

## **RESOLUTION NO. 2010-453**

Adopted by the Sacramento City Council

August 5, 2010

### **ABANDONING PROCEEDINGS IN VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 2010-03 AND AUTHORIZING AND DIRECTING RELATED ACTIONS, AND DISSOLUTION OF VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 1987-01**

#### **BACKGROUND:**

- A. The City Council has taken a series of actions preliminary to considering the levy of assessment to provide continued landscape maintenance services within the boundaries of Village Garden North Subdivision Units one through five through the Village Garden Landscape Maintenance District No. 2010-03, in the City of Sacramento, County of Sacramento, State of California (District 10-03).
- B. At the direction of the City Council, the Supervising Engineer of the City's Department of Transportation, as Engineer, filed with the City Clerk the report prescribed in the California Constitution Article XIID (Engineer's Report).
- C. By Resolution Nos. 2010-292, 2010-293, and 2010-294, adopted on June 1, 2010, the City Council in accordance with law initiated proceedings and preliminarily approved the Engineer's Report, scheduled the public hearing for July 27, 2010, and provided for notice of the public hearing to be mailed to the owners of property within District 10-03, along with protest ballots.
- D. The Public Hearing was conducted as scheduled on July 27, 2010, after all interested persons were permitted to appear and testify before the City Council, and were also provided a final opportunity to submit, change or withdraw protest ballots; the City Council closed the public hearing, and directed the City Clerk to tabulate the protest ballots.
- E. The City Clerk has received, been given custody of, and has tabulated the assessment ballots returned and not withdrawn by the owners of property located within District 10-03, and has reported the results of the count by her written Certificate, to the City Council.
- F. By Resolution No. 2010-294, adopted on June 1, 2010, the City Council preliminarily authorized the dissolution of the existing Village Garden Landscape Maintenance District No. 1987-01 (District 87-01).
- G. The City Council is fully advised in this matter.

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

- Section 1. That the Background statements A through G are true and correct.
- Section 2. The City Council accepts the City Clerk's Certificate of Ballot Procedure Results and, in accordance therewith, finds and determines that a majority protest exists under Section 53753(e) (2) of the California Government Code, and therefore, under Section 53753(e) (3), the City Council may not impose the proposed assessment. Accordingly, the proceedings for the District 10-03 are hereby abandoned.
- Section 3. Pursuant to Section 3117 of the California Streets and Highways Code, the City Clerk is hereby authorized and directed to record a certified copy of this Resolution Abandoning Proceedings with the Sacramento County Recorder. As further specified by Section 3117, the following information pertains to the Assessment District proceedings:
- (a) The date of adoption of this Resolution Abandoning Proceedings is August 5, 2010.
  - (b) The date of adoption of the Resolution of Intention was June 1, 2010.
  - (c) The boundary map for District 10-03 was filed for record in the office of the County Recorder of Sacramento County on July, 9, 2010, in Book 111, page 0019.
- Section 4. The City Council authorizes the dissolution of the existing Assessment District effective September 1, 2010.
- Section 5. This resolution takes effect when adopted.

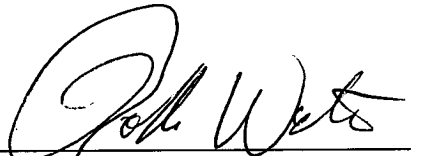
Adopted by the City of Sacramento City Council on August 5, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Johnson.

  
Vice Mayor Robbie Waters

Attest:

  
Shirley Concolino, City Clerk