

## **RESOLUTION NO. 2006-014**

Adopted by the Sacramento City Council

January 5, 2006

### **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 Willowcreek Maintenance Assessment District No. 98-03 under Chapter 3.124 of the Sacramento City Code (Code Chapter 3.124).
- B.** Treasure Homes Communities, Inc., a California Corporation (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 Code Chapter 3.124.
- 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. 2006-012, 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 XIID of the California Constitution and section 3.124.110 of the Sacramento City Code.

- E. As directed, the Engineer has prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 10 to the Willowcreek Maintenance Assessment District No. 98-03 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 XIID of the California Constitution and section 3.124.110 of the Sacramento City 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. 2006-013.
- 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 Code Chapter 3.124; (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 chapters 3.44 and 3.124 of the Sacramento City Code, and article XIID 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. 10 to the Willowcreek Maintenance Assessment District No. 98-03 includes all territory within the exterior boundaries shown on the Boundary Map that (a) was approved by Resolution No. 2006-013; (b) is entitled "Boundaries of Annexation No. 10 to the Willowcreek Maintenance Assessment District No. 98-03 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. 10 to the Willowcreek Maintenance Assessment District No. 98-03.
- 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. 10 to the

Willowcreek Maintenance Assessment District No. 98-03; 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 4% 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. 10 to Willowcreek Maintenance Assessment District No. 98-03 will take place at -

**2:00 p.m. on Tuesday, February 28, 2006, 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 chapters 3.44 and 3.124 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 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 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, 3<sup>rd</sup> 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

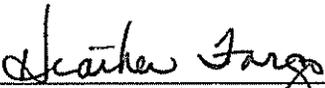
Adopted by the City of Sacramento City Council on January 5, 2006 by the following vote:

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 situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

The Subdivision Map entitled "Treasure Homes at Willow Creek", recorded November 23, 2005 in book 345, at page 4, official records of Sacramento County.

RESOLUTION OF INTENTION

**EXHIBIT B**

**DESCRIPTION OF MAINTENANCE AND SERVICE OF IMPROVEMENTS**

The maintenance work (hereafter referred to as the "work") for Annexation No. 10 to the Willowcreek Maintenance Assessment District is briefly described in three parts as follows:

Part #1:

The work described herein is to be carried out at Storm Sump 160 located within the boundaries of the Willowcreek Assessment District No. 94-03 recorded on March 17, 1995, in Book 80 of Maps of Assessment Districts and Community Facilities Districts at Page 26 in the office of the County Recorder of the County of Sacramento, State of California:

The work to be performed consists of furnishing all tools, equipment, apparatus, facilities, labor, material, supplies, and utilities necessary or desirable to provide inspections and water quality and sediment sampling and analysis.

Part #2:

The work described herein is to be carried out at Storm Sump 160, the storm drainage manholes, inlets and pipes in Orchard Lane/River Plaza Drive from its northerly intersection of the Natomas Main Drainage Canal to a point approximately 1,700 feet south of its intersection of West El Camino Avenue, Barandas Drive (formerly known as Road "A"), West River Drive (formerly known as Road "B" & Unity Way) all located within the Willowcreek Assessment District No. 94-03 and the roadways within the Treasure Homes subdivision located within Annexation No. 10 to the Willowcreek Maintenance Assessment District No. 98-03:

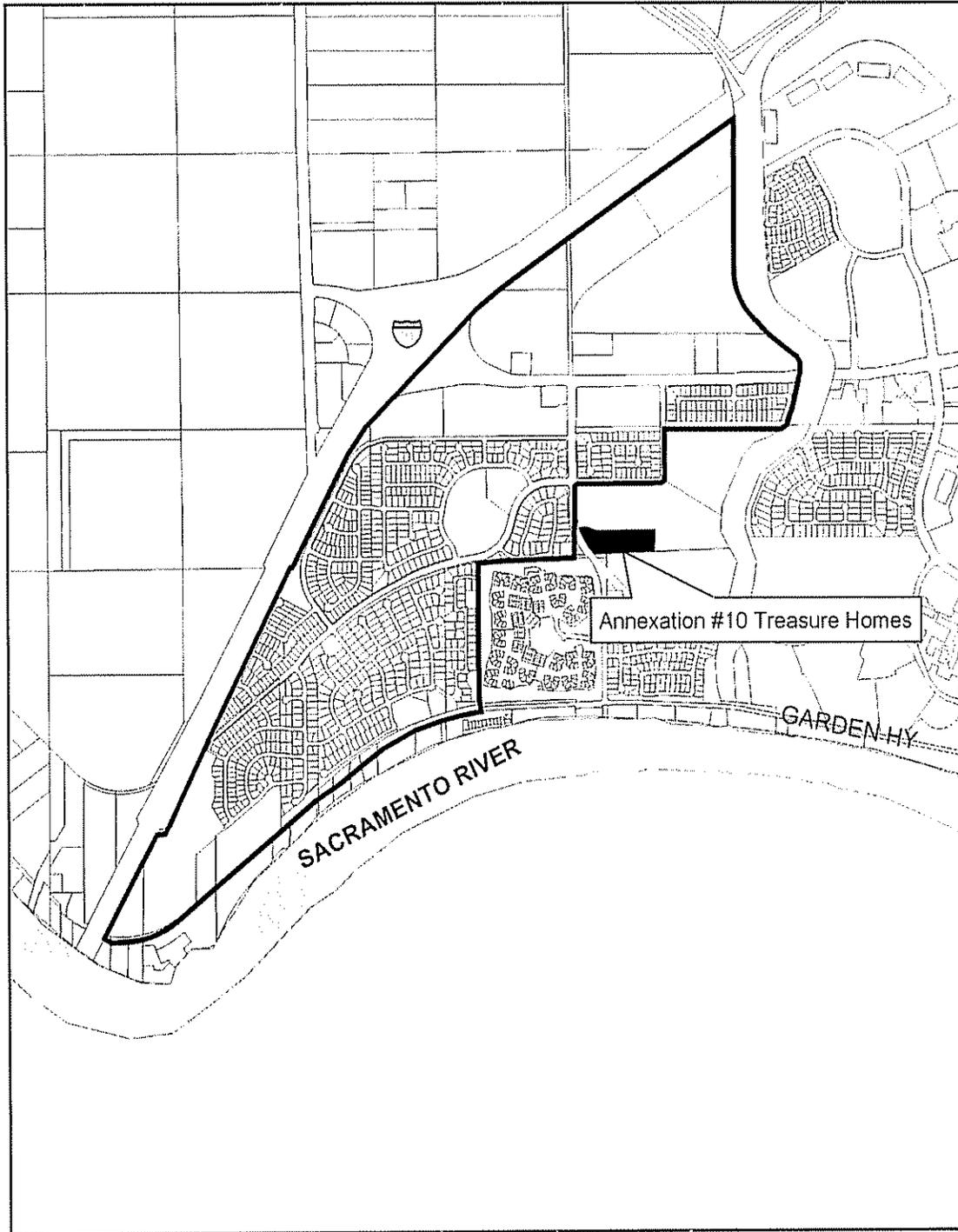
The work to be performed consists of furnishing all tools, equipment, apparatus, facilities, labor, material, supplies, and utilities necessary or desirable to remove sediment and other debris from the storm drainage system. Maintenance work may include, but not be limited to, sediment removal, normal cleaning and inspection of all storm drainage pipes, inlets, manholes and storm Sump 160.

Part #3:

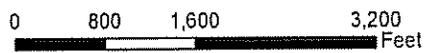
The work described herein is to be carried out on Orchard Lane/River Plaza Drive from its northerly intersection of the Natomas Main Drainage Canal to a point approximately 1,700 feet south of its intersection of West El Camino Avenue, Barandas Drive (formerly known as Road "A"), West River Drive (formerly known as Road "B" & Unity Way) all located within the Willowcreek Assessment District No. 94-03 and the roadways within the Treasure Homes subdivision located within the Annexation No. 10 to the Willowcreek Maintenance Assessment District No. 98-03:

The work to be performed consists of furnishing all tools, equipment, facilities, labor, materials, supplies and utilities necessary or desirable to mechanically sweep the roadways in order to remove sediment and other debris.

EXHIBIT B-1



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Willowcreek Maintenance Assessment District No 98-03  
Area of Work



## EXHIBIT C

### **ANNEXATION NO. 10 TO THE WILLOWCREEK MAINTENANCE ASSESSMENT DISTRICT No. 98-03**

**Notice to Owners of Property within the Treasure Homes 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 January 5, 2006, the City Council of the City of Sacramento adopted Resolution No. 2005-\_\_\_\_ (the Resolution of Intention) declaring its intention, under Chapter 3.124 of the Sacramento City Code (Code Chapter 3.124), to annex the Treasure Homes Subdivision 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. 10 to the Willowcreek Maintenance Assessment District No. 98-03";
- 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 February 28, 2006, 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 **\$3,596**.

**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 4% 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 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 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

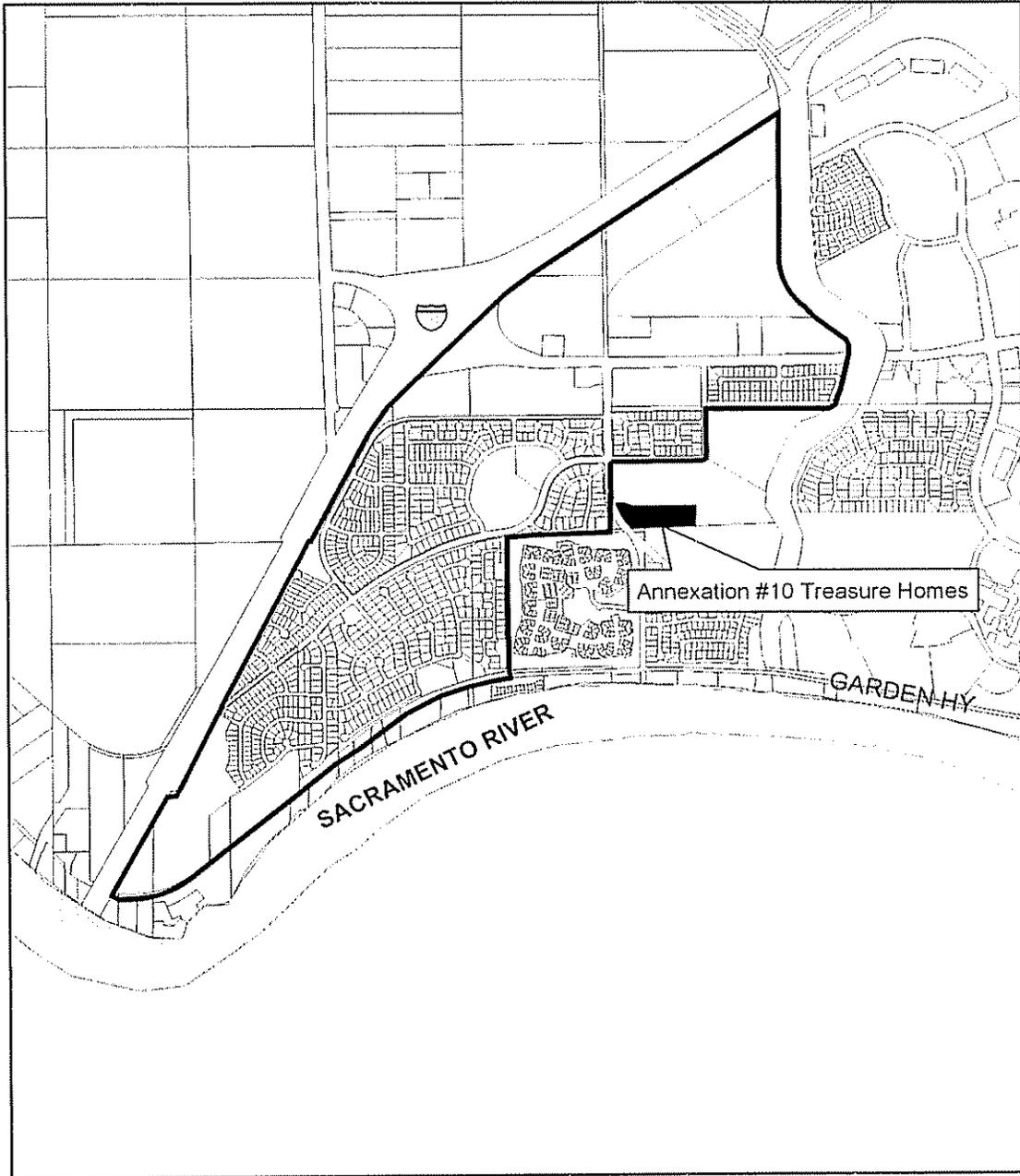
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Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
City Clerk of the City of Sacramento

Annexation No. 10 to the Willowcreek Maintenance  
Assessment District No. 98-03: Notice of Hearing

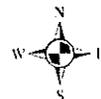
ATTACHMENT A



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Willowcreek Maintenance Assessment District No. 98-03  
Area of Work



Annexation No. 10 to the Willowcreek Maintenance  
Assessment District No. 98-03: Notice of Hearing

## ATTACHMENT B

### DESCRIPTION OF MAINTENANCE, AND SERVICE OF IMPROVEMENTS

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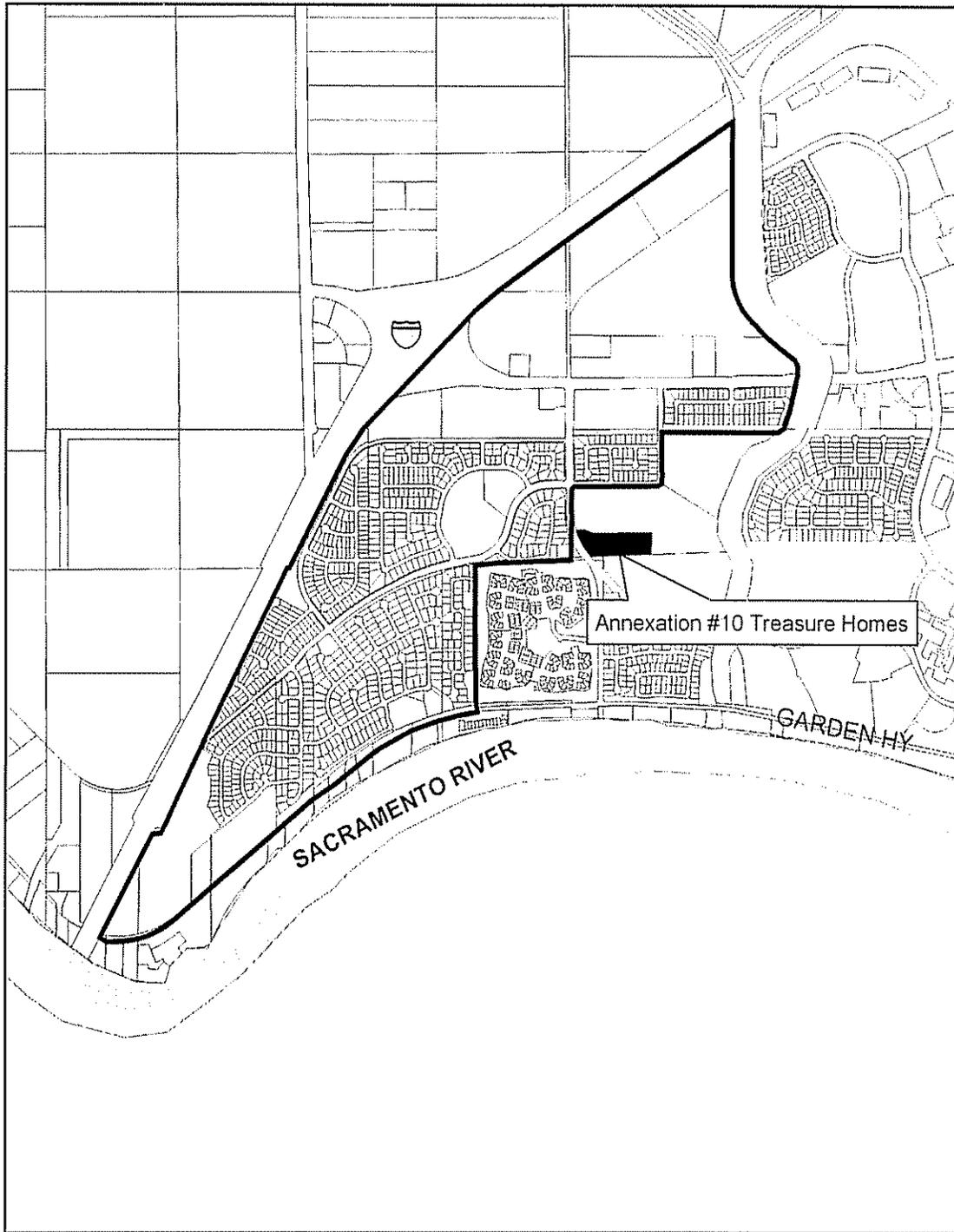
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Part #3:

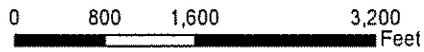
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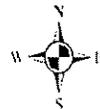
ATTACHMENT B-1



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Willowcreek Maintenance Assessment District No. 98-03  
Area of Work



Annexation No. 10 to the Willowcreek Maintenance  
Assessment District No. 98-03. Notice of Hearing

**ATTACHMENT C**

**ASSESSOR'S PARCEL NUMBER:** \_\_\_\_\_

**AMOUNT OF ASSESSMENT: \$** \_\_\_\_\_

## **ATTACHMENT D**

### **ASSESSMENT METHODOLOGY**

Water quality issues for the Willowcreek area require that all new residential subdivisions join a maintenance district that would provide services which address and mitigate storm water environmental impacts caused by the subdivision. Since each residential lot within each subdivision in the Willowcreek area will generate equivalent water quality impacts which must be addressed and receive the same benefit from the maintenance de, each parcel will share equally in the total cost.

The boundary of the first subdivision map to be approved by City Council will be the boundary of the Willowcreek Maintenance Assessment District. When the remaining subdivisions submit for approval, they will be required to annex to this district.

The following action describes the proposed method of assessing the annual maintenance costs for the Willowcreek Maintenance Assessment District to each parcel in the district in relation to the amount of benefit received. Since each residential parcel receives the same benefit the costs for this district are assessed to each residential parcel within the district boundary.

The costs of maintenance will be spread equally to all residential parcels within the district.

The cost of all incidental expenses, including preparation of Engineer's Report, annual proceedings and district administration, will be spread equally to all residential parcels 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. 10 to City of Sacramento Willowcreek Maintenance Assessment District No. 98-03. 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. 10. The assessment is described in an Engineer's Report dated \_\_\_\_\_, 2006, 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, February 22, 2006. 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 February 28, 2006, 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 February 28, 2006, 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.

\_\_\_\_\_ No, I do not approve of the proposed assessment on this parcel

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_, 2006