

RESOLUTION NO. 2008-415

Adopted by the Sacramento City Council

June 17, 2008

INTENTION TO ESTABLISH THE 12TH STREET MAINTENANCE DISTRICT NO. 2008-02; TO ORDER THE PROVISION OF MAINTENANCE SERVICES WITHIN THE ESTABLISHED DISTRICT; AND TO LEVY AN ASSESSMENT WITHIN THE DISTRICT TO PAY FOR THE MAINTENANCE SERVICES; AND TO DISSOLVE THE EXISTING MAINTENANCE DISTRICT NO. 90-03

BACKGROUND

- A. The 12th Street Maintenance District No. 2008-02 is proposed to replace the existing 12th Street Maintenance District No. 90-03, which provides funding for services that are over and above normal services offered by the City.
- B. Property owners within the boundaries of the District, shown on Exhibit B-1 to this Resolution, are proposed to be charged a service fee to cover the cost of delivering maintenance services that are greater than normal city services.
- C. By Resolution No. 2008-413, the City Council (1) initiated proceedings to establish the territory described in Exhibit A the proposed maintenance benefit area, designated as the 12th Street Maintenance District No. 2008-02; (2) designated the Supervising Engineer of the Department of Transportation to be the Engineer for purposes of (a) establishing the territory described in Exhibit A the proposed maintenance benefit area; and (b) fixing a service fee to be charged against each owner of the property lying in the proposed maintenance benefit area to finance the maintenance services generally described in Exhibit B; (3) directed the Engineer to prepare and file with the City Clerk a map of the territory to be established 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.
- D. As directed, the Engineer has prepared and filed with the City Clerk (1) a map entitled "Boundary Map 12th Street Maintenance District No. 2008-02" which shows the proposed boundaries of the territory to be established (the Boundary Map); and (2) an Engineer's Report prepared in accordance with section 4 in article XIID of the California Constitution (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. 2008-414.

- E. The City Council finds and determines that providing the maintenance services within the boundaries of the territory, as shown on the Boundary Map filed with the City Clerk, is necessary, convenient, and desirable.
- F. The 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 and determines that the background statements A through F are true and correct.
- Section 2. The City Council declares (a) that it intends to establish the territory described in Exhibit A in accordance with Chapter 3.128; (b) that the boundaries of the territory are described in section 3 below; (c) that the maintenance services to be provided are generally described in Exhibit B; (d) that all real property within the territory will be specially benefited by the maintenance services unless the City Council finds and determines otherwise at the public hearing; (e) that the City Council intends to pay for the maintenance services by levying annual service fees, in accordance with Chapters 3.44 and 3.128 of the Sacramento City Code and article XIID of the California Constitution, on all assessable lots and parcels within the established territory that are specially benefited by the maintenance services; and (f) the City Council intends to dissolve the existing maintenance district No. 90-03, if the new maintenance district No. 2008-02 is approved by the property owners.
- Section 3. 12th Street Maintenance District No. 2008-02 includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2008-414; (b) is entitled "Boundary Map 12th Street Maintenance District No. 2008-02" and (c) is on file in the City Clerk's office. This map will govern for all details as to the extent of 12th Street Maintenance District No. 2008-02.
- Section 4. The Engineer's Report on file in the City Clerk's office contains (a) a full and detailed description of the maintenance services, including estimated costs; (b) the diagram for 12th Street Maintenance District No. 2008-02; and (c) the proposed service fees upon assessable lots and parcels within the territory to be established.
- Section 5. The annual service fee described in the Engineer's Report may be increased for inflation. The amount of the increase 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 service fee on assessable lots and parcels within 12th Street Maintenance District No.

2008-02 and dissolution of existing maintenance district No. 09-03 will take place at:

2:00 p.m. on Tuesday, August 7, 2008, at the City Council's regular meeting place, the Council Chambers in the New 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 Chapter 3.44 of the Sacramento City Code to all owners of real property located within the territory to be established. 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 established. 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 service fee will not be imposed if the ballots submitted in opposition to the service fee exceed the ballots submitted in favor of it.
- Section 9. The Public Improvement Finance Manager or his designee is hereby designated to answer inquiries regarding the protest proceedings.
- Section 10. Exhibits A, B, B-1, and C are part of this resolution.

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Exhibit A: Boundary Description – 1 Page

Exhibit B: Maintenance Description – 1 Page

Exhibit B-1: Map of District – 1 Page

Exhibit C: Forms, Hearing Notice and Assessment Ballot – 7 Pages

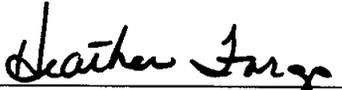
Adopted by the City of Sacramento City Council on June 17, 2008 by the following vote:

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

**12th Street Maintenance Benefit District No. 2008-02
Boundary Description**

All that portion of the City of Sacramento as shown on the official map or plat thereof described as follows:

Beginning at the center of the intersection of C Street and 12th Street then east along the center of C Street to a point north of the northeast corner of the parcel located at the southeast corner of C Street and 12th Street, then south along the east property line of all parcels with frontage on 12th Street or adjacent to the parcels with frontage on 12th Street between C Street and E Street, to the center of I Street, then west along the center of I Street to a point south of the southwest corner of the parcel located at the northwest corner of I Street and 12th Street, then north along the west property line of all parcels with frontage on 12th Street to the center of C Street, then east to the beginning.

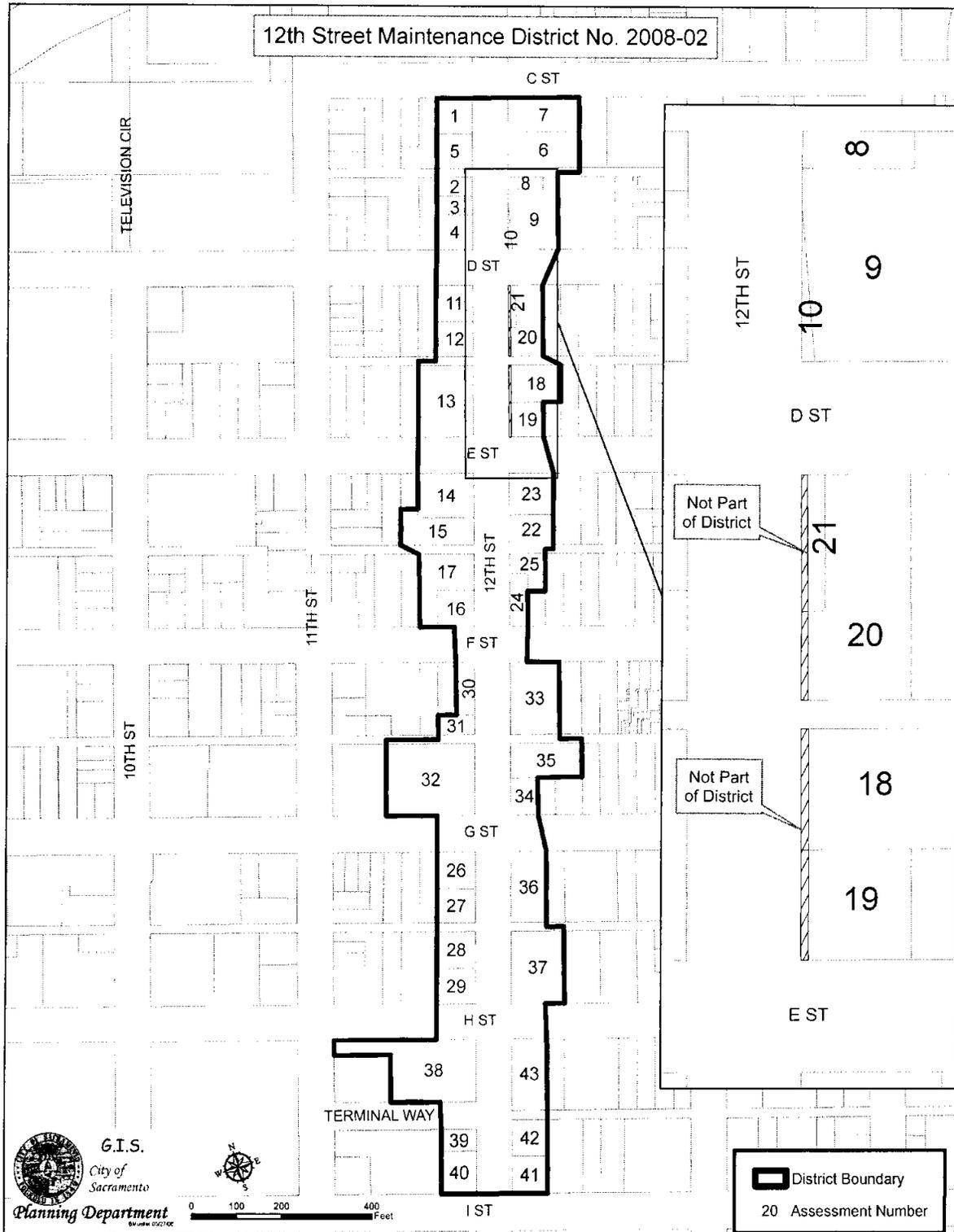
Resolution of Intention
EXHIBIT B

12th Street Maintenance Benefit District No. 2008-02
Maintenance Description

The Services to be provided within the 12th Street Maintenance District No. 2008-02 are described as follows:

- Weekly (one time per week) clean-up of the sidewalks and gutters, litter pick-up and weed control in the landscaped areas.
- Shrub & tree pruning (for trees less than 15 feet high) performed up to 4 times per year.
- Leaf collection and removal during the fall/winter seasons.

Resolution of Intention
EXHIBIT B-1



Resolution of Intention

EXHIBIT C

12TH STREET MAINTENANCE DISTRICT NO. 2008-02

Notice to Owners of Property within the 12th Street Maintenance District Area of a Public Hearing on a Proposed Service Fee to pay for Maintenance Services along the 12th Street Corridor. Summary of Procedures for Completing, Returning, and Tabulating Ballots for and against the Assessment.

BACKGROUND

On June 17, 2008, the City Council of the City of Sacramento adopted Resolution No. 2008-____ (the Resolution of Intention) declaring its intention, under the Sacramento City Code Chapter 3.128, to establish the 12th Street Maintenance District No. 2008-02 ("the District") and, if the new district is approved, to dissolve the existing maintenance district No. 90-03. The general location and boundaries of the territory to be established are shown in Attachment A-1 to this notice. Among other things, the Resolution of Intention:

- designated the territory proposed for formation as "12th Street Maintenance District No. 2008-02";
- declared the City Council's intention to order that the maintenance services described in Attachment A to this notice be provided; and
- referred to the Engineer's Report prepared by the Supervising Engineer of the Department of Transportation and filed with the City Clerk for detailed information on a proposed annual service fee on property within the District to pay for the maintenance services (the Supervising Engineer of the Department of Transportation was designated as the Engineer for purposes of establishing 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 August 7, 2008, the City Council will hold a Public Hearing on the proposed service fee at the City Council's regular meeting place: City Council Chambers, New City Hall, 1st Floor, 915 I Street, Sacramento, California.

At the Public Hearing, the City Council will hear all protests against the proposed service fee from record owners of property within the territory to be established. The City Council will also accept testimony from all interested persons, whether or not they own property within the territory to be established.

THE SERVICE FEE

The proposed service fee will be charged annually to the District so long as the maintenance services as described in Attachment A will be provided to serve the district area. The total amount of the proposed assessment to be charged to the District during Fiscal Year 2008/09 will be **\$12,625**.

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 2008/09.

In subsequent years, the assessment amounts shown above may be **adjusted for inflation**. 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 District may use this ballot to express support for or opposition to the proposed service fee. 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 2008/09), 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

For further particulars, you may refer to the Resolution of Intention and the Engineer's Report, both of which are on file with the City Clerk. Inquiries about the assessment proceedings will be answered by the Public Improvement Finance Manager or his/her designee at 915 I Street, Sacramento, California 98514, telephone (916) 808-1440.

Dated: _____, 2008

City Clerk of the City of Sacramento

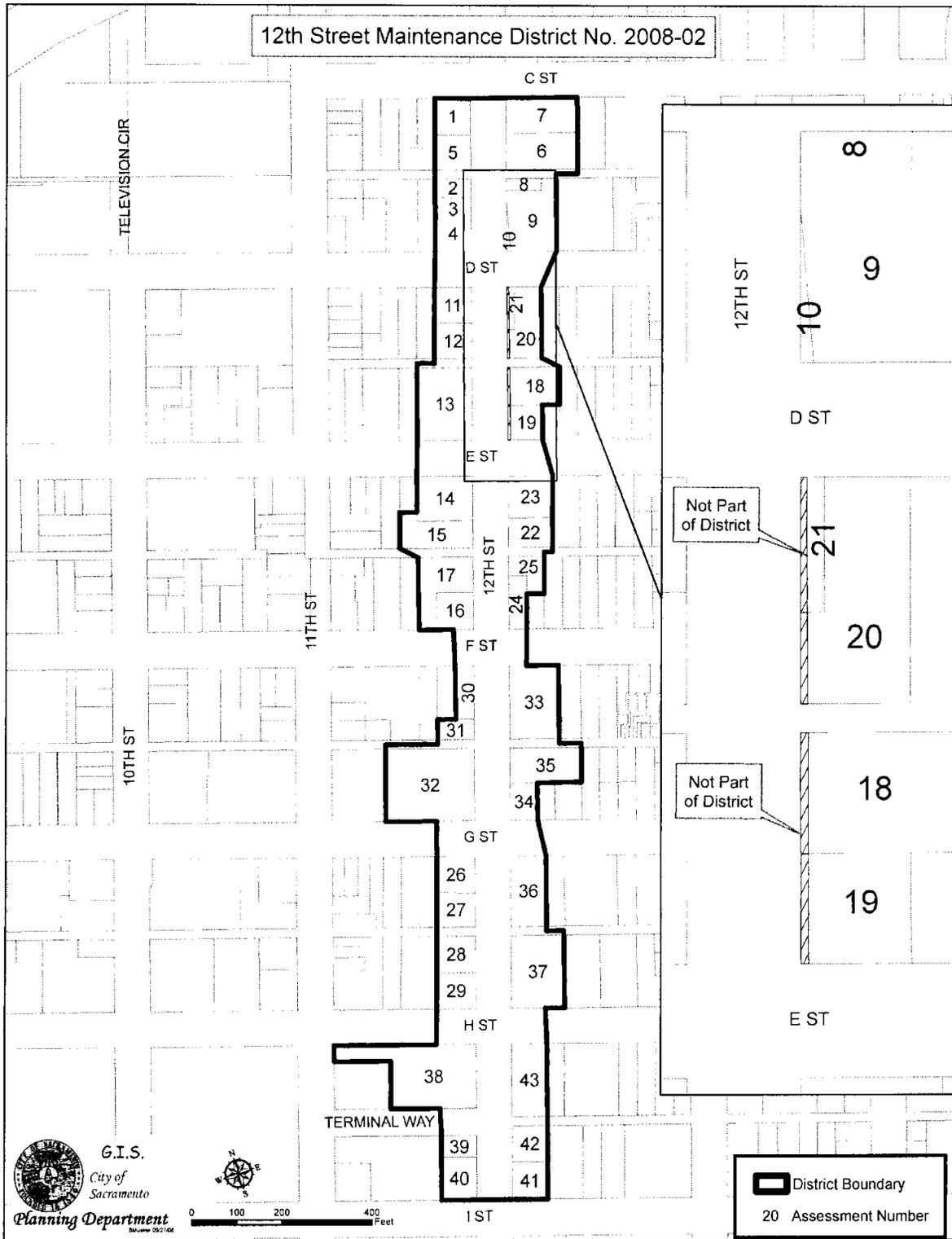
Resolution of Intention – Exhibit C
ATTACHMENT A

**12th Street Maintenance Benefit District No. 2008-02
Maintenance Description**

The Services to be provided within the 12th Street Maintenance District No. 2008-02 are described as follows:

- Weekly (one time per week) clean-up of the sidewalks and gutters, litter pick-up and weed control in the landscaped areas.
- Shrub & tree pruning (for trees less than 15 feet high) performed up to 4 times per year.
- Leaf collection and removal during the fall/winter seasons.

Resolution of Intention – Exhibit C
ATTACHMENT A-1



Resolution of Intention – Exhibit C
ATTACHMENT B

ASSESSOR'S PARCEL NUMBER: _____

AMOUNT OF SERVICE FEE: \$ _____

Resolution of Intention – Exhibit C

ATTACHMENT C

METHOD OF SPREADING ASSESSMENTS

Annual service fee amount for each parcel within the 12th Street Maintenance District No. 2008-02 is determined by each parcel's linear footage facing 12th Street multiplied by the annual service fee rate. The following parcels are excluded from this district: Assessor's Parcel Numbers: 002-0121-033, 035, 037 & 039. These parcels do not have landscaping and there is no sidewalk cleaning on these parcels. They are part of the Regional Transit Light Rail network and receive no benefit from the services provided by the 12th St. Maintenance District No. 2008-02.

The annual service fee rate may be increased for inflation. The amount of the increase 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.

SERVICE FEE RATE

<u>Neighborhood</u>	Service Fee Per Lineal Foot for FY2008/09
12 th Street Maintenance District No. 2008-02	\$3.32

Resolution of Intention – Exhibit C

ASSESSMENT BALLOT

This ballot is for the use of the property owner of the parcel identified below by assessment parcel number. The parcel is located within the proposed 12th Street Maintenance District No. 2008-02. Please advise the City Clerk as soon as possible at (916) 808-7200 if the name set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed service fee in the 12th Street Maintenance District No. 2008-02. The service fee is described in an Engineer's Report dated June 17, 2008, which is on file with the City Clerk and available for inspection at her office. To be counted, this ballot must be signed below by an owner of the identified parcel or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be returned to the City Clerk at the Sacramento Historic City Hall, City of Sacramento, 915 I Street, Sacramento, California 95814, either by mail or in person.

Delivery by Mail: Seal the ballot in the envelope provided, affix first-class postage, and place in the mail by Thursday, July 31, 2008. Mailing later than this time creates a risk that the ballot may not be received in time to be counted.

Personal Delivery: Deliver to the City Clerk before 1:00 p.m. on August 7, 2008, at the City Clerk's office, Sacramento Historic City Hall, City of Sacramento, 915 I Street, Sacramento, California. Or deliver to the City Clerk at the public hearing beginning at 2:00 p.m. on August 7, 2008, at the City Council Chambers, Sacramento City Hall, 1st Floor, 915 I Street, Sacramento, California.

THIS BALLOT MUST BE RECEIVED BY THE CITY CLERK BEFORE THE CLOSE OF THE PUBLIC HEARING TO BE COUNTED.

TO CAST THIS BALLOT, RETURN EITHER THIS ENTIRE PAGE
OR THE PORTION BELOW THIS LINE

BALLOT

AN "X" OR OTHER MARK WILL CAST YOUR VOTE IN THE SPACE PROVIDED

Assessment Number: _____

Assessor Parcel Number(s): _____

Owner Name(s): _____

Votes Cast (Assessment Amount): \$ _____

_____ Yes, I approve of the proposed assessment amount on the parcel identified in this ballot and dissolution of the existing maintenance district.

_____ No, I do not approve of the proposed assessment on this parcel.

Owner Signature _____ Date: _____, 2008

