

RESOLUTION NO. 2008-014

Adopted by the Sacramento City Council

January 8, 2008

ABANDONING PROCEEDINGS IN LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04 AND AUTHORIZING AND DIRECTING RELATED ACTIONS

BACKGROUND

- A. The City Council has taken a series of actions preliminary to considering the levy of assessments to finance the acquisition and/or construction of certain public improvements in the Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California (the "Assessment District").
- B. At the direction of the City Council, the Development Engineering Manager of the City's Development Services Department (the "Development Engineering Manager") as Engineer of Work for improvement proceedings in the Assessment District, filed with the City Clerk the report prescribed in Section 10204 of the California Streets and Highways Code (the "Engineer's Report").
- C. By its Resolution No. 2007-829 adopted on November 13, 2007, the City Council preliminarily approved the Engineer's Report, scheduled the public hearing as required by law for January 3, 2008, and provided for notice of the hearing to be mailed to the owners of property within the Assessment District, along with protest ballots.
- D. The Public Hearing was conducted as scheduled on January 3, 2008, and 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 by the owners of property located within the Assessment District, and has reported the results of the count by her written Certificate, to the City Council.

F. The City Council is fully advised as to 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 accepts the City Clerk's Certificate Re: Assessment Ballot Tally 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 Assessment District 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 January 8, 2008.
- (b) The date of adoption of the resolution of intention was November 13, 2007.
- (c) The boundary map for the Assessment District was filed for record in the office of the County Recorder of Sacramento County on November 21, 2007, in Book 109 of Maps of Assessment and Community Facilities Districts, at page 2.

Section 4. This resolution takes effect when adopted.

Adopted by the City of Sacramento City Council on January 8, 2008 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo (Recused).



Steve Cohn, Vice Mayor

Attest:


Shirley Concolino
Shirley Concolino, City Clerk