

RESOLUTION NO. 2006-554

Adopted by the Sacramento City Council

July 25, 2006

INTENTION TO ANNEX TERRITORY TO THE NEIGHBORHOOD LANDSCAPING 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 30)

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. Sacramento LLC, a Limited Liability Company (Landowner), is the sole owner of the territory described in Exhibit A. Landowner has applied for a subdivision map covering the 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 has presented a petition to the City 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. 2006-552, and in response to Landowner's 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 article 4 (commencing with Streets and Highways Code section 22565) in chapter 1 of the Streets and Highways Code.

- E. As directed, the Engineer has prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 30 to the 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 Streets and Highways Code 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. 2006-553.
- 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.
- Section 2. The City Council declares (a) that it intends to annex the territory described in Exhibit A in accordance with the 1972 Act; (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 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 maintenance, and service of improvements.
- Section 3. Annexation No. 30 to the Neighborhood Landscaping District includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2006-553; (b) is entitled "Boundaries of Annexation No. 30 to the Neighborhood Landscaping District 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. 30 to the Neighborhood Landscaping 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. 30 to the Neighborhood Landscaping 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. 30 to the Neighborhood Landscaping District will take place at:

2:00 p.m. on Tuesday, September 12, 2006, 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 the 1972 Act 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. Ron Wicky of the City's Development Services Department is designated to answer inquiries regarding the protest proceedings provided for above. His address is 915 "I" Street, 3rd Floor, Sacramento, California 95814. His telephone number is (916) 808-5628.

Section 10. Exhibits A, B, 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 – 8 Pages

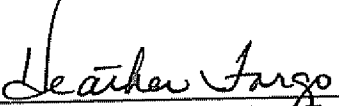
Adopted by the City of Sacramento City Council on July 25, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest:



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 "Wickford Square", recorded on July 6, 2006 in Book 354 of Maps, Map number 7, records of Sacramento County.

RESOLUTION OF INTENTION

EXHIBIT B

DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS

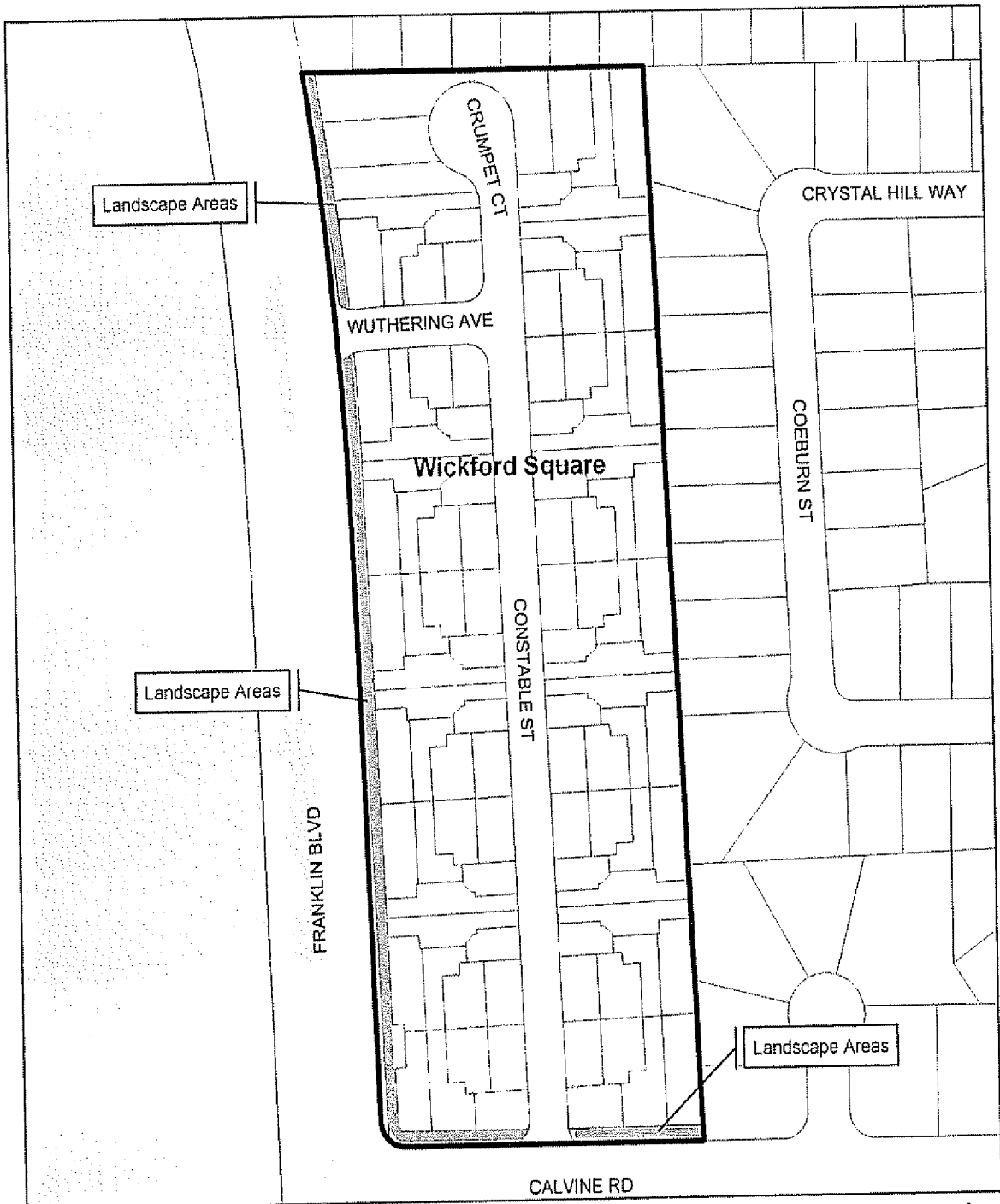
The Services to be provided within the area to be annexed to the District are described as follows:

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, 3rd Floor, Sacramento CA 95814.

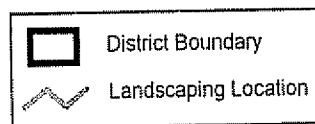
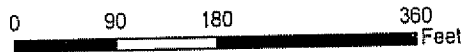
The improvements to be maintained generally consist of masonry walls, landscaping and irrigation systems for the landscape areas within or adjacent to the residential subdivision or subdivisions identified on Exhibit B-1. Maintenance of said improvements shall include, but not be limited to: periodic 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.

EXHIBIT B-1

Annexation 30 to the Neighborhood Landscaping District
Wickford Square



B Mueller
06/22/06



RESOLUTION OF INTENTION

EXHIBIT C

ANNEXATION NO. 30 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT

Notice to Owners of Property within the Wickford Square 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 July 25, 2006, the City Council of the City of Sacramento adopted Resolution No. 2006-____ (the Resolution of Intention) declaring its intention, under the Landscaping and Lighting Act of 1972 (the 1972 Act), to annex the Sheldon Farms Subdivision to an existing assessment district formally named the Neighborhood Landscaping 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 No. 30 to the Neighborhood Landscaping District";
- 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 Building, Sacramento, California.

DATE, TIME, AND PLACE OF PUBLIC HEARING

At 2:00 p.m. on September 12, 2006, 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 2007/2008 will be **\$11,330.00**.

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 2007/2008.

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 2007-2008), 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

Ron Wicky of the City's Development Services Department is designated to answer inquiries regarding the proceedings described above. His address is 915 "I" Street, 3rd Floor, Sacramento, California 95814. His telephone number is (916) 808-5628.

Dated: _____, 2006

City Clerk of the City of Sacramento