



**Supplemental Material
Received at the Meetings of
City Council
Redevelopment Agency
Housing Authority
Financing Authority**

For

January 3, 2008

Item #9: Land-Curtis Park Street Lighting Assessment District No. 2007-04

- a. Protest letter submitted to the City Council from Attorney Dan Colson.

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City Clerk
City of Sacramento
Sacramento City Hall
915 I Street
Sacramento, CA 95814

January 3, 2008

RE: **Protest** – Land-Curtis Park Street Lighting Assessment
District No. 2007-04

City Clerk,

My residence (Parcel No. 013 0123 016 0000) is located in the proposed Land-Curtis Park Street Lighting Assessment District and I protest approval of the above referenced District because:

1. The City has an obligation to provide safe and secure streets to its residents from the taxes it collects. Only a "sub-class" of Land Park and Curtis Park residents are to be required to again pay for safety and security. This is an inappropriate "double collection" from only these resident's while other city residents, including many other Land Park and Curtis Park residents, receive these benefits through the regular tax structure. In Curtis Park, the residents from Donner Way on the north edge of the park to Sutterville Road on the south edge of the park enjoy the same type of street lights as proposed for the District without an assessment separate from the tax revenue the City already collects. It is somewhat ironic, and certainly unfair, that the most affluent portion of Curtis Park has street lights without additional payments while the more modest dwellings north of the park are to be assessed about **\$32 each and every month for 30 years!**

2. The share of cost of the "Catholic Cemetery," which is to be paid with non-district funds, is grossly understated. First, it receives no community ambience benefit factor. While it is true that the permanent residents of the cemetery are unlikely to notice the improved ambience, visitors to the cemetery and the owner (Church? City?) will benefit from the improved ambience. Secondly, the cemetery's safety and security factor is assessed at only one-half the rate for other parcels. Apparently unfounded assumptions were made concerning the relative need of different types of parcels. Vandalism is common at unoccupied and unlit cemeteries. Homes, on the other hand, are occupied and have porch

and yard lights to increase their safety and security. Artificially assigning to the cemetery with a combined benefit factor of only one-fourth of that assigned to other parcels shifts the cemetery's fair share of cost to other parcel owners. It is also unclear from the documents provided with the ballots how the cemetery's land mass was factored into the equation. Since about 2000 parcels are being assessed about \$5,000 each to pay the \$10,000,000 projected cost, it appears that the cemetery's huge acreage has not been appropriately figured into the equation. The plan's attempt to shift the cemetery's fair share of costs to the homeowners and businesses in the District is not only unfair but illegal.

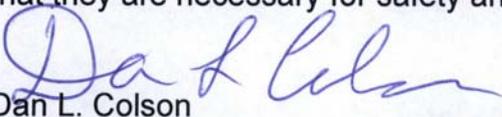
3. The assessment procedure violates the spirit if not the letter of Article XIII of the Constitution of the State of California ("Proposition 13") because parcels are to be assessed a minimum of \$4,939.92 regardless of their assessed value on the County tax rolls. It stands to reason that parcels with higher values will benefit more from "safety and security" because of the greater value being secured. Additionally, many seniors citizens who have remained in their homes for many years while their retirement incomes have remained fixed can ill-afford a \$5,000 assessment. These people would be less impacted if the tax assessment was the basis for the District assessment.

4. The voting procedure violates due process because it does not provide equal representation to those to be taxed ("assessed") in that an artificial "benefit unit" calculation was introduced to provide different weightings to the votes per parcel.

5. The \$10,000,000 projected cost to provide street lighting for only 2,000 parcels seems grossly inflated. Further study is needed to verify that this includes only reasonable and necessary costs and to explore avenues of providing the services for a more reasonable amount.

As should be clear from the above, I believe the City should fund the street lights so that all of the residents of Curtis Park and Land Park receive the same level of safety and security now provided to most residents in those neighborhoods without additional charge. It is noted that the City also provides these services without additional charge to other downtown areas, most notably the very affluent "East Sacramento."

Even in light of the above concerns, I do desire that street lights be installed. However, the current plan is ill-conceived and too expensive. Hopefully, another way to fund the streets lights can be found and, since the City has acknowledged that they are necessary for safety and security, it should be made a high priority.



Dan L. Colson

Attorney at Law and Resident of Curtis Park