REPORT TO COUNCIL 37
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

PUBLIC HEARING
February 28, 2006

Honorable Mayor and
Members of the City Council

Subject: Annexation No. 10 to the Willowcreek Maintenance Assessment District No. 98-03 – Public Hearing

Location/Council District:

South Natomas – West of Natomas Main Drain and South of I-80, located in Council District 1 (Exhibit "B-1", Page 10)

Recommendation:

Conduct the Public Hearing and direct staff to count the ballots and return later during today's meeting with the results. After the ballot tally has been reported, Council may adopt a resolution: 1) approving the Engineer's Report.

Contact(s): Ron Wicky, Program Specialist, (916) 808-5628; Mark Griffin, Fiscal Manager, (916) 808-8788
Presenter: Ron Wicky, Program Specialist
Department: Development Services Department
Division: Public Improvement Financing
Organization No: 4815

Summary:

The purpose of today's hearing is to receive public testimony and to take action on Annexation No. 10 to the Willowcreek Maintenance Assessment District. On January 5, 2006, Council initiated the annexation process and authorized staff to mail notices and voter ballots. Approval of this annexation will provide funding for necessary water quality mitigation efforts for the Treasure Homes Subdivision.

Committee/Commission Action: None

Background Information:

The developer of the Treasure Homes Subdivision has petitioned the City to annex into the existing Willowcreek Maintenance Assessment District, which was established on

August 18, 1998. The maintenance district will provide additional street sweeping during the winter months, cleaning of manholes, pipes and pump station, and monitoring of storm water discharge and sediments. The Treasure Homes Subdivision is the tenth subdivision within the Willowcreek area to have a final map recorded. As other subdivisions are approved and recorded, they will be required to annex to this district.

Financial Considerations:

This maintenance district will be funded by the property owners within the district boundaries. The total estimated cost for Treasure Homes Subdivision for the first fiscal year 2005/06 is $3,596 – or $108.98 per individual lot. As more subdivisions annex, it is anticipated that the cost will go down to $60 - $70 per lot per year, with the description of maintenance detailed on Exhibit "B", Page 9.

Environmental Considerations:

Under California Environmental Quality Act (CEQA) Guidelines, administration and annual maintenance do not constitute a project and are therefore exempt from review.

Policy Considerations:

The proceedings under which this district is being processed are set forth in Title 3.124 of the Sacramento City Code. Annexation into the Willowcreek Maintenance Assessment District is consistent with the City's Strategic Plan 3 Year Goal to "achieve sustainability and enhance livability".

Emerging Small Business Development (ESBD):

City Council approval of these proceedings is not affected by City policy related to the ESBD Program.

Respectfully Submitted by: _____
Mark Griffin
Fiscal Manager, Development Services Department

Approved: _____
Carol Shearly
Director of Planning, Development Services Department

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

February 28, 2006

Recommendation Approved:

Ray Kerridge
Interim City Manager

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RESOLUTION NO.

Adopted by the Sacramento City Council

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

BACKGROUND

A. The City Council has previously formed the Willowcreek Maintenance Assessment District No. 98-03 (Willowcreek MD) 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 this 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 presented to the City a petition 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 the Landowner's petition, the City Council (1) initiated proceedings to annex to the district the territory described in Exhibit A; (2) designated the Manager of Development Engineering to be the Engineer for purposes of the annexing the territory to the district and levying an assessment to finance the maintenance and service 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 3110 of the California Streets and Highways Code.

E. As directed, the Engineer prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 10 to the City of Sacramento Willowcreek MD" 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 3.124.110 and 3.124.200A 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. By Resolution No. 2006-014, the City Council declared (1) that it intends to annex the territory described in Exhibit A in accordance with 3.124 of the City Code; (2) that the exterior boundaries of the annexed territory are as shown on the Boundary Map entitled "Boundaries of Annexation No. 10 to the Neighborhood Landscaping District" which was approved by Resolution No. 2006-013 and is on file in the City Clerk's office; (3) that the maintenance and service to be provided within the annexed territory are as generally described in Exhibit B; (4) that the City Council intends to pay for the maintenance and service by levying annual assessments, in accordance with chapters 3.44 and 3.124 of the Sacramento City Code, 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.

G. By Resolution No. 2006-014, the City Council also (1) set February 28, 2006, as the date for a public hearing on the proposed assessment; (2) directed the City Clerk to give notice of the hearing as required the chapters 3.44 and 3.124 of the Sacramento City Code, with the notices to include assessment ballots as required by article XIIID of the California Constitution; and (3) found that all real property within the annexed territory will be specially benefited by the maintenance and service unless the City Council finds and determines otherwise at the public hearing.

H. The City Clerk has filed with the City Council an affidavit confirming the 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 annexed, as ordered by Resolution No. 2006-014 and as required by law.

I. On February 28, 2006, 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 annexed, the City Council held a public hearing on the proposed assessment. During the hearing, the City Council (1) heard all protests against the proposed assessment from record owners of real property within the territory to be annexed; and (2) accepted testimony from all interested persons, whether or not they own real property within the territory to be annexed. 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 assessment on each parcel) and determined 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 and determines that the Background statements A through I are true.

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 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. 2006-014;

(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. 2006-014;

(e) orders that the maintenance and service 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 maintenance and service, 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 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 and B are part of this resolution.

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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.

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 (Exhibit B-1) 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.

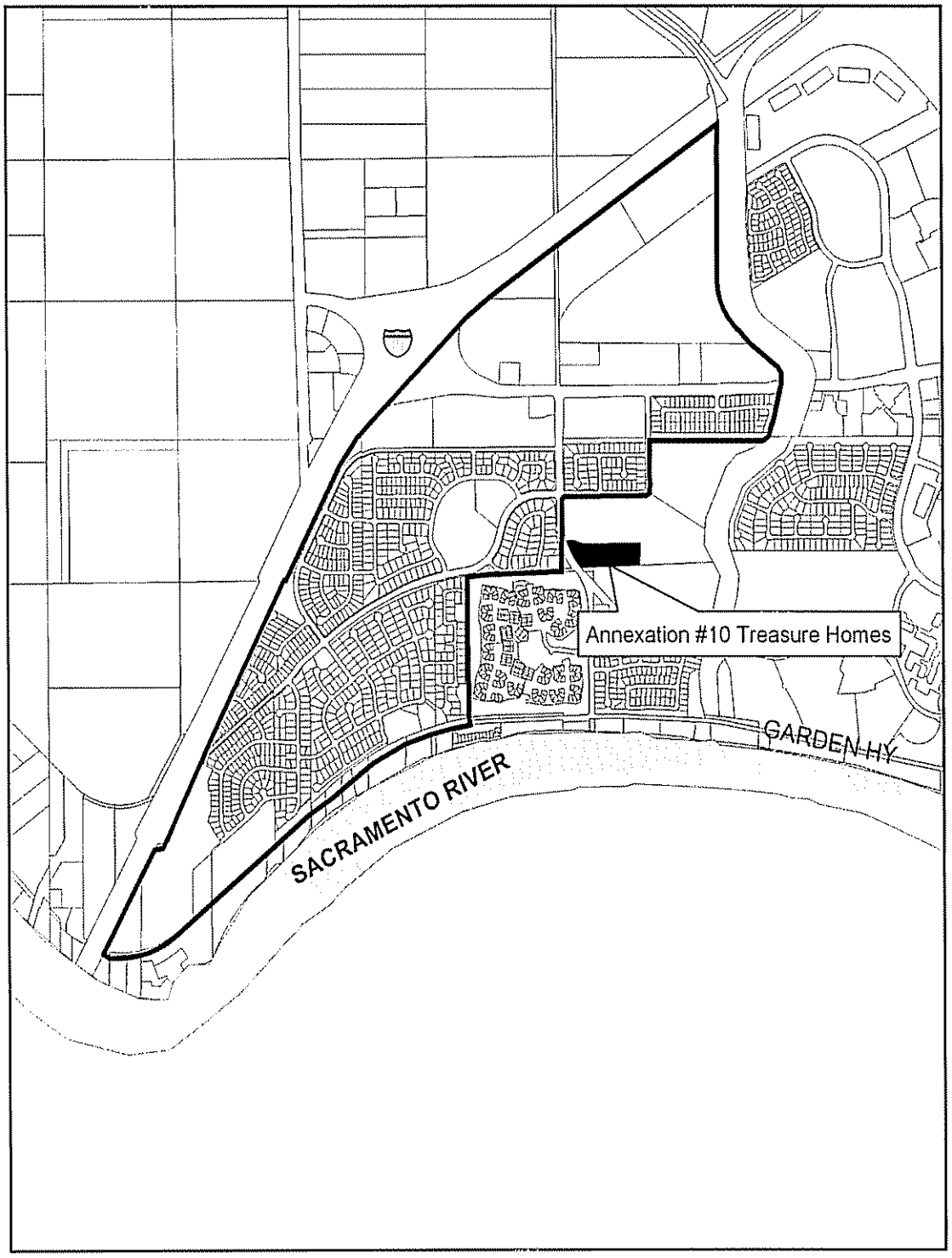
Part #2:
The work described herein is to be carried out at Storm Sump 160, the storm drainage manholes, inlets and pipes in Orchard Lane/River Plaza Drive from its northerly intersection of the Natomas Main Drainage Canal to a point approximately 1,700 feet south of its intersection of West El Camino 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 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



0 800 1,600 3,200 Feet

Willowcreek Maintenance Assessment District No 98-03
Area of Work

B Mueller 11/21/05
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