

RESOLUTION NO. 2007-361

Adopted by the Sacramento City Council

June 5, 2007

ADOPTING THE ENGINEER'S REPORT; ORDERING THE ANNEXATION OF TERRITORY; ORDERING THE PROVISION OF IMPROVEMENTS, MAINTENANCE, AND SERVICE WITHIN THE ANNEXED TERRITORY; CONFIRMING AND LEVYING AN ASSESSMENT TO PAY FOR THE IMPROVEMENTS, MAINTENANCE, AND SERVICE; AND DIRECTING THAT A NOTICE OF ASSESSMENT BE RECORDED (ANNEXATION 3 TO THE NEIGHBORHOOD WATER QUALITY DISTRICT)

BACKGROUND

- A. The City Council has previously formed the Neighborhood Water Quality District No. 2003-03 (formerly named the Meadowview Estates Maintenance District No. 2003-03) under chapter 3.124 of the Sacramento City Code.
- B. Centex Homes, a Nevada General Partnership (Landowner), is the owner of all land within the Sheldon 20 Subdivision. One of the conditions of approval for this subdivision requires Landowner to annex it to the Neighborhood Water Quality District No. 2003-03. To fulfill this condition, Landowner has presented a petition to the city requesting that the city commence proceedings for annexing to the district, in accordance with chapter 3.124 of the Sacramento City Code, the territory generally described in Exhibit A.
- C. The city has installed or acquired or will subsequently install or acquire, within the Sheldon 20 Subdivision, the public improvements described in Exhibit B. To finance the cost of providing the maintenance services specified in Exhibit B for these improvements (the Services), and as requested by Landowner, the City Council proposes to annex to the district the territory generally described in Exhibit A.
- D. By Resolution No. 2007-230, and in response to Landowner's petition, the City Council (1) initiated proceedings to annex to the district the territory generally described in Exhibit A; (2) designated the city's Development Engineering Manager of the Development Services Department to be the Engineer for purposes of annexing the territory to the district and levying any assessment to finance the Services; and (3) directed the Engineer to prepare and file with the city clerk a map of the territory to be annexed, as required by section 3110 of the Streets and Highways Code. The Engineer has prepared and filed the map as directed, and by Resolution No. 2007-231 the City Council has approved it.
- E. By Resolution No. 2007-232, the City Council (1) declared its intention to annex

to the district the territory generally described in Exhibit A and to order that the city provide the Services; and (2) directed the Engineer to prepare and file with the city clerk the report required by sections 3.124.110 and 3.124.200A of the Sacramento City Code. The Engineer has presented his report to the City Clerk, who has presented it to the City Council for consideration, and the City Council has fully considered the report.

- F. By Resolution No. 2007-231, the City Council (1) preliminarily approved the Engineer's report for proposed assessment; (2) fixed the time and place of a public hearing on the Engineer's report and proposed assessment; and (3) provided for notice of the hearing and delivery of assessment ballots in accordance with chapters 3.44 and 3.124 of the Sacramento City Code and article XIID of the California Constitution.
- G. The City Clerk has filed with the City Council an affidavit setting forth the time and manner of her compliance with the requirements of law 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 annexed, as ordered by Resolution No. 2007-232 and as required by law.
- H. The City Council convened the public hearing on the Engineer's report and proposed assessment at the time and place fixed by Resolution No. 2007-232. During the hearing, the City Council received from the city clerk all written protests filed with her office, afforded all interested persons the opportunity to hear and be heard, and considered all oral statements and written protests made or filed by any interested person. Immediately following the close of the hearing, the city clerk tabulated the returned assessment ballots, both in support of and in opposition to the assessment (with ballots weighted according to the amount of the assessment on each parcel), and announced that the total dollar amount of all ballots cast in favor of the assessment 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 that recitals A through H are true.
- Section 2. No majority protest having been made through the assessment-ballot procedure, the City Council;
 - (a) overrules all protests to these proceedings;
 - (b) approves the Engineer's report on the proposal to levy an annual assessment on land within the territory to be annexed, which is on

file with the city clerk and was preliminarily approved by Resolution No. 2007-231;

- (c) establishes a budget, as set forth in the Engineer's report;
- (d) orders the annexation to 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. 2007-231;
- (e) orders that the Services described in the Engineer's report be provided within the annexed territory;
- (f) finds and determines that each parcel within the annexed 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 Services, all as described in the Engineer's report;
- (g) confirms the assessment diagram and the assessment roll set forth in the Engineer's report; and
- (h) 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 and the City's Development Engineering Manager of the Development Services Department. Each of those persons is directed to record the assessment diagram and assessment roll in his or her office.

Section 4. In accordance with section 3.124.180 of the Sacramento City Code and 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.

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Exhibit B: Description of Maintenance and Services -1 Page

Exhibit B-1: Map of Territory to be Annexed -1 Page

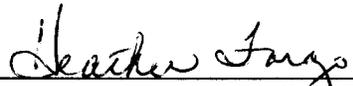
Adopted by the City of Sacramento City Council on June 5, 2007 by the following vote:

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

EXHIBIT A

LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

The subdivision map entitled "Sheldon 20", recorded on January 30, 2007 in Book 363 of Maps, Map number 6, records of Sacramento County.

EXHIBIT B

DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS

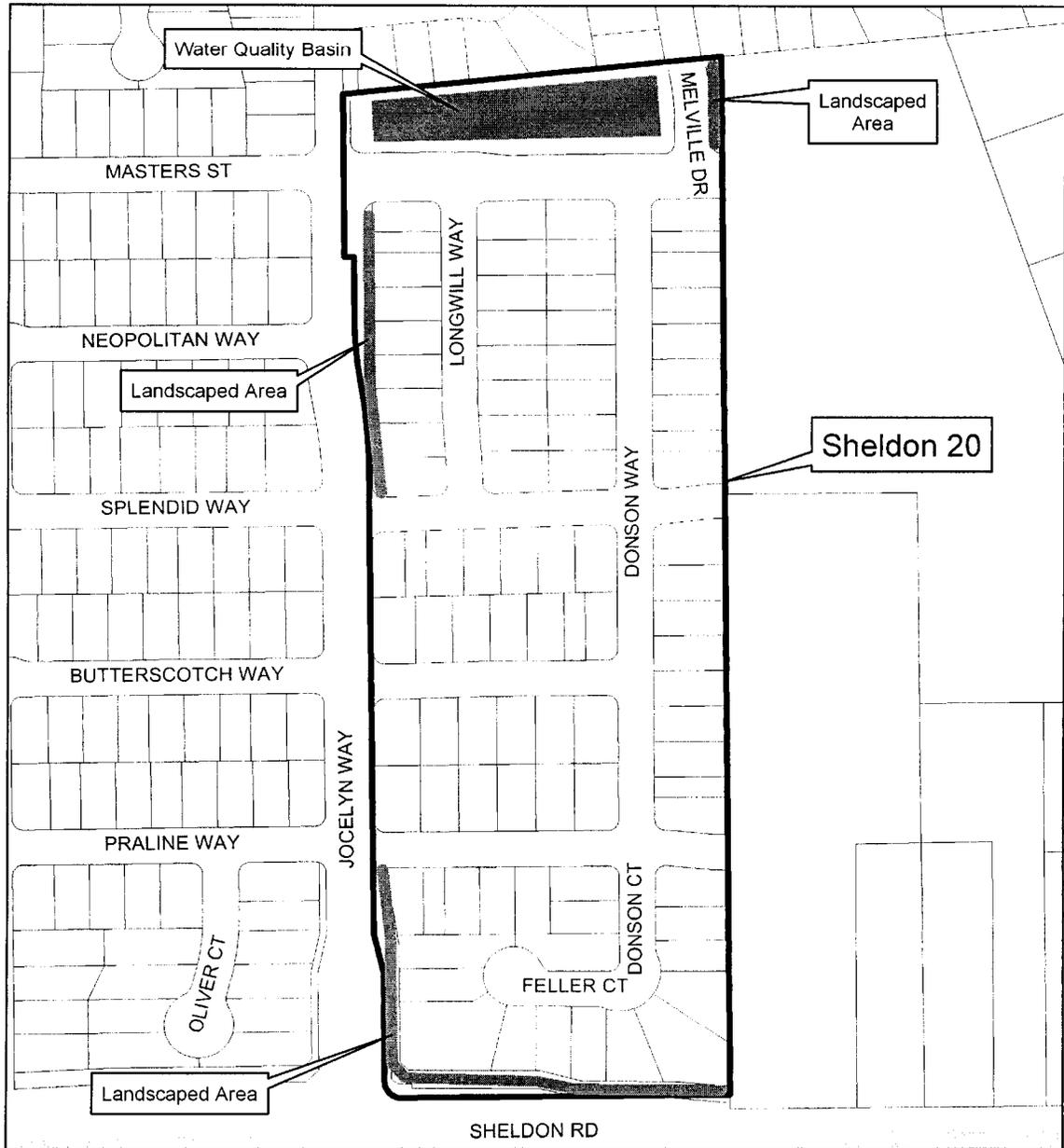
The Services to be provided within the subdivision entitled Sheldon 20 (lots A, B, C & D) the area to be annexed to the District are described as follows:

Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the water quality feature and landscape improvements as shown on Exhibit B-1, and more particularly described on plans and specifications approved by the City of Sacramento on file at the City of Sacramento, Development Services Department, 915 "I" Street, 3rd Floor, Sacramento, CA 95814.

The improvements to be maintained generally consist of water quality features, masonry walls, landscaping and irrigation systems for the landscape areas within or adjacent to the residential subdivision or subdivisions identified on Exhibit B-1. Maintenance of said improvements shall include, but not be limited to, periodic mowing of grass, trimming of trees and shrubs, fertilizing, together with the regular furnishing of water for irrigation of plant material, and the repair, maintenance and replacement of the post & cable irrigation system, planted materials, and amenities. Maintenance of masonry walls includes periodic repair, as may be required.

EXHIBIT B-1

Annexation #3 to the Neighborhood
Water Quality District No. 2003-03



BMueller 3/19/07

