

RESOLUTION NO. 2011-419

Adopted by the Sacramento City Council

July 19, 2011

RESOLUTION DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING THE VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 2011-01 AND ADOPTING THE ENGINEER'S REPORT BACKGROUND

- A. Property owners within the boundaries of the Village Garden North units one through five and the Norwood subdivision have submitted petitions requesting the City Council (Council) form the Village Garden Landscape Maintenance District No. 2011-01 (District).
- B. Property owners within the boundaries of the proposed District, shown on Exhibit B to this Resolution, are proposed to be levied an assessment to cover the true cost of delivering landscape maintenance services in the District.
- C. By Resolution No. 2011-294, the City Council: (1) initiated proceedings to establish the territory depicted in Exhibit B, to be designated as the Village Garden Landscape Maintenance District No. 2011-01; (2) designated the Supervising Engineer of the Department of Transportation to be the Engineer for purposes of (a) establishing the territory depicted in Exhibit B; and (b) determining the assessment to be levied against each owner of property lying in the proposed maintenance district to finance the maintenance services generally described in Exhibit A; (3) directed the Engineer to prepare and file with the Public Improvement Financing unit (PIF unit) of the Department of Finance, designated by the City Clerk to be the repository of documents associated with special districts, a map of the territory to be established and (4) directed the Engineer to prepare and file with the PIF unit, 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 PIF unit: (1) a map entitled "Boundary Map Village Garden Landscape Maintenance District No. 2011-01" which shows the proposed boundaries of the territory to be established (Boundary Map); and (2) an Engineer's Report prepared in accordance with Section 4 in Article XIID of the California Constitution (Engineer's Report). The Boundary Map and the Engineer's Report were presented 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. 2011-295.
- E. By Resolution No. 2011-296, the City Council declares (a) that it intends to establish the territory depicted in Exhibit B in accordance with the Landscaping and Lighting Act

of 1972; (b) that the boundaries of the territory are as shown on the Boundary Map which was approved by Resolution No. 2011-295 and is on file with the PIF unit; (c) that the maintenance services to be provided are generally described in Exhibit A; (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; and (e) that the City Council intends to pay for the maintenance services by levying an annual assessment, in accordance with the California Streets and Highways Code – beginning with Section 22585 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.

- F. By Resolution No. 2011-296, the City Council also: (1) set July 12, 2011, as the date for a public hearing on the proposed assessment; (2) directed the City Clerk to give notice of the hearing in accordance with Section 22556 of the California Streets and Highways 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. 2011-296 and as required by law.
- H. At 6:00 p.m. on July 12, 2011, in the City Council's chambers, Sacramento City Hall, 915 "I" Street (first floor), Sacramento, California, the City Council held a public hearing regarding the establishment of the District and the levy of the assessment. During the public hearing, the City Council heard and received all objections and protests to the renewal of the District and the proposed assessment. The City Clerk has received, been given custody of, and tabulated the assessment ballots returned and not withdrawn by the owners of property located within the District. The City Clerk has reported the results of the tabulation by her written Certificate to the City Council. The Clerk's Certificate of Ballot Procedure Results for the Mailed-Ballot, Property Owner Majority Protest Proceeding indicates that, of the assessment ballots signed and returned to the City Clerk, and not withdrawn, prior to the close of the public hearing on July 12, 2011, and weighting the ballots for each property according to the proportional financial obligation of each property, 87.10 percent of the assessment ballots were in favor of the levy of the assessments as proposed, and 12.90 percent were opposed. The number of assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the number of ballots submitted and not withdrawn in favor of the proposed assessment, with ballots weighted according to the amount of the assessment to be imposed upon the parcel

for which each ballot was submitted. Therefore, a majority protest against the proposed assessment does not exist.

- I. All actions and proceedings described in paragraphs A through H were undertaken and completed in accordance with law.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. That the statements in paragraphs A through I of the background are true and adopts them as findings.
- 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) Approves the Engineer's Report (Exhibit A) on the proposal to levy an annual assessment on land within the District to be established, attached hereto as Exhibit A and by this reference made a part of this resolution, preliminarily approved by Resolution No. 2011-295;
 - (c) Establishes the District for the territory generally depicted in Exhibit B, attached hereto and by this reference made a part of this resolution, as shown in the Engineer's Report (Exhibit A) preliminarily approved by Resolution No. 2011-295;
 - (d) Confirms the assessment diagram and assessment roll and, upon establishment of the District annual budget, levies the assessment on real property within the District as described in the Engineer's Report. In accordance with Streets and Highways Code Section 22646, the assessment to fund the maintenance services in the District will be collected at the same time and in the same manner as are ad valorem property taxes and will have the same lien priority and penalties for delinquent payment.
- Section 3. Properties within the District will be subject to any amendments to the Landscaping and Lighting Act of 1972.
- Section 4. Bonds will not be issued.
- Section 5. The Interim City Manager (or designee) is directed to take all necessary actions to complete the establishment of the District and to levy the assessment. The City Clerk is directed to record, in the Sacramento County Recorder's office, a notice and assessment diagram as required by Streets and Highways Code

Section 22641. The City Clerk is further directed to certify the passage and adoption of this resolution and to enter it in the book of original resolutions.

Table of Contents:

Exhibit A: Engineer's Report

Exhibit B: District Boundary Map

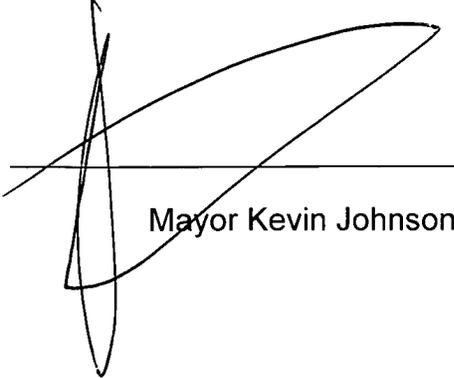
Adopted by the City of Sacramento City Council on July 19, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

EXHIBIT A
Engineer's Report

**ENGINEER'S ANNUAL REPORT
AND THE LEVY OF THE ANNUAL ASSESSEMENT**

**CITY OF SACRAMENTO
VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT**

FY2011/12



**As Accepted By
The City of Sacramento
Sacramento County
California**

July 2011

TABLE OF CONTENTS

- I. INTRODUCTION.....3**
 - A. Enabling Legislation3
 - B. Engineer's Report.....3
- II. ASSESSMENT DIAGRAM4**
 - A. Assessment Boundaries.....5
- III. DESCRIPTION OF IMPROVEMENTS.....6**
 - A. Schematic of Improvements.....7
- IV. ESTIMATE OF COST8**
- V. METHOD OF SPREADING ASSESSMENTS9**
- VI. ASSESSMENT ROLL.....10**

I. INTRODUCTION

A. Enabling Legislation:

The Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 and following) allows a municipality or other local public agency to establish a special assessment district to raise funds for installing, maintaining, and servicing public lighting, landscaping, and park facilities. The revenue to pay for these improvements comes from special assessments on the land benefiting from the improvements. The local legislative body sets the assessment each year after receiving and reviewing an Engineer's Report and holding a public hearing. The assessments are collected as a separately stated item on the County property tax bill.

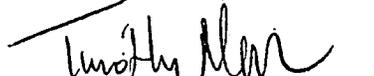
A certified copy of the Engineer's Report and a magnetic tape containing the assessment roll are then submitted to the Sacramento County Auditor for billing and collection of the approved assessments.

B. Engineer's Report

It is the task of the City of Sacramento staff, through this Engineer's Report, to recommend to the City Council of Sacramento a fair assessment for each parcel in the District. This recommendation is arrived at by spreading the District Budget in accordance with the methodology established with the District formation in 2011.

This report describes the work performed and methods adopted in recommending fair assessments.

Respectfully submitted,



Timothy Mar, P.E.
Engineer of Work

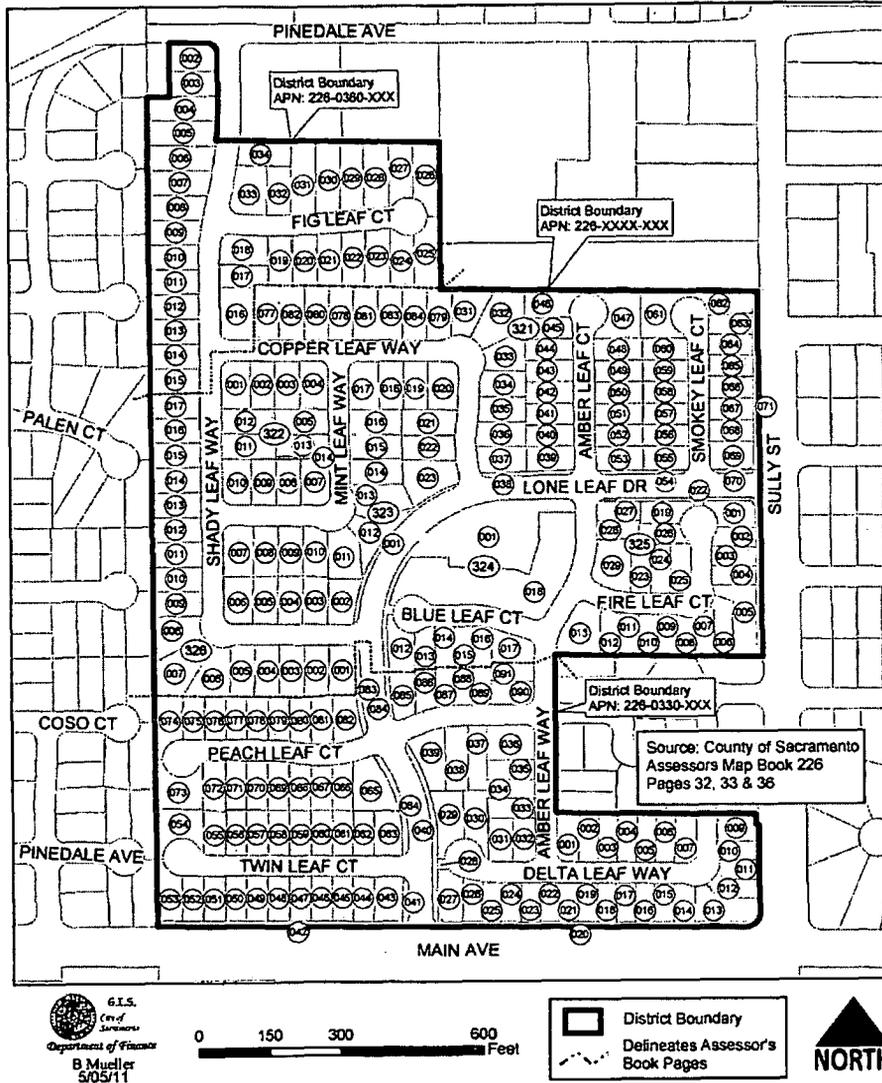
II. ASSESSMENT DIAGRAM

The assessment district boundary coincides with the boundaries of Village Garden North Subdivision Units one through five and the Norwood Subdivision. The subdivision maps were recorded and are on file with the Sacramento County Recorder's Office.

The Sacramento County Assessor's maps are incorporated by reference into the attached Assessment Diagram. The lines and dimensions of lots or parcels for the diagram are those lines and dimensions shown on the assessor's maps, which are on file and open to public inspection at the Sacramento County Assessor's Office. The distinctive designation of each lot or parcel shall be its assessor's parcel number.

II. ASSESSMENT DIAGRAM

Village Garden Landscape District



III. DESCRIPTION OF IMPROVEMENTS

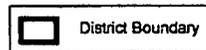
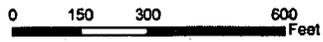
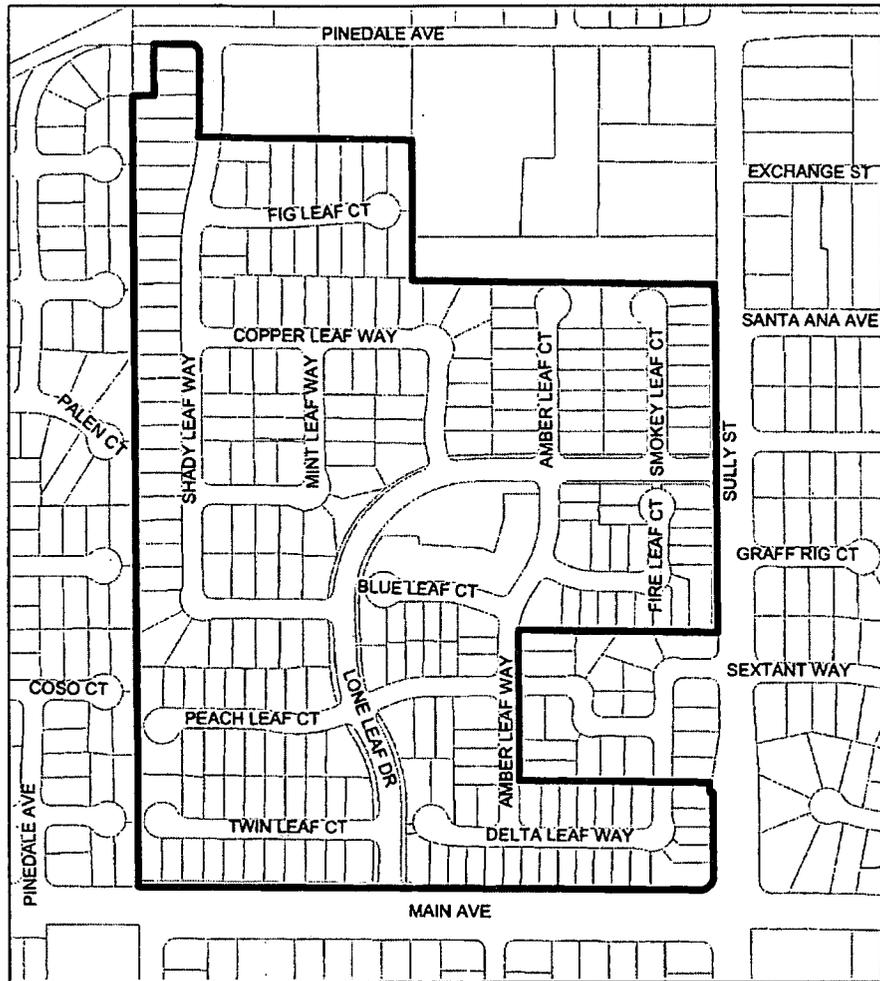
The maintenance, which is the subject of this report, is briefly described as follows:

Furnish all tools, equipment, apparatus, facilities, labor, material, supplies, and utilities necessary or desirable to maintain and service the landscape improvements as shown on Exhibit A, and more particularly described on plans and specifications approved by the City of Sacramento on file at the City of Sacramento, Department of Finance, 915 I Street, 3rd Floor, Sacramento, California 95814.

The improvements generally consist of masonry walls; landscaping and irrigation systems for the landscape areas within or adjacent to the residential subdivisions identified on attached schematic diagram. Maintenance of said improvements will include, but not be limited to, periodic mowing of grass, trimming of trees and shrubs, and fertilizing, together with the regular furnishing of water for irrigation of all plant material, and the repair, maintenance, and replacement of the irrigation system, planted materials, and amenities. Maintenance of masonry walls includes periodic repair as required.

III. DESCRIPTION OF IMPROVEMENTS

Village Garden Landscape
Maintenance District No. 2011-01



IV. COST ESTIMATE

**VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT
FY2011/12 BUDGET (FUND 2231)**

	FY2011/12
Maintenance Tasks	
One-time Cleanup Costs	\$ 1,200
Maintenance Contract	11,400
Inspections and Corrective Action	5,000
Utilities – <i>water costs for irrigation</i>	<u>7,705</u>
Total Maintenance Expenses	\$25,305
Special District Administration	\$ 3,750
Annual Billing & Accounting Administration	1,587
Contingency for Masonry Repair	<u>6,042</u>
Total Administrative Expenses and Contingency	\$11,379
Total District Budget	\$36,684
Fund Balance (Offset)	(0)
Total Assessment To Property Owners	\$36,684
Assessment per Lot	\$155.44*

Assessment per single-family residential parcel has been rounded down from \$155.4407 to \$155.44.

V. METHOD OF SPREADING ASSESSMENTS

Each benefited residential lot in the Village Garden Landscape Maintenance District No. 2011-01 (District) is determined to have equal benefit from the landscaping improvements and maintenance thereof. Therefore, each parcel is assessed in proportion to the total number of parcels in the District.

The annual assessment may be increased for inflation. The amount of the increase will be computed using the change in the February-over-February Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area (All Urban Consumers) or a substitute index of a similar nature should that index be discontinued.

Note: Going forward, if the change in the February-over-February CPI is negative in any given year, the proposed assessment in the subsequent tax year will remain the same as in the prior year.

VI. ASSESSMENT ROLL

An assessment roll showing the amount to be specifically assessed against each parcel of real property within this district. Each parcel is described by County Assessor's parcel number or other designation, and each parcel is also assigned a separate "assessment number" for the purposes of this report.

VI. ASSESSMENT ROLL

<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>	<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>
1	22603210310000	\$155.44	41	22603210800000	\$155.44
2	22603210320000	\$155.44	42	22603210810000	\$155.44
3	22603210330000	\$155.44	43	22603210820000	\$155.44
4	22603210340000	\$155.44	44	22603210830000	\$155.44
5	22603210350000	\$155.44	45	22603210840000	\$155.44
6	22603210360000	\$155.44	46	22603220010000	\$155.44
7	22603210370000	\$155.44	47	22603220020000	\$155.44
8	22603210390000	\$155.44	48	22603220030000	\$155.44
9	22603210400000	\$155.44	49	22603220040000	\$155.44
10	22603210410000	\$155.44	50	22603220050000	\$155.44
11	22603210420000	\$155.44	51	22603220070000	\$155.44
12	22603210430000	\$155.44	52	22603220080000	\$155.44
13	22603210440000	\$155.44	53	22603220090000	\$155.44
14	22603210450000	\$155.44	54	22603220100000	\$155.44
15	22603210460000	\$155.44	55	22603220110000	\$155.44
16	22603210470000	\$155.44	56	22603220120000	\$155.44
17	22603210480000	\$155.44	57	22603220130000	\$155.44
18	22603210490000	\$155.44	58	22603230020000	\$155.44
19	22603210500000	\$155.44	59	22603230030000	\$155.44
20	22603210510000	\$155.44	60	22603230040000	\$155.44
21	22603210520000	\$155.44	61	22603230050000	\$155.44
22	22603210530000	\$155.44	62	22603230060000	\$155.44
23	22603210550000	\$155.44	63	22603230070000	\$155.44
24	22603210560000	\$155.44	64	22603230080000	\$155.44
25	22603210570000	\$155.44	65	22603230090000	\$155.44
26	22603210580000	\$155.44	66	22603230100000	\$155.44
27	22603210590000	\$155.44	67	22603230110000	\$155.44
28	22603210600000	\$155.44	68	22603230130000	\$155.44
29	22603210610000	\$155.44	69	22603230140000	\$155.44
30	22603210620000	\$155.44	70	22603230150000	\$155.44
31	22603210630000	\$155.44	71	22603230160000	\$155.44
32	22603210640000	\$155.44	72	22603230170000	\$155.44
33	22603210650000	\$155.44	73	22603230180000	\$155.44
34	22603210660000	\$155.44	74	22603230190000	\$155.44
35	22603210670000	\$155.44	75	22603230200000	\$155.44
36	22603210680000	\$155.44	76	22603230210000	\$155.44
37	22603210690000	\$155.44	77	22603230220000	\$155.44
38	22603210770000	\$155.44	78	22603230230000	\$155.44
39	22603210780000	\$155.44	79	22603240120000	\$155.44
40	22603210790000	\$155.44	80	22603240130000	\$155.44

VI. ASSESSMENT ROLL

<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>	<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>
81	22603240140000	\$155.44	121	22603260160000	\$155.44
82	22603240150000	\$155.44	122	22603260170000	\$155.44
83	22603240160000	\$155.44	123	22603300010000	\$155.44
84	22603240170000	\$155.44	124	22603300020000	\$155.44
85	22603250010000	\$155.44	125	22603300030000	\$155.44
86	22603250020000	\$155.44	126	22603300040000	\$155.44
87	22603250030000	\$155.44	127	22603300050000	\$155.44
88	22603250040000	\$155.44	128	22603300060000	\$155.44
89	22603250050000	\$155.44	129	22603300070000	\$155.44
90	22603250060000	\$155.44	130	22603300090000	\$155.44
91	22603250070000	\$155.44	131	22603300100000	\$155.44
92	22603250080000	\$155.44	132	22603300110000	\$155.44
93	22603250090000	\$155.44	133	22603300120000	\$155.44
94	22603250100000	\$155.44	134	22603300130000	\$155.44
95	22603250110000	\$155.44	135	22603300140000	\$155.44
96	22603250120000	\$155.44	136	22603300150000	\$155.44
97	22603250130000	\$155.44	137	22603300160000	\$155.44
98	22603250190000	\$155.44	138	22603300170000	\$155.44
99	22603250230000	\$155.44	139	22603300180000	\$155.44
100	22603250240000	\$155.44	140	22603300190000	\$155.44
101	22603250250000	\$155.44	141	22603300210000	\$155.44
102	22603250260000	\$155.44	142	22603300220000	\$155.44
103	22603250270000	\$155.44	143	22603300230000	\$155.44
104	22603250280000	\$155.44	144	22603300240000	\$155.44
105	22603250290000	\$155.44	145	22603300250000	\$155.44
106	22603260010000	\$155.44	146	22603300260000	\$155.44
107	22603260020000	\$155.44	147	22603300270000	\$155.44
108	22603260030000	\$155.44	148	22603300290000	\$155.44
109	22603260040000	\$155.44	149	22603300300000	\$155.44
110	22603260050000	\$155.44	150	22603300310000	\$155.44
111	22603260060000	\$155.44	151	22603300320000	\$155.44
112	22603260070000	\$155.44	152	22603300330000	\$155.44
113	22603260080000	\$155.44	153	22603300340000	\$155.44
114	22603260090000	\$155.44	154	22603300350000	\$155.44
115	22603260100000	\$155.44	155	22603300360000	\$155.44
116	22603260110000	\$155.44	156	22603300370000	\$155.44
117	22603260120000	\$155.44	157	22603300380000	\$155.44
118	22603260130000	\$155.44	158	22603300390000	\$155.44
119	22603260140000	\$155.44	159	22603300430000	\$155.44
120	22603260150000	\$155.44	160	22603300440000	\$155.44

VI. ASSESSMENT ROLL

<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>	<u>Asmnt #</u>	<u>Assessor's Parcel No.</u>	<u>Assessment</u>
161	22603300450000	\$155.44	200	22603300880000	\$155.44
162	22603300460000	\$155.44	201	22603300890000	\$155.44
163	22603300470000	\$155.44	202	22603300900000	\$155.44
164	22603300480000	\$155.44	203	22603300910000	\$155.44
165	22603300490000	\$155.44	204	22603600020000	\$155.44
166	22603300500000	\$155.44	205	22603600030000	\$155.44
167	22603300510000	\$155.44	206	22603600040000	\$155.44
168	22603300520000	\$155.44	207	22603600050000	\$155.44
169	22603300540000	\$155.44	208	22603600060000	\$155.44
170	22603300550000	\$155.44	209	22603600070000	\$155.44
171	22603300560000	\$155.44	210	22603600080000	\$155.44
172	22603300570000	\$155.44	211	22603600090000	\$155.44
173	22603300580000	\$155.44	212	22603600100000	\$155.44
174	22603300590000	\$155.44	213	22603600110000	\$155.44
175	22603300600000	\$155.44	214	22603600120000	\$155.44
176	22603300610000	\$155.44	215	22603600130000	\$155.44
177	22603300620000	\$155.44	216	22603600140000	\$155.44
178	22603300630000	\$155.44	217	22603600150000	\$155.44
179	22603300650000	\$155.44	218	22603600160000	\$155.44
180	22603300660000	\$155.44	219	22603600170000	\$155.44
181	22603300670000	\$155.44	220	22603600180000	\$155.44
182	22603300680000	\$155.44	221	22603600190000	\$155.44
183	22603300690000	\$155.44	222	22603600200000	\$155.44
184	22603300700000	\$155.44	223	22603600210000	\$155.44
185	22603300710000	\$155.44	224	22603600220000	\$155.44
186	22603300720000	\$155.44	225	22603600230000	\$155.44
187	22603300730000	\$155.44	226	22603600240000	\$155.44
188	22603300740000	\$155.44	227	22603600250000	\$155.44
189	22603300750000	\$155.44	228	22603600260000	\$155.44
190	22603300760000	\$155.44	229	22603600270000	\$155.44
191	22603300770000	\$155.44	230	22603600280000	\$155.44
192	22603300780000	\$155.44	231	22603600290000	\$155.44
193	22603300790000	\$155.44	232	22603600300000	\$155.44
194	22603300800000	\$155.44	233	22603600310000	\$155.44
195	22603300810000	\$155.44	234	22603600320000	\$155.44
196	22603300820000	\$155.44	235	22603600330000	\$155.44
197	22603300850000	\$155.44	236	22603600340000	\$155.44
198	22603300860000	\$155.44			
199	22603300870000	\$155.44			
				Total Assessment	\$36,684

