

RESOLUTION NO. 2008-552

Adopted by the Sacramento City Council

August 7, 2008

ORDERING DISSOLUTION OF 12TH STREET MAINTENANCE DISTRICT NO. 90-03; ADOPTING THE ENGINEER'S REPORT AND ORDERING FORMATION OF THE 12TH STREET MAINTENANCE DISTRICT NO. 2008-02; CONFIRMING AND LEVYING AN ASSESSMENT, ORDERING MAINTENANCE SERVICES TO BE PERFORMED IN THE DISTRICT, AND DIRECTING THAT A NOTICE OF ASSESSMENT BE RECORDED

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, to be 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. By Resolution No. 2008-415, 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 as shown on the Boundary Map entitled

"Boundary Map 12th Street Maintenance District No. 2008-02" which was approved by Resolution No. 2008-414 and is on file in the City Clerk's office; (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.

- F. By Resolution No. 2008-415, the City Council also (1) set August 7, 2008, as the date for a public hearing on the proposed service fee; (2) directed the City Clerk to give notice of the hearing in accordance with Chapter 3.44 of the Sacramento City Code, with the notices to include assessment ballots as required by article XIID of the California Constitution; and (3) found that all assessable lots and parcels within the established territory will be specially benefited by the maintenance services unless the City Council finds and determines otherwise at the public hearing.
- G. The City Clerk has filed with the City Council an affidavit confirming her compliance with the legal requirements for mailing the notices and ballots. Relying on this affidavit, the City Council finds that a notice of public hearing and an assessment ballot were mailed to each record owner of an identified parcel within the territory to be established, as ordered by Resolution No. 2008-415 and as required by law.
- H. On August 7, 2008, at the time and place set forth in the notice of hearing mailed to all owners of real property located within the territory to be established, the City Council held a public hearing on the proposed service fee. During the hearing, the City Council (1) heard all protests against the proposed service fee from record owners of real property within the territory to be established; and (2) accepted testimony from all interested persons, whether or not they own real property within the territory to be established. Immediately after the hearing concluded, the City Clerk tabulated the assessment ballots submitted and not withdrawn (weighting the ballots according to the amount of the service fee on each parcel) and determined that the total dollar amount of all ballots cast in favor of the service fee exceeded the total dollar amount of all ballots cast in opposition to it.

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 H are true and correct.
- Section 2. No majority protest having been made through the assessment-ballot procedure, the City Council—
 - (a) overrules all protests to the proposed assessment and these proceedings;

- (b) orders the dissolution of 12st Street Maintenance District No. 90-03 effective on the date of this resolution;
- (c) approves the Engineer's Report on the proposal to levy an annual service fee on land within the territory to be established, which is on file with the City Clerk and was preliminarily approved by Resolution No. 2008-414;
- (d) establishes a budget, as set forth in the Engineer's Report;
- (e) orders the formation of the district of the territory generally described in Exhibit A, with exterior boundaries as shown on the assessment diagram set forth in the Engineer's Report and the boundary map approved by Resolution No. 2008-414;
- (f) orders that the maintenance services described in the Engineer's Report be provided within the established territory;
- (g) finds and determines that each parcel within the established territory, as shown on the assessment diagram set forth in the Engineer's Report, has been assessed in proportion to the benefits the parcel will receive from the maintenance services, all as described in the Engineer's Report;
- (h) confirms the assessment diagram and the assessment roll set forth in the Engineer's Report; and
- (i) levies the assessment set forth in the Engineer's Report.

Section 3. In accordance with section 3114 of the Streets and Highways Code, the City Clerk is directed to transmit the assessment diagram and the assessment roll to the Engineer, the City's Supervising Engineer of the Department of Transportation. The Engineer is directed to record the assessment diagram and assessment roll in his or her office.

Section 4. In accordance with section 3114 of the Streets and Highways Code, the City Clerk is further directed to file a copy of the assessment diagram in the office of the Sacramento County Recorder and to execute and record a notice of assessment in the office of the Sacramento County Recorder. Upon the recording of the diagram and notice, the assessment will become a lien upon the parcels assessed.

Section 5. Exhibits A, B, and B-1 are part of this resolution.

Table of Contents:

Exhibit A: Boundary Description - 1 Page
 Exhibit B: Maintenance Description - 1 Page
 Exhibit B-1: Map of District - 1 Page

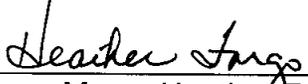
Adopted by the City of Sacramento City Council on August 7, 2008 by the following vote:

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

Noes: None.

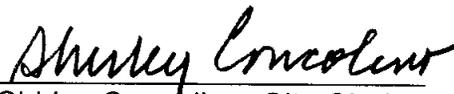
Abstain: None.

Absent: Councilmember McCarty.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

EXHIBIT A

12th Street Maintenance 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.

EXHIBIT B

12th Street Maintenance 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.

EXHIBIT B-1

