

# RESOLUTION NO.2003-543

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

AUG 7 2003

**A RESOLUTION OF THE CITY OF SACRAMENTO DECLARING ITS INTENTION TO ESTABLISH THE NEIGHBORHOOD ALLEY MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2003-04, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE THE ALLEY MAINTENANCE SERVICES TO BE PROVIDED WITHIN SAID DISTRICT**

**WHEREAS:**

A. The City Council (the "Council") of the City of Sacramento (the "City") has duly considered the advisability and necessity of establishing a community facilities district and levying a special tax therein to pay for alley maintenance and related services to be provided within the district, under and pursuant to provisions of the Mello-Roos Community Facilities Act of 1982 and Chapter 3.124 of the Sacramento City Code.

B. The Council has determined that the establishment of the District is consistent with Chapter 3.124 of the Sacramento City Code, and follows the local goals and policies concerning the use of the Act that have been adopted by the Council and are now in effect.

C. The Council is fully advised in this matter.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:**

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. It is the intention of the Council and the Council hereby proposes to establish a community facilities district ("District") under the terms of Chapter 3.124 of the Sacramento City code and the Mello-Roos Community Facilities Act of 1982 (Section 53311 et seq. of the California Government Code, hereafter "Act"). The boundaries of the territory proposed for inclusion in the District are shown on the map entitled "Neighborhood Alley Maintenance CFD No. 2003-04" attached hereto as Exhibit C. A map showing the proposed territory to be included in the District ("Boundary Map") is on file in the office of the City Clerk, is in the form required by Section 3110 of the Streets and Highways Code, and is hereby approved. The City Clerk is directed to file a copy of the Boundary Map with

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the County Recorder of the County of Sacramento within fifteen (15) days hereafter, and in no event later than fifteen (15) days prior to the hearing, for placement in the Book of Maps of Assessment and Community Facilities Districts, in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

Section 3. The name of the proposed District is "City of Sacramento Neighborhood Alley Maintenance Community Facilities District No. 2003-04."

Section 4. The District is being formed solely for alley maintenance services and related purposes, and will not finance capital improvements or issue bonds. The services to be financed by the District are set forth in Exhibit A, attached hereto and incorporated herein by this reference, all of which are as authorized by the Act and by Chapter 3.124 of the Sacramento City Code. The District shall also finance all costs and expenses normally incidental to the provision of the maintenance and related services, including without limitation, elections; engineering; contract supervision; planning; legal and City administration.

Section 5. Except where funds are otherwise available, a special tax sufficient to pay for said alley maintenance and related services, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the District. Pursuant to section 3.124.230A of the Sacramento City Code, certain City-owned property within the District will be subjected to the lien for the special tax. The tax is to be collected as a separately stated item on the county property tax bill, but the City Council reserves the right to change the method of collection at any time. The special tax shall be apportioned according to the number of Residential Units assigned to the parcel, at the per annum tax rates specified in Exhibit B, attached hereto and incorporated herein by this reference, the Rate and Method of Apportionment of Special Tax and the maximum special tax rate. The rates shown are maximum rates. The special tax levied on all parcels may be increased prorata, but not more than ten percent (10%), on account of the default or delinquency of the owner of any parcel, and shall in no event, exceed the maximum special tax rate in effect for the fiscal year in which the special tax is being levied. The rates may also be escalated for inflation pursuant to section 3.214.230C of the Sacramento City Code, as specified in Exhibit B. If tax collections at the stated rates exceed the amount required to pay the Annual Costs, the rates may be reduced in accordance with the formula set forth in Exhibit B. The special tax levied and to be collected hereunder shall be in perpetuity, unless and until the need for the alley maintenance and related services no longer exists.

Section 6. It is the intention of the Council, pursuant to Section 53317.3 of the Act, to continue to levy the special tax on property (that is not otherwise exempt from the special tax) that is acquired by a public entity through a negotiated transaction, by gift or devise; provided, however, that the Council may annually determine whether or not public property shall be subject to this tax or be tax exempt.

Section 7. It is the intention of the Council, pursuant to Section 53317.5 of the

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Act, to treat the obligation to pay the special tax levied against property that is acquired by a public entity through eminent domain proceedings as if it were a special annual assessment; provided, however, that the Council may annually determine whether or not public property shall be subject to this tax or be tax exempt.

Section 8. It is the intention of the Council, pursuant to Section 53340.1 of the Act, to levy the special tax on the leasehold or possessory interests in property owned by a public agency (which property is otherwise exempt from the special tax), to be payable by the owner of the leasehold or possessory interests in such property.

Section 9. It is the intention of the Council, pursuant to Section 53325.7 of the Act, to establish an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District.

Section 10. Notice is given that the City Council hereby fixes 2:00 p.m. on September 9, 2003, in the chambers of the City Council, Interim City Hall, 730 I Street, First Floor, Sacramento, California 95814 as the time and place for a public hearing on the proposed establishment of the District, and the proposed levy of special taxes, and all other matters as set forth in this resolution. At such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the District, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the establishment of the District and the levy of the special tax, or the extent of the District, or the neighborhood alley maintenance and related services to be provided, or any other matters set forth herein, will be heard and considered. Any protests to the foregoing may be made orally or in writing by any interested persons or taxpayers, except that protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. If, at the conclusion of the hearing, the City Council determines to proceed with the establishment of the District, the levy of special taxes will be submitted to the electors of the District in an election pursuant to Section 53326 of the Act, to be held not less than ninety (90) days thereafter, unless appropriate waivers pursuant to said Section have been filed with the City Clerk. The special tax may be levied if two-thirds of those voting approve the measure.

Section 11. In the opinion of the Council, the public interest will not be served by allowing the property owners in the District to enter into a contract pursuant to Section 53329.5(a) of the Act, to perform the alley maintenance and related services to be financed under Chapter 3.124 of the Sacramento City Code and the Act.

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Section 12. The City Council directs Gary Alm, Appointed Officer of the Department of Public Works of the City of Sacramento, to prepare the report required by Section 53321.5 of the Government Code and to file the report with the City Council at or before the time of the hearing.

Section 13. The City Clerk is directed to publish notice of the hearing in accordance with Sections 53322 and 53322.4 of the Act, as follows:

(a) A notice of public hearing in the form required by the Act shall be published in the Daily Recorder, a newspaper of general circulation published in the area of the District, which such publication shall be made pursuant to Section 6061 of the California Government Code and shall be completed at least seven (7) days prior to the date set for such public hearing; and

(b) A notice of public hearing in the form required by the Act shall be mailed, first class postage prepaid, to each property owner and to each registered voter within the boundaries of the District, which such mailing to such property owners shall be made to such property owners at their addresses as shown on the records of the Sacramento County Treasurer-Tax Collector, and which such mailing to such registered voters shall be made to such registered voters at their addresses as shown on the records of the Sacramento County Registrar of Voters, or in either case as otherwise known to the City Clerk of the City, and which such mailing shall be completed at least fifteen (15) days prior to the date set for such public hearing. The notice of hearing shall include a description of the voting procedures in accordance with Government Code Section 53322(b)(4).

ATTEST:

Terrie G. Burrows  
CITY CLERK

Heather Fays  
MAYOR

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**Exhibit A**  
City of Sacramento, California  
Neighborhood Alley Maintenance  
Community Facilities District No. 2003-04  
**LIST OF AUTHORIZED SERVICES**

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The CFD authorized services include those set forth below in addition to the costs associated with forming the CFD, collecting and administering the special taxes, and annually administering the CFD. The special taxes may be levied to pay for authorized services in any given year or to accumulate funds for that purpose.

The primary function of the CFD is to fund neighborhood alley maintenance within subdivisions containing alleys that are unique and not the typical City-standard twenty-foot wide concrete alleys. A neighborhood alley in this CFD is an approximately twenty to twenty-two foot wide asphalt-paved surface within a public right-of-way that is behind or adjacent to medium to high density single family development.

**AUTHORIZED SERVICES**

The CFD's authorized services include the following:

- **Routine Annual Alley Maintenance** – which includes all costs for labor, supplies, materials, and equipment required to properly perform routine alley maintenance, including, but not limited to, street sweeping, pothole/pavement repair, and repair of curb and gutter.
- **Periodic Alley Maintenance** – which includes all costs for labor, supplies, materials, and equipment required to perform periodic alley maintenance, including, but not limited to, crack sealing, pavement slurry sealing, and pavement overlays.
- **Administrative Expenses** – which includes City administrative expenses for managing the Routine and Periodic Alley Maintenance program.

**EXCLUDED SERVICES**

Services that may not be funded with special taxes from CFD No. 2003-04 include the following:

- Maintenance of landscaping adjacent to neighborhood alleys;
- Maintenance of private alleys or roadways within multi-family or commercial developments;
- Maintenance of roads that are not considered alleys, as determined by the City of Sacramento; or,
- Any other services that could not be defined as Authorized Services above.

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# Exhibit B

City of Sacramento, California  
Neighborhood Alley Maintenance  
Community Facilities District No. 2003-04

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## RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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### 1. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (Act) and Sacramento City Code Chapter 3.124 applicable to the land in the Neighborhood Alley Maintenance Community Facilities District No. 2003-04 (CFD) of the City of Sacramento (City) shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

### 2. Definitions

**“Act”** means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

**“Administrative Expenses”** means the actual or estimated costs incurred by the City to form the CFD and to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and legal counsel; the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports; and any other costs required to administer the CFD as determined by the City. Administrative Expenses will be allocated to each Tax Zone on a pro-rata basis based on each Tax Zone’s share of Base Year periodic alley maintenance costs.

**“Alley Maintenance Services Tax”** means the Special Tax that is levied on a Taxable Parcel to fund the Annual Costs of the CFD. The tax will be levied on Taxable Parcels within subdivisions that contain alleys.

**“Annexation Parcel”** means a Parcel which was not included within the boundaries of the CFD at the time of formation. Parcels are required to annex to the District based upon City policy.

**“Annual Costs”** means for each Fiscal Year, the total of 1) Authorized Alley Maintenance Services, which includes annual routine alley maintenance costs and accruals for periodic alley maintenance costs; 2) Administrative Expenses; and 3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

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**“Assessor”** means the Assessor of the County of Sacramento.

**“Authorized Alley Maintenance Services”** mean those services, as listed in the Resolution forming CFD No. 2003-04.

**“Base Fiscal Year”** means the Fiscal Year beginning July 1, 2003, and ending June 30, 2004.

**“Base Year”** means the Base Fiscal Year for Tax Zone A or the Fiscal Year in which a future Tax Zone is annexed into the CFD.

**“CFD”** means the City of Sacramento Neighborhood Alley Maintenance Community Facilities District No. 2003-04 of the City of Sacramento, California.

**“City”** means City of Sacramento, California.

**“Council”** means the City Council of the City acting for the CFD under the Act.

**“County”** means the County of Sacramento, California.

**“Developed Residential Parcel”** means a Parcel, which has a recorded Final Small Lot Map for residential uses permitting up to 2 units per lot.

**“Final Small Lot Map”** means a recorded final map designating individual single family residential Parcels.

**“Fiscal Year”** means the period starting July 1 and ending the following June 30.

**“Maximum Annual Special Tax”** means the greatest amount of Special Tax that can be levied against a Taxable Parcel calculated by applying 100 percent of the Maximum Annual Special Tax Rate to a Taxable Parcel.

**“Maximum Annual Special Tax Rate”** means the amount shown in **Attachment 1** for a Fiscal Year that is used in calculating the Maximum Annual Special Tax for a Parcel based on its land use classification.

**“Maximum Annual Special Tax Revenue”** means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Annual Special Tax Rates.

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**"Parcel"** means any County Assessor's parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**"Parcel Number"** means the Assessor's Parcel Number for any Parcel based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**"Public Parcel"** means any Parcel, in its entirety, that is or is intended to be publicly owned in the City as adopted by the City--or as subsequently designated by the City--that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets; schools; parks; and public drainageways, public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes as described below. Any such Parcel shall be a Tax-Exempt Parcel.

**"Special Tax(es)"** mean(s) any tax levy under the Act in the CFD.

**"Subdivision"** means a division of a Parcel into two or more Parcels through the Subdivision Map Act process.

**"Tax Collection Schedule"** means the document prepared by the City for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

**"Taxable Parcel"** means any Parcel that is classified as a Developed Residential Parcel.

**"Tax Escalation Factor"** means an annual percentage increase in the Maximum Annual Special Tax Rate based upon the Consumer Price Index (CPI) (prior calendar year annual average, San Francisco, All Urban Consumers (CPI-U) Index), not to exceed 4%.

**"Tax-Exempt Parcel"** means a Parcel not subject to the Special Tax. Tax-Exempt Parcels include (i) Public Parcels (subject to the limitations set forth in Section 4, below); (ii) Undeveloped Parcels; and (iii) all other parcels not defined as a Developed Residential Parcel.

**"Tax Zone"** describes one or more subdivisions with similar alley maintenance features and annual maintenance costs that are grouped together as a Tax Zone. Each subdivision included in the CFD at formation is assigned a Tax Zone. As a subdivision is annexed into the CFD, it may either be annexed into an existing Tax Zone or be assigned a new Tax Zone. Tax Zones will be labeled in alphabetical sequence as new Tax Zones are created.

**"Undeveloped Parcel"** means the remaining land in a subdivision that is designated on the tentative map for single family residential land uses permitting up to 2 units per lot, but for

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which a Final Small Lot Map has not been recorded. These parcels are exempt from the levy of Special Taxes as described below. Any such Parcel shall be a Tax-Exempt Parcel.

**3. Duration of the Special Tax**

Parcels in the CFD will remain subject to the special tax levy in perpetuity.

**4. Assignment of Maximum Annual Special Tax**

A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions above, the Parcel records of the Assessor's Equalized Tax Roll as of January 1, and other City development approval records (e.g., final maps) through May 31, the City shall cause:

1. Each Parcel to be classified as a Taxable Parcel or a Tax-Exempt Parcel.
2. Each Taxable Parcel to be further categorized by Tax Zone. The Tax Zone assigned to a Parcel is based on the same Tax Zone assigned to the Taxable Parcel's Subdivision.

B. Assignment of Maximum Annual Special Tax.

**Attachment 1** shows the Base Year Maximum Special Tax rates. Each Fiscal Year following the Base Year, the Maximum Special Tax rates shall be increased in accordance with the Tax Escalation Factor.

C. Annexation Parcels. Subdivisions annexing into the CFD shall have their Maximum Special Tax Rate and Tax Zone assigned at the time of annexation. Following the annexation year, or Base Year, the Maximum Special Tax Rate for Annexation Parcels within new Tax Zones will also escalate by the Tax Escalation Factor.

D. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel is not needed for public use and/or is converted to Developed Residential Parcel, it shall become subject to the Special Tax. The Maximum Annual Special Tax for such a Parcel shall be assigned according to 4.A and 4.B above. Conversely, if a privately owned parcel is converted to a public use, it shall become Tax-Exempt.

**5. Calculating Annual Special Taxes**

The City shall determine the Maximum Annual Special Tax for each Taxable Parcel based on the assignment of the Special Tax in Section 4. The City will then determine the Alley Maintenance Services Tax levy for each Taxable Parcel as follows:

A. For each Tax Zone, compute the Annual Costs for the Fiscal Year using the definition in Section 2. All administrative expenses shall be allocated to each Tax Zone based on each Tax Zone's percentage of the total Base Year periodic alley maintenance costs.

B. For each Tax Zone, determine the annual Alley Maintenance Services Tax levy for each Taxable Parcel as follows:

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- Calculate the Maximum Annual Special Tax Revenues from Developed Residential Parcels by multiplying the Maximum Annual Special Tax Rate for Developed Residential Parcels, as shown in **Attachment 1**, by the number of Developed Residential Parcels. If the Maximum Annual Special Tax Revenues calculated above are greater than the Annual Costs for that Tax Zone, the tax levy per Parcel should be reduced proportionately until the Special Tax levy is set at an amount sufficient to cover the Annual Costs.
- C. Prepare the Tax Collection Schedule listing the Special Tax levy for each Taxable Parcel and send it to the County Auditor-Controller requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the Auditor-Controller for such inclusion.

The City shall make every effort to correctly calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the parcels subject to the tax and their Special Tax assignments.

**6. Records Maintained for the CFD**

For subdivisions included at CFD formation and all subdivisions that are annexed to the CFD, the City will maintain a file containing records of the following information for each Parcel:

- The current Parcel number;
- The current status of the Parcel (Taxable or Tax-Exempt); and,
- Tax Zone for the Parcel.

The file containing the information listed above will be available for public inspection.

**7. Appeals**

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the City appealing the levy of the Special Tax. The City will then promptly review the appeal, and if necessary, meet with the applicant. If the City verifies that the tax should be modified or changed, a recommendation at that time will be made to the Council and, as appropriate, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties or any definition applicable to the CFD.

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**8. Manner of Collection**

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes; provided; however, the City or its designee may directly bill the Special tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

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**Attachment 1  
Neighborhood Alley Maintenance CFD No. 2003-04  
Maximum Special Tax Rates**

<b>Subdivisions [2]</b>	<b>Tax Zone [1]</b>	<b>Base Year for Maximum Special Tax</b>	<b>Base Year Maximum Special Tax Rate [3]</b>	<b>Estimated Fiscal Year 2003-04 Maximum Special Tax Rate</b>
<u><b>Tax Zones at CFD Formation</b></u>				
<b>TAX ZONE A</b> Regency Park 19 - Developed Residential Parcel	A	2003-04	\$45 per parcel	\$45 per parcel

"a1"

- [1] Any new Tax Zone that is created will be labeled with an alphabetical letter. The new letter will follow sequence from the existing Tax Zone letters. For Annexations joining an existing Tax Zone, the existing Tax Zone that the annexation is joining will be used.
- [2] At time of District Formation, one project area was identified with varying annual maintenance costs. Annexing subdivisions will either be added to an existing Tax Zone, or a new Tax Zone will be created.
- [3] Following the applicable Base Year for each tax zone or annexation, the Maximum Special Tax Rates will increase annually based upon the Consumer Price Index (CPI) (prior year annual average), San Francisco, All Urban Consumers (CPI-U), not to exceed 4%.

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EXHIBIT C

**BOUNDARIES OF  
NEIGHBORHOOD ALLEY MAINTENANCE  
COMMUNITY FACILITIES DISTRICT No. 8003-04  
SACRAMENTO, CALIFORNIA  
SHEET 1 OF 1**

**CLERK'S MAP FILING STATEMENT.**  
FILED IN THE OFFICE OF THE CLERK OF THE CITY OF SACRAMENTO, COUNTY OF  
SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
CITY CLERK  
CITY OF SACRAMENTO, CALIFORNIA

**CLERK'S CERTIFICATE.**  
I HEREBY CERTIFY THAT THE MAP HEREON REFERRED TO WAS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
CITY CLERK  
CITY OF SACRAMENTO, CALIFORNIA

**COUNTY RECORDER'S FILING STATEMENT.**  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003 AT THE HEAD OF  
COUNTY RECORDS AT THE \_\_\_\_\_ OFFICE OF THE COUNTY RECORDER  
OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER OF THE COUNTY OF  
SACRAMENTO, CALIFORNIA

BY \_\_\_\_\_  
AGENT



LOT 6  
184 P.M. 4

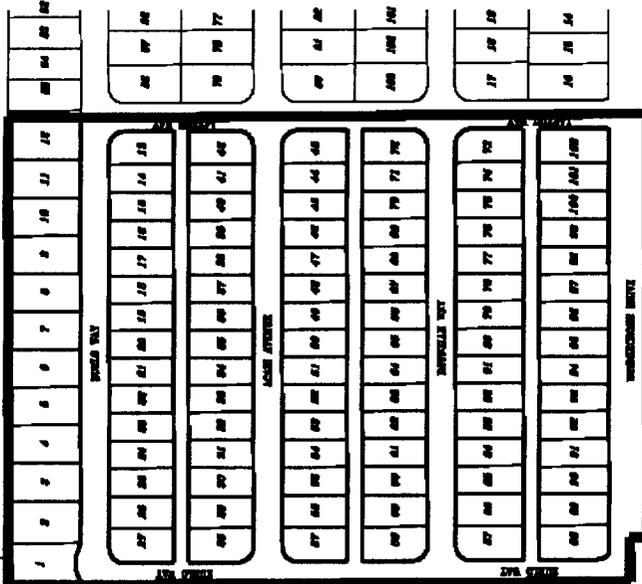
LOT 7  
184 P.M. 4

NORTHPOINTE PARK  
VILLAGE 2B  
305 S.B.M. 5

PARCEL 20  
184 P.M. 4

LOT 8  
184 P.M. 4

PARCEL 21  
184 P.M. 4



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