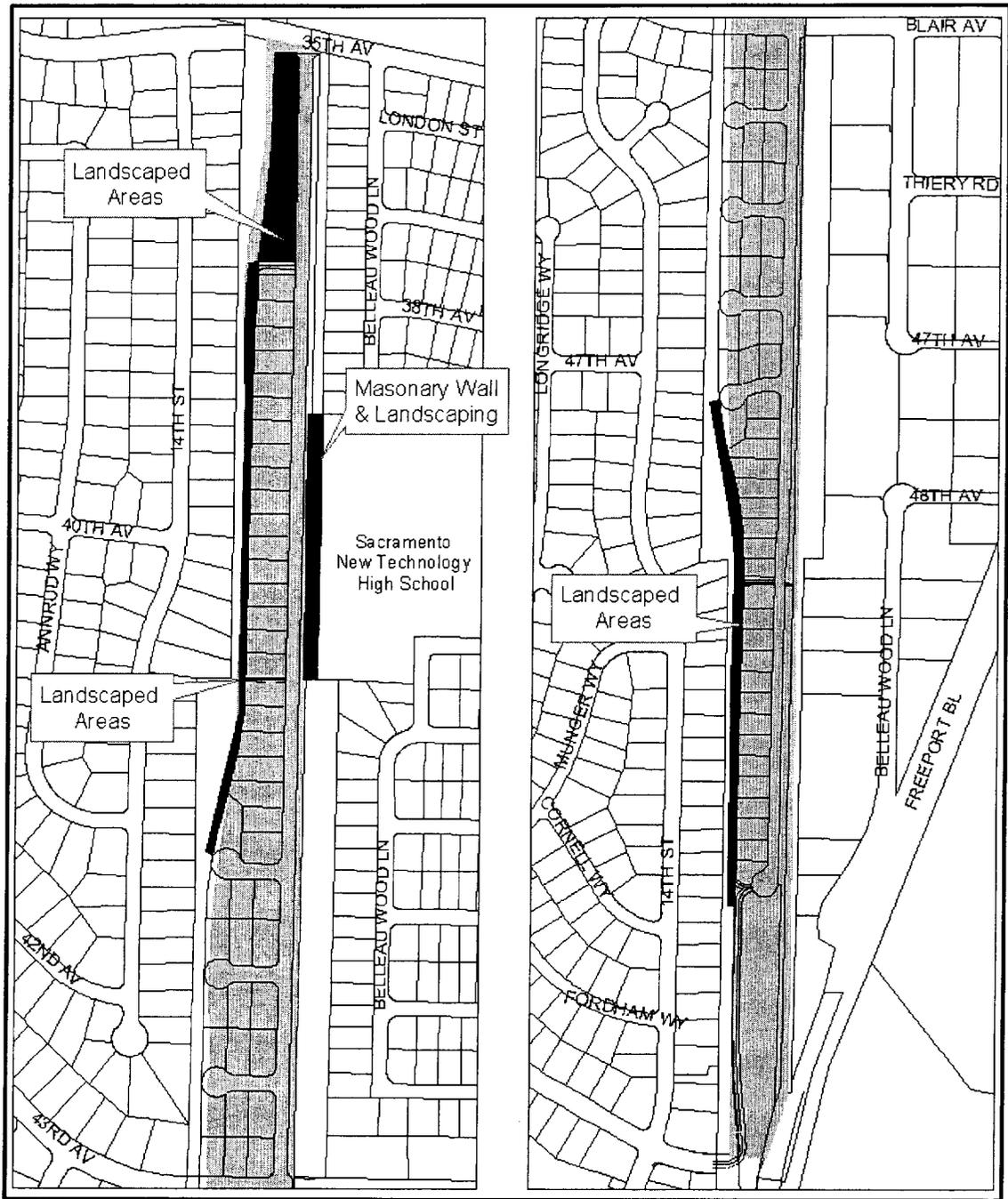
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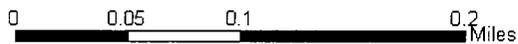
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EXHIBIT B-1



B Mueller

Annexation No. 21 to the  
Neighborhood Landscaping District



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**EXHIBIT C**  
**NOTICE OF HEARING**

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**CITY OF SACRAMENTO**

**ANNEXATION NO. 21 TO THE NEIGHBORHOOD  
LANDSCAPING DISTRICT**

**NOTICE OF PUBLIC HEARING  
ON A PROPOSAL TO INCREASE THE ANNUAL  
ASSESSMENT LEVIED ON PROPERTY WITHIN  
ANNEXATION NO. 21 TO THE CITY OF SACRAMENTO  
NEIGHBORHOOD LANDSCAPING DISTRICT**

On May 13, 2003, the City Council of the City of Sacramento duly adopted Resolution No. 2003-~~271~~, (the "Resolution of Intention") declaring its intention to do the following:

- amend the description of improvements that are to be maintained and serviced using the proceeds of an annual assessment levied on property within Annexation No. 21 to the City of Sacramento Neighborhood Landscaping District;
- increase the maximum annual assessment that may be levied on property within Annexation No. 21 to finance the cost of maintaining and servicing the improvements;
- levy and collect the increased assessment on property within Annexation No. 21 in accordance with the procedures required by law; and
- hold a public hearing on the increased assessment.

The maintenance and servicing to be financed with the increased assessment is described in **Attachment A** to this notice. The boundaries of Annexation No. 21 to the City of Sacramento Neighborhood Landscaping District are described in **Attachment A-1** to this notice. In undertaking the actions described above, the City Council is proceeding in accordance with the Landscaping and Lighting Act of 1972 (set forth in sections 22500 through 22679 of the Streets and Highways Code) and article XIID of the California Constitution.

**PLEASE TAKE NOTICE** that the City Council will hold the public hearing on the increased assessment at 2:00 p.m. on Thursday, July 17, 2003. The hearing will be at the City Council's regular meeting place, the City Council Chambers in the Interim Sacramento City Hall, 730 "I" Street, Sacramento, California.

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At the public hearing of the City Council will hear and receive oral and written protests to the increased assessment. Any interested person may file a written protest with the City Clerk before the conclusion of the public hearing. Written protests may also be mailed to the City Clerk at the Interim Sacramento City Hall, 730 "I" Street, Suite 211, Sacramento, California 95814. The City Clerk will endorse on each written protest the date of receipt, and written protests must be received by the day of the hearing to be considered. A written protest must state all grounds of objection and describe the property in which each person signing the protest is interested. The description must be sufficient to identify the property, and if a signer of the protest is not shown on the last equalized assessment roll as an owner of the property, then the protest must also contain or be accompanied by written evidence confirming that the signer is an owner. At the public hearing, (a) the City Clerk will present to the City Council all protests timely filed with the City Clerk's office; (b) all interested persons will be afforded the opportunity to hear and be heard; and (c) the City Council will consider all oral statements and written protests made or filed by any interested person.

**NOTICE IS FURTHER GIVEN** that the City Council has ordered the City's Director of Public Works to prepare and file with the City Clerk an engineer's report on the improvements and assessment as required by law. The Director of Public Works has duly prepared and filed the engineer's report, dated May 13, 2003, with the City Clerk, and the report was presented to the City Council, which preliminarily approved it by a resolution adopted on May 13, 2003.

**NOTICE IS FURTHER GIVEN** that the total estimated annual cost to maintain and service the improvements is \$15,750.00, which is proposed to be met by levying the increased assessment annually, beginning in fiscal year 2003/2004. In subsequent years this assessment may be increased for inflation. The increase in any year may not exceed 4%.

**NOTICE IS FURTHER GIVEN** that the basis on which the amount of the proposed assessment was calculated is more particularly set forth in **Attachment B** to this notice.

**NOTICE IS FURTHER GIVEN** that, as required by section 4 in article XIID of the California Constitution, an assessment ballot is enclosed with this notice, along with a self-addressed, return envelope by which the ballot may be returned to the City Clerk at the Interim Sacramento City Hall, 730 "I" Street, Suite 211, Sacramento, California 95814. This ballot may be used by the owner or owners of a parcel within Annexation No. 21 (or by an authorized representative of the owner or owners) to express either support for, or opposition to, the proposed increased assessment. The ballot may be returned either by mail (which may be done using the enclosed envelope, *but requires the user to provide the necessary postage*) or by personal delivery. To be considered, ballots must be received before the conclusion of public testimony on the proposed increased assessment at the public hearing on July 17, 2003.

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**NOTICE IS FURTHER GIVEN** that, immediately following the close of the public hearing, the City Clerk will tabulate the returned assessment ballots, both in support of and in opposition to the assessment, with ballots being weighted according to the amount of the proposed assessment on each parcel, and the results will be announced. If, however, the City Clerk needs additional time to verify that any ballot has been properly signed by an owner (or by an owner's authorized representative), then the City Council may continue the matter of announcing results. A "majority protest" will exist if ballots in opposition exceed ballots in support. If a majority protest exists, then the City Council will be precluded from proceeding with the proposed increased assessment, but the existing assessment will remain in place. **THIS BALLOT PROCEDURE FOR DETERMINING WHETHER A MAJORITY PROTEST EXISTS IS COMPLETELY INDEPENDENT FROM THE WRITTEN PROTEST PROCEDURE DESCRIBED ABOVE.**

**NOTICE IS FURTHER GIVEN** that the City Council has designated Ron Wicky, Special Districts Analyst, City of Sacramento Department of Public Works, as the person to answer regarding the protest proceedings. His address is 1231 "I" Street, Room 300, Sacramento, California 95814; and his telephone number is (916) 264-5628.

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

For all further particulars concerning these proceedings, please refer to the Resolution of Intention and the engineer's report, both of which are on file in, and may be examined at, the office of the City Clerk in the Interim Sacramento City Hall, 730 "I" Street, Suite 211, Sacramento, California.

Dated: MAY 13, 2003

City Clerk of the City of Sacramento

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**ATTACHMENT A**

**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 Attachment A-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 Attachment A-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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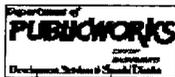
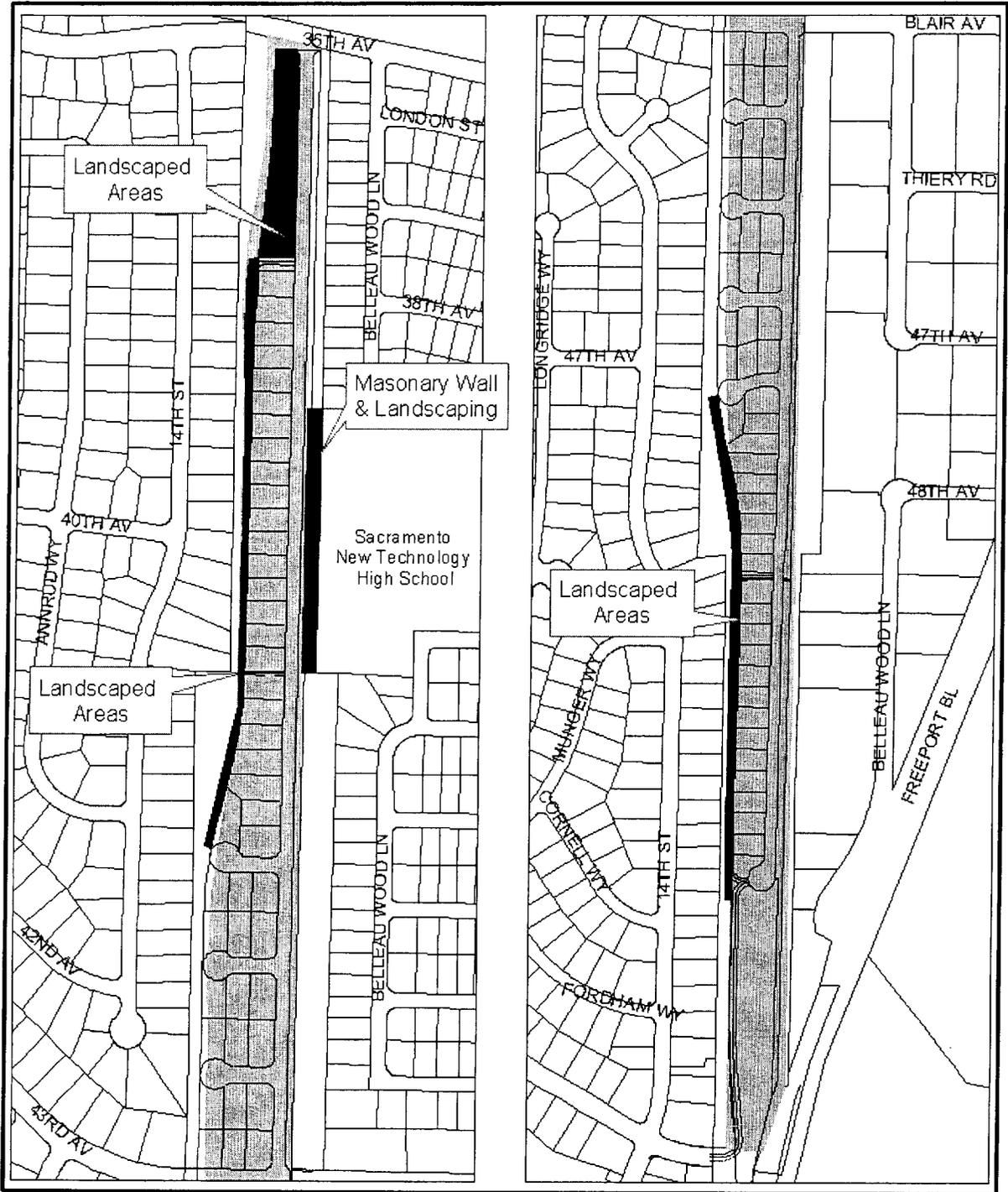
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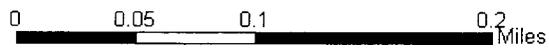
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ATTACHMENT A-1



B Mueller

Annexation No. 21 to the  
Neighborhood Landscaping District



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DATE ADOPTED: \_\_\_\_\_

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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 and any annexation documents (only if annexed that year) 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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