

## **RESOLUTION NO. 2007-826**

Adopted by the Sacramento City Council

November 13, 2007

### **DECLARING THE INTENTION TO ORDER IMPROVEMENTS IN LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04 AND TO FORM AN ASSESSMENT DISTRICT TO PAY FOR THEM; APPROVING THE PROPOSED BOUNDARY MAP OF THE ASSESSMENT DISTRICT; AND APPOINTING THE ENGINEER OF WORK**

#### **BACKGROUND**

- A. Under the authority of the Municipal Improvement Act of 1913 (sections 10000 and following, Streets and Highways Code), the City Council intends to order the acquisition and/or construction of the improvements described in Exhibit A, attached hereto and by this reference incorporated herein, all of which are situated within the proposed Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California (the "Proposed Assessment District").
- B. The City Council finds that the land specially benefited by the improvements is shown within the boundaries of the map entitled "Proposed Boundaries, Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California," a copy of which is on file with the City Clerk (the "Boundary Map"). The land within the exterior boundaries shown on the Boundary Map shall be designated "Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California."
- C. The City Council desires to appoint an Engineer of Work.
- D. 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. The City Council finds that the statements in the Background are true.
- Section 2. The City Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of

the territory included in the Proposed Assessment District.

- Section 3. The City Council hereby finds and determines that the Boundary Map contains the matters and is in the form prescribed by section 3110 of the Streets and Highways Code.
- Section 4. The City Council directs the City Clerk to certify the adoption of this resolution on the face of the Boundary Map and to file a copy thereof with the Sacramento County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. The filing with the Sacramento County Recorder shall be accomplished within 15 days of the date hereof, as specified by section 3111 of the Streets and Highways Code.
- Section 5. The City Council intends to levy special assessments upon the land within the Proposed Assessment District in accordance with the special benefit to be received by each parcel of land from the improvements.
- Section 6. Where any disparity occurs in level or size between the improvements and private property, the City Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.
- Section 7. The City Council intends to enter into an agreement with any appropriate public agency or utility company, under the provisions of section 10109 and following of the Streets and Highways Code, to the extent that the work and improvements to be undertaken will include facilities which are to be under the ownership, management and control of such public agency or utility company.
- Section 8. This City Council intends, pursuant to subdivision (f) of section 10204 of the Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the Proposed Assessment District to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed to the City which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

- Section 9. Bonds representing unpaid assessments, and bearing interest at a rate not to exceed 12% per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed 29 years from the second day of September next succeeding 12 months from their date.
- Section 10. The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in part 11.1, division 10, of the Streets and Highways Code.
- Section 11. The City will not obligate itself to advance available funds from the City Treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City, in its sole discretion, from so advancing funds.
- Section 12. The City Council intends to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 by proceeding under part 7.5 of division 4 of the Streets and Highways Code. The Engineer of Work is directed to include in the written engineer's report all of the information required by section 2961 of the Streets and Highways Code.
- Section 13. This City Council appoints the Development Engineering Manager of the City's Development Services Department as Engineer of Work for this project, and directs the preparation of the report containing the matters required by section 10204 of the Streets and Highways Code, as supplemented by section 4 of article XIID of the California Constitution.
- Section 14. The amount of any surplus remaining in the improvement fund after completion of the improvements and payment of all claims shall be distributed in accordance with the provisions of section 10427.1 of the Streets and Highways Code.
- Section 15. This resolution takes effect when adopted.

**Table of Contents:**

Exhibit A: Description of Improvements


Adopted by the City of Sacramento City Council on November 13, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Tretheway and Mayor Fargo.



Kevin McCarty, Vice-Mayor

Attest:



Shirley Concolino, City Clerk

## EXHIBIT A

### LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04 CITY OF SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA DESCRIPTION OF IMPROVEMENTS

The construction and installation of a complete high pressure sodium ornamental street lighting system together with all necessary appurtenances thereto on:

Burnett Way from 16<sup>th</sup> Street to 21<sup>st</sup> Street, 1<sup>st</sup> Avenue from 18<sup>th</sup> Street to Street to 21<sup>st</sup> Street. Beverly Way 18<sup>th</sup> Street to Freeport Boulevard, Larkin Way from 120 feet west of Marty Way to 21<sup>st</sup> Street, Commercial Way from 18<sup>th</sup> Street to Freeport Boulevard, Sloat Way from Western Pacific RR to 21<sup>st</sup> Street, 2<sup>nd</sup> Avenue from 120 feet west of Marty Way to Franklin Boulevard, Castro Way from 18<sup>th</sup> Street to 21<sup>st</sup> Street and from 280 feet west of 24<sup>th</sup> Street to 200 feet east of 25<sup>th</sup> Street, Caramay Way from 120 feet west of Marty Way to Freeport Boulevard, Markham Way from 120 feet west of 18<sup>th</sup> Street to 21<sup>st</sup> Street, 3<sup>rd</sup> Avenue from 180 feet west of 18<sup>th</sup> Street to 24<sup>th</sup> Street and Franklin Boulevard to State Route 99, 4<sup>th</sup> Avenue from 120 feet west of 17<sup>th</sup> Street to 24<sup>th</sup> Street and Franklin Boulevard to 31<sup>st</sup> Street, Vallejo Way from 120 feet west of 21<sup>st</sup> Street to Freeport Boulevard, 5<sup>th</sup> Avenue from 17<sup>th</sup> Street to Freeport Boulevard and 24<sup>th</sup> Street to State Route 99, Bidwell Way from 120 feet west of 17<sup>th</sup> Street to 300 feet east of Freeport Boulevard, Weller Way and Perkins Way from Freeport Boulevard to Western Pacific RR, 6<sup>th</sup> Avenue from Freeport Boulevard to Western Pacific RR and Franklin Boulevard to 31<sup>st</sup> Street, 8<sup>th</sup> Avenue from 500 feet west of 23<sup>rd</sup> Street to 23<sup>rd</sup> Street and Franklin Boulevard to 31<sup>st</sup> Street, Marshall Way from 21<sup>st</sup> Street to 24<sup>th</sup> Street and 300 feet east of 26<sup>th</sup> Street to 31<sup>st</sup> Street, Portola Way from 21<sup>st</sup> Street Franklin Boulevard, Donner Way from Franklin Boulevard to 31<sup>st</sup> Street, Montgomery Way from Franklin Boulevard to 31<sup>st</sup> Street, 9<sup>th</sup> Avenue from Franklin Boulevard to 31<sup>st</sup> Street, 13<sup>th</sup> Avenue from Franklin Boulevard to 30<sup>th</sup> Street, Marty Way from 200 feet north of Larkin Way to Caramay Way, 16<sup>th</sup> Street and Harkness Street from Burnett Way to Caramay Way, 17<sup>th</sup> Street from 100 feet north of Burnett Way to 100 feet south of Caramay Way and 4<sup>th</sup> Avenue to 100 feet south of Bidwell Way, 18<sup>th</sup> Street from 100 feet north of Burnett Way to 100 feet south of Caramay way and Markham way to 4<sup>th</sup> Avenue, 19<sup>th</sup> Street from Markham Way to Bidwell Way, Freeport Boulevard from 100 feet north of Burnett Way to 120 feet south of 6<sup>th</sup> Avenue, 20<sup>th</sup> Street 100 feet north of Burnett Way to Larkin Way, 21<sup>st</sup>

Street from Burnett Way to 120 feet south of Portola Way, 22<sup>nd</sup> Street from Sloat Way to 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue to Portola Way, 23<sup>rd</sup> Street from 4<sup>th</sup> Avenue to Marshal way and 8<sup>th</sup> Avenue to 120 feet south of 8<sup>th</sup> Avenue, 24<sup>th</sup> Street from 100 feet north of 2<sup>nd</sup> Avenue to 80 feet north of Donner Way, 25<sup>th</sup> Street from 100 feet north of 2<sup>nd</sup> Avenue to Castro Way and 100 feet north of Portola Way to 80 feet north of Donner Way, 26<sup>th</sup> Street from 100 feet north of 2<sup>nd</sup> Avenue to 80 feet north of Castro Way and 100 feet north of Portola Way to 100 feet south of 5<sup>th</sup> Avenue, 27<sup>th</sup> Street from 2<sup>nd</sup> Avenue to 100 feet south of 2<sup>nd</sup> Avenue and Portola Way to 120 feet south of 5<sup>th</sup> Avenue, Franklin Boulevard from 2<sup>nd</sup> Avenue to 9<sup>th</sup> Avenue, 30<sup>th</sup> Street from 120 feet north of 3<sup>rd</sup> Avenue to 4<sup>th</sup> Avenue and 50 feet south of 14<sup>th</sup> Avenue to 260 feet south of 13<sup>th</sup> Avenue and 31<sup>st</sup> Street from 4<sup>th</sup> Avenue to Marshall way and Donner Way to Montgomery Way and 6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue to 120 feet north of 10<sup>th</sup> Avenue.