# RESOLUTION NO. 2005-628

Adopted by the Sacramento City Council

August 23, 2005

## INTENTION TO ANNEX TERRITORY; TO ORDER THE PROVISION OF MAINTENANCE, AND SERVICES OF IMPROVEMENTS WITHIN THE ANNEXED TERRITORY; AND TO LEVY AN ASSESSMENT WITHIN THE ANNEXED TERRITORY TO PAY FOR THE MAINTENANCE, AND SERVICE OF IMPROVEMENTS

## BACKGROUND

**A.** The City Council has previously formed the Neighborhood Landscaping District under the Landscaping and Lighting Act of 1972 (part 2 of division 15 in the Streets and Highways Code, beginning with section 22500) (the 1972 Act).

**B.** Dino Kambas, a single man and Mike Mohrsaz, an unmarried man, as tenant in common (Landowner), is the sole owner of the territory described in Exhibit A. Landowner has applied for a subdivision map covering the territory, and one of the conditions of approval for the subdivision map requires Landowner to annex the territory to the district. To fulfill this condition, Landowner has presented a petition to the City requesting that the City commence proceedings for annexing the territory to the district in accordance with the 1972 Act.

**C.** The City has installed, constructed, or acquired within the territory described in Exhibit A, or will subsequently install, construct, or acquire, the public improvements generally described in Exhibit B. The City will also maintain and service these improvements in the manner generally described in Exhibit B. To finance the cost of providing the maintenance, and service of improvements, and as requested by Landowner, the City Council proposes to annex to the district the territory described in Exhibit A.

**D.** By Resolution No. 2005-626, and in response to Landowner's petition, the City Council (1) initiated proceedings to annex to the district the territory described in Exhibit A; (2) designated the Development Engineering and Finance Manager of the Development Services Department to be the Engineer for purposes of the annexing the territory to the district and levying an assessment to finance the maintenance, and service of improvements generally described in Exhibit B; (3) directed the Engineer to prepare and file with the City Clerk a map of the territory to be annexed, as required by Streets and Highways Code section 3110; and (4) directed the Engineer to prepare and file with the City Clerk the engineer's report required by section 4 in article XIIID of the California Constitution and article 4 (commencing with Streets and Highways Code section 22565) in chapter 1 of the Streets and Highways Code.

E. As directed, the Engineer has prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 27 to the Neighborhood Landscaping District which shows the proposed boundaries of the territory to be annexed (the Boundary Map); and (2) an engineer's report prepared in accordance with section 4 in article XIIID of the California Constitution and article 4 (commencing with Streets and Highways Code section 22565) in chapter 1 of the Streets and Highways Code (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. 2005-627.

F. The City Council finds and determines that providing the maintenance, and service of improvements within the boundaries of the annexed territory, as shown on the Boundary Map filed with the City Clerk, is necessary, convenient, and desirable.

**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.

Section 2. The City Council declares (a) that it intends to annex the territory described in Exhibit A in accordance with the 1972 Act; (b) that the boundaries of the annexed territory are described in section 3 below; (c) that the maintenance, and service of improvements to be provided are generally described in Exhibit B; (d) that all real property within the annexed territory will be specially benefited by the maintenance, and service of improvements unless the City Council finds and determines otherwise at the public hearing; and (e) that the City Council intends to pay for the maintenance, and service of improvements by levying annual assessments, in accordance with chapter 3.44 of the Sacramento City Code, the 1972 Act, and article XIIID of the California Constitution, on all assessable lots and parcels within the annexed territory that are specially benefited by the maintenance, and service of improvements.

Section 3. Annexation No. 27 to the Neighborhood Landscaping District includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2005-627; (b) is entitled "Boundaries of Annexation No. 27 to the Neighborhood Landscaping District and (c) is on file in the City Clerk's office. This map will govern for all details as to the extent of Annexation No. 27 to the Neighborhood Landscaping District

Section 4. The Engineer's Report on file in the City Clerk's office contains (a) a full and detailed description of the maintenance, and service of improvements, including estimated costs; (b) the diagram for Annexation No. 27 to the

Neighborhood Landscaping District; and (c) the proposed assessments upon assessable lots and parcels within the territory to be annexed.

Section 5. The annual assessment described in the Engineer's Report may be increased for inflation. The amount of the increase may not exceed 3% a year and 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 assessment on assessable lots and parcels within Annexation No. 27 to the Neighborhood Landscaping District will take place at—

**2:00 p.m. on Tuesday, October 11, 2005, at the City Council's regular meeting place, the Council Chambers in the 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 the 1972 Act and chapter 3.44 of the Sacramento City Code to all owners of real property located within the territory to be annexed. Each notice must also describe the assessment-ballot procedure required by article XIIID 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 annexed. 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 assessment will not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of it.

Section 9. Ron Wicky of the City's Development Services Department is designated to answer inquiries regarding the protest proceedings provided for above. His address is 915 "I" Street, 3rd Floor, Sacramento, California 95814. His telephone number is (916) 808-5628.

Section 10. Exhibits A, B, and C are part of this resolution.

Exhibit A: Description of Territory to Be Annexed –1 Page

Exhibit B: Description of maintenance – 1 Page
Exhibit B-1: Map of Territory to Be Annexed –1 Page
Exhibit C: Forms, Hearing Notice and Assessment Ballot – 9 Pages

Adopted by the City of Sacramento City Council on August 23, 2005 by the following vote:

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

Noes: None

Abstain: None

Absent: None

Heather Fargo

Mayor Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

## EXHIBIT A

## LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED

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

Being parcel 1 of that certain certificate of compliance, recorded February 11, 1988 in book 880211, page 1707, official records.

## EXHIBIT B

## DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS

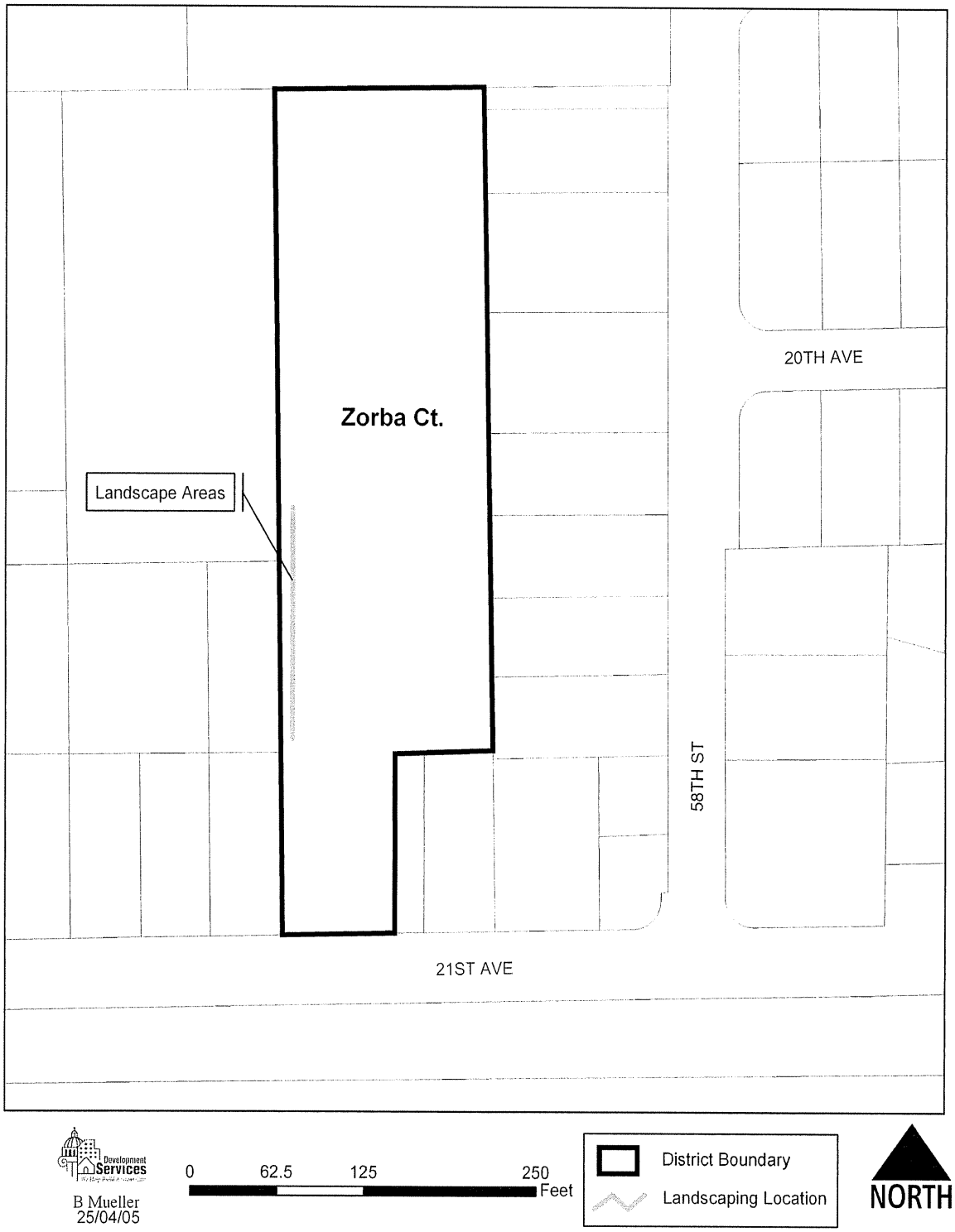
The Services to be provided within the area to be annexed to the District are described as follows:

> Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the 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 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, and fertilizing, together with the regular furnishing of water for irrigation of plant material, and the repair, maintenance and replacement of the irrigation system, planted materials, and amenities. Maintenance of masonry walls includes periodic repair, as may be required.

## EXHIBIT B-1

Zorba Ct.



# EXHIBIT C

## ANNEXATION NO. 27 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT

**Notice to Owners of Property within the Zorba Court Subdivision of a Public Hearing on a Proposed Assessment to pay for Maintaining, and Servicing Public Improvements. Summary of Procedures for Completing, Returning, and Tabulating Ballots for and against the Assessment.**

### BACKGROUND

On August 23, 2005, the City Council of the City of Sacramento adopted Resolution No. 2005-____ (the Resolution of Intention) declaring its intention, under the Landscaping and Lighting Act of 1972 (the 1972 Act), to annex the Zorba Court to an existing assessment district formally named the Neighborhood Landscaping District. The general location and boundaries of the territory to be annexed are shown in Attachment A to this notice. Among other things, the Resolution of Intention—

- designated the territory proposed for annexation to the assessment district as "Annexation No. 27 to the Neighborhood Landscaping District";

- declared the City Council's intention to order that the maintenance, and service of improvements described in Attachment B to this notice be provided; and

- referred to the engineer's report prepared by the Development Engineering and Finance Manager of the Development Services Department and filed with the City Clerk for detailed information on a proposed annual assessment on property within the annexed territory to pay for the maintenance, and service of improvements (the Development Engineering and Finance Manager of the Development Services Department was previously designated as the Engineer for purposes of annexing the territory to 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 October 11, 2005, the City Council will hold a public hearing on the proposed assessment at the City Council's regular meeting place: City Council Chambers, 1st Floor, 915 "I" Street, Sacramento, California.**

At the public hearing, the City Council will hear all protests against the proposed assessment from record owners of property within the territory to be annexed. The City Council will also accept testimony from all interested persons, whether or not they own property within the territory to be annexed.

*THE ASSESSMENT*

The proposed assessment will be charged annually to the annexed territory so long as the improvements described in Attachment B require the maintenance and service described in Attachment B. The total amount of the proposed assessment to be charged to the district during fiscal year 2006/2007 will be **$2,250.00**.

**According to the official records of Sacramento County, you own the real property identified by Assessor's Parcel Number in Attachment C to this notice. Attachment C also shows the amount the City Council proposes to assess against your property during fiscal year 2006/2007.**

In subsequent years, the assessment amounts shown above may be **increased for inflation at a rate not to exceed 3% a year**. Attachment D to this notice describes the basis on which the amount of the proposed assessment was calculated.

*BALLOTS*

As required by the California Constitution (article XIIID, 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 annexed territory may use this ballot to express support for or opposition to the proposed assessment. 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 2006-2007), 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*

Ron Wicky of the City's Development Services Department is designated to answer inquiries regarding the proceedings described above. His address is 915 "I" Street, 3rd Floor, Sacramento, California 95814. His telephone number is (916) 808-5628.

Dated: _____, 2005

_____

**City Clerk of the City of Sacramento**

Annexation No. 27 to the Neighborhood Landscaping District: Notice of Hearing

ATTACHMENT A

Zorba Ct.

Annexation No. 27 to the Neighborhood Landscaping
District: Notice of Hearing

## ATTACHMENT B

## DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS

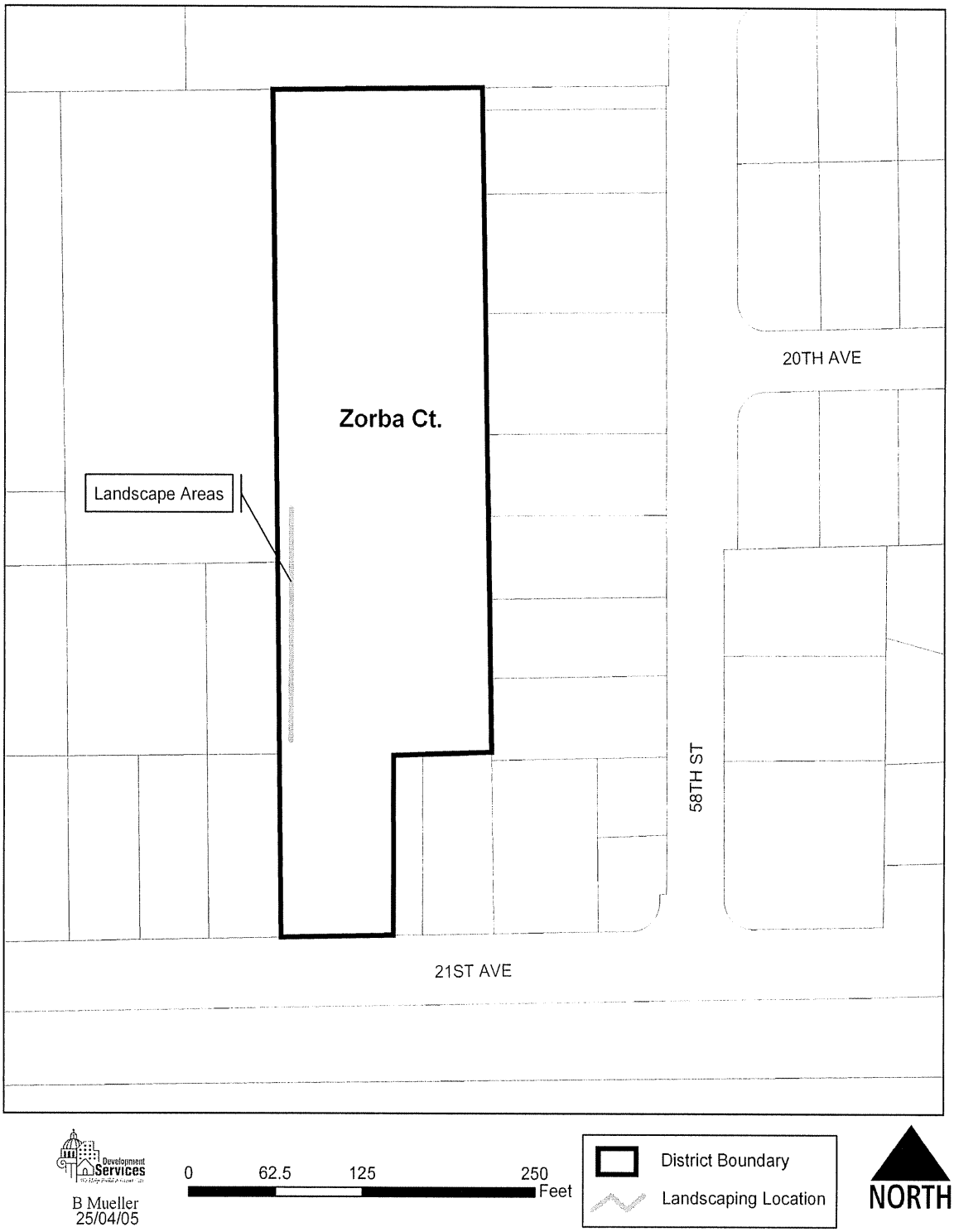
The Services to be provided within the area to be annexed to the District are described as follows:

> Furnish all tools, equipment, apparatus, facilities, labor, material, supplies and utilities necessary or desirable to maintain and service the landscape improvements as shown on Attachment 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 masonry walls, landscaping and irrigation systems for the landscape areas within or adjacent to the residential subdivision or subdivisions identified on Attachment B-1. Maintenance of said improvements shall 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 plant material, and the repair, maintenance and replacement of the irrigation system, planted materials, and amenities. Maintenance of masonry walls includes periodic repair, as may be required.

## ATTACHMENT B-1

Zorba Ct.



## ATTACHMENT C

**ASSESSOR'S PARCEL NUMBER: _____**

**AMOUNT OF ASSESSMENT: $_____**

# ATTACHMENT D

## ASSESSMENT METHODOLOGY

The following briefly describes the proposed method of spreading assessments for Annexation No. 27 to the Neighborhood Landscaping District. The costs incurred by this district will be assessed to each parcel in the district, with the assessment reflecting the proportionate special benefit received from the maintenance provided. This will be done using the following methodology.

1. The cost of maintenance for landscaping, irrigation systems and masonry wall and the cost for contract maintenance and any annexation documents (only if annexed that year) will be spread equally to each residential unit (lot) within their respective subdivision.

2. The cost of all incidental expenses including preparation of the Engineer's Report, district administration and annual billing expenses will be spread equally to each residential unit within the district.

## 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 Annexation No. 27 to City of Sacramento Neighborhood Landscaping District. Please advise the City Clerk as soon as possible at (916) 808-5426 if the name set forth below is incorrect.

This ballot may be used to express either support for or opposition to the proposed assessment in the Annexation No. 27. The assessment is described in an Engineer's Report dated _____, 2005, 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 Wednesday, October 5, 2005. 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 October 11, 2005, 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 October 11, 2005, 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

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**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.

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

Owner Signature _____ Date: _____, 2005