



# REPORT TO COUNCIL

## City of Sacramento

# 29

915 I Street, Sacramento, CA 95814-2671  
www.CityofSacramento.org

PUBLIC HEARING  
**April 18, 2006**

Honorable Mayor and  
Members of the City Council

**Subject:** Annexation No. 28 to the Neighborhood Landscaping District - Public Hearing

**Location/Council District:**

South Sacramento – Mack Road and Deer Creek Drive, located in Council District 8  
(Exhibit "B-1", Page 8)

**Recommendation:**

Conduct the Public Hearing and upon conclusion 1) direct staff to count the ballots and return later during the meeting with the results; and if ballots affirm 2) adopt a resolution a) approving the Engineer's Report, b) ordering the annexation of territory, c) confirming and levying an assessment to pay for maintenance of improvements; and d) recording a copy of assessments with the County Recorder.

**Contact:** Ron Wicky, Program Specialist, (916) 808-5628; Mark Griffin, Fiscal Manager, (916) 808-8788

**Presenters:** Ron Wicky, Program Specialist

**Department:** Development Services Department

**Division:** Public Improvement Financing

**Organization No:** 4815

**Summary:**

The purpose of today's hearing is to receive public testimony and to take action on Annexation No. 28 to the Neighborhood Landscaping District. On February 28, 2006, Council initiated the annexation process and authorized staff to mail notices and voter ballots. Approval of this annexation will provide funding to maintain the landscaping in and adjacent to the Liberty Lane Subdivision.

**Committee/Commission Action:** None



**Background Information:**

On July 23, 1991, the City Council approved formation of the Neighborhood Landscaping District, formerly known as the Subdivision Landscaping Maintenance District. This district provides funding for the maintenance of landscaping improvements, which are located along the frontage or entranceways of residential subdivisions. At the time of formation, the initial district included two subdivisions; since then, 27 subdivisions have been annexed.

This 28th annexation to the Neighborhood Landscaping District will include all residential properties located in the Liberty Lane Subdivision. Petitions have been received by 100% of the property owners to initiate these proceedings.

**Financial Considerations:**

This district is self-supporting and has no impact on the General Fund. The estimated budget for FY2006/07 is \$11,100, and the cost to each residential lot will be \$150.00 with the description of maintenance detailed on Exhibit "B", Page 9.

**Environmental Considerations:**

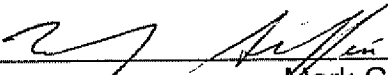
Under California Environmental Quality Act (CEQA) Guidelines, administration and annual maintenance do not constitute a project and are therefore exempt from review.

**Policy Considerations:**

The proceedings under which this district is being processed are located in the Landscaping and Lighting Act of 1977, as set forth in Section 22600 of the California Streets and Highways Codes. Annexation into the Neighborhood Landscaping District is consistent with the City's Strategic Plan 3 Year Goal to "achieve sustainability and enhance livability".

**Emerging Small Business Development (ESBD):**

City Council approval of these proceedings is not affected by City policy related to the ESBD Program.

Respectfully Submitted by:   
Mark Griffin  
Fiscal Manager, Development Services Department

Approved:   
Carol Shearly  
Director of Planning, Development Services Department

Recommendation Approved:

*for*   
RAY KERRIDGE  
City Manager

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## **RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING THE ENGINEER'S REPORT; ORDERING THE ANNEXATION OF TERRITORY; ORDERING THE PROVISION OF IMPROVEMENTS, MAINTENANCE, AND SERVICE WITHIN THE ANNEXED TERRITORY; CONFIRMING AND LEVYING AN ASSESSMENT TO PAY FOR THE IMPROVEMENTS, MAINTENANCE, AND SERVICE; AND DIRECTING THAT A NOTICE OF ASSESSMENT BE RECORDED (Annexation 28 to the Neighborhood Landscaping District)**

### **BACKGROUND**

- A. The City Council has previously formed the Neighborhood Landscaping District under the Landscaping and Lighting Act of 1972 (part 2 of division 15 in the Streets and Highways Code, beginning with section 22500) (the 1972 Act).
- B. Ryland Homes of California, Inc., a Delaware Corporation (Landowner), is the sole owner of the territory described in Exhibit A. Landowner has applied for a subdivision map covering this territory, and one of the conditions of approval for the subdivision map requires Landowner to annex the territory to the district. To fulfill this condition, Landowner presented to the City a petition requesting that the City commence proceedings for annexing the territory to the district in accordance with the 1972 Act.
- 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 Landowner, the City Council proposes to annex to the district the territory described in Exhibit A.
- D. By Resolution No. 2006-142, and in response to the Landowner's petition, the City Council (1) initiated proceedings to annex to the district the territory described in Exhibit A; (2) designated the Manager of Development Engineering and Finance to be the Engineer for purposes of annexing the territory to the district and levying an assessment to finance the improvements, maintenance, and service 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 article 4 (commencing with section 22565) in chapter 1 of the Streets and Highways Code.

- E. As directed, the Engineer prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 28 to the City of Sacramento Neighborhood Landscaping District" 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 article 4 (commencing with section 22565) in chapter 1 of the Streets and Highways 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. 2006-143.
- F. By Resolution No. 2006-144, the City Council declared (1) that it intends to annex the territory described in Exhibit A in accordance with the 1972 Act; (2) that the exterior boundaries of the annexed territory are as shown on the Boundary Map entitled "Boundaries of Annexation No. 28 to the Neighborhood Landscaping District" which was approved by Resolution No. 2006-143 and is on file in the City Clerk's office; (3) that the improvements, maintenance, and service to be provided within the annexed territory are as generally described in Exhibit B; (4) that the City Council intends to pay for the improvements, maintenance, and service by levying annual assessments, in accordance with chapter 3.44 of the Sacramento City Code, the 1972 Act, and article XIID of the California Constitution, on all assessable lots and parcels within the annexed territory that are specially benefited by the improvements, maintenance, and service.
- G. By Resolution No. 2006-144, the City Council also (1) set April 18, 2006, as the date for a public hearing on the proposed assessment; (2) directed the City Clerk to give notice of the hearing as required by the 1972 Act and chapter 3.44 of the Sacramento City Code, with the notices to include assessment ballots as required by article XIID of the California Constitution; and (3) found that all real property within the annexed territory will be specially benefited by the improvements, maintenance, and service unless the City Council finds and determines otherwise at the public hearing.
- H. The City Clerk has filed with the City Council an affidavit confirming her compliance with the legal requirements for mailing the notices and ballots. Relying on this affidavit, the City Council finds that a notice of public hearing and an assessment ballot were mailed to each record owner of an identified parcel within the territory to be annexed, as ordered by Resolution No. 2006-144 and as required by law.
- I. On April 18, 2006, at the time and place set forth in the notice of hearing mailed to all owners of real property located within the territory to be annexed, the City Council held a public hearing on the proposed assessment. During the hearing, the City Council (1) heard all protests against the proposed assessment from record owners of real property within the territory to be annexed; and (2) accepted testimony from all interested persons, whether or not they own real property within the territory to be annexed. Immediately after the hearing concluded, the City Clerk tabulated the assessment ballots submitted and not withdrawn (weighting the

ballots according to the amount of the assessment on each parcel) and determined that the total dollar amount of all ballots cast in favor of the assessment exceeded the total dollar amount of all ballots cast in opposition to it.

**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 I are true.
- Section 2. No majority protest having been made through the assessment-ballot procedure, the City Council:
- (a) overrules all protests to the proposed assessment and these proceedings;
  - (b) approves the Engineer's Report on the proposal to levy an annual assessment on land within the territory to be annexed, which is on file with the City Clerk and was preliminarily approved by Resolution No. 2006-144;
  - (c) establishes a budget, as set forth in the Engineer's Report;
  - (d) orders the annexation to the district of the territory generally described in Exhibit A, with exterior boundaries as shown on the assessment diagram set forth in the Engineer's Report and the boundary map approved by Resolution No. 2006-144;
  - (e) orders that the improvements, maintenance, and service described in the Engineer's Report be provided within the annexed territory;
  - (f) finds and determines that each parcel within the annexed territory, as shown on the assessment diagram set forth in the Engineer's Report, has been assessed in proportion to the benefits the parcel will receive from the improvements, maintenance, and service, all as described in the Engineer's Report;
  - (g) confirms the assessment diagram and the assessment roll set forth in the Engineer's Report; and
  - (h) levies the assessment set forth in the Engineer's Report.
- Section 3. In accordance with section 3114 of the Streets and Highways Code, the City Clerk is directed to transmit the assessment diagram and the assessment roll to the Engineer and the City's Development Engineering and Finance Manager of the Development Services Department. Each of

those persons is directed to record the assessment diagram and assessment roll in his or her office.

Section 4. In accordance with section 3114 of the Streets and Highways Code, the City Clerk is further directed to file a copy of the assessment diagram in the office of the Sacramento County Recorder and to execute and record a notice of assessment in the office of the Sacramento County Recorder. Upon the recording of the diagram and notice, the assessment will become a lien upon the parcels assessed.

Section 5. Exhibits A and B are part of this resolution.

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**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 "Liberty Lane", recorded on January 12, 2006 in Book 346 of Maps, Map number 7, records of Sacramento County.

## **EXHIBIT B**

### **DESCRIPTION OF MAINTENANCE, AND SERVICE OF 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, Development Services Department, 915 "I" Street, 3<sup>rd</sup> Floor, 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, 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.

### Liberty Lane

