RESOLUTION NO. 2006-263

Adopted by the Sacramento City Council

April 18, 2006

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 28 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT)

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. Ryland Homes of California, Inc., a Delaware 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 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. 2006-142, 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 and Finance to be the Engineer for purposes of annexing the territory to the district and levying an assessment to finance the improvements, 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 4 in article XIIID of the California Constitution and article 4 (commencing with section 22565) in chapter 1 of the Streets and Highways Code.

E. As directed, the Engineer prepared and filed with the City Clerk (1) a map entitled "Boundaries of Annexation No. 28 to the City of Sacramento 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 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. 2006-143.

F. By Resolution No. 2006-144, the City Council declared (1) that it intends to annex the territory described in Exhibit A in accordance with the 1972 Act; (2) that the exterior boundaries of the annexed territory are as shown on the Boundary Map entitled "Boundaries of Annexation No. 28 to the Neighborhood Landscaping District" which was approved by Resolution No. 2006-143 and is on file in the City Clerk's office; (3) that the improvements, 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 improvements, maintenance, and service 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 improvements, maintenance, and service.

G. By Resolution No. 2006-144, the City Council also (1) set April 18, 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 by the 1972 Act and chapter 3.44 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 improvements, 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 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 annexed, as ordered by Resolution No. 2006-144 and as required by law.

I. On April 18, 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. 2006-144;

(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. 2006-144;

(e) orders that the improvements, 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 improvements, 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 and Finance 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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Adopted by the City of Sacramento City Council on April 18, 2006 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:

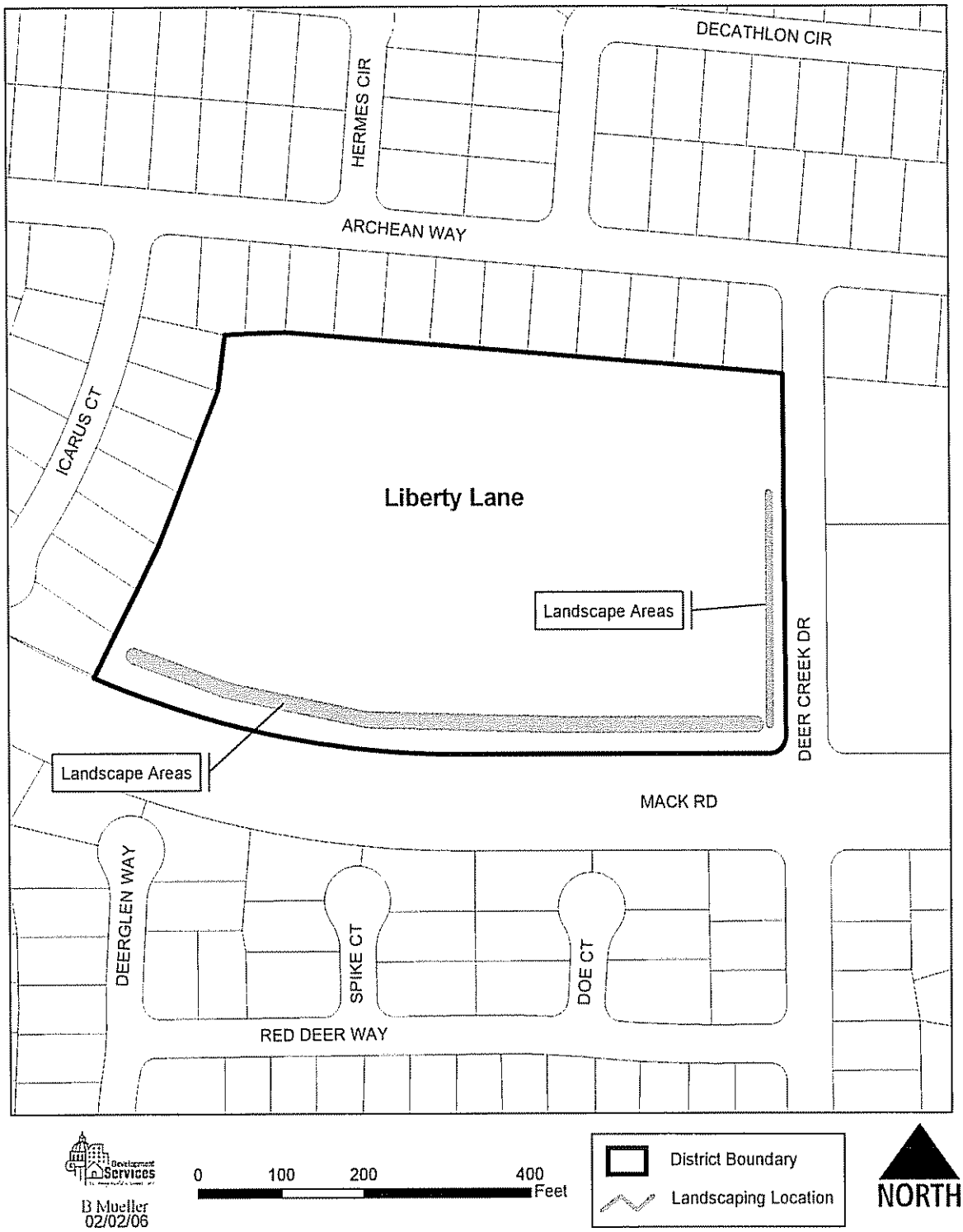
The subdivision map entitled "Liberty Lane", recorded on January 12, 2006 in Book 346 of Maps, Map number 7, records of Sacramento County.

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, 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.

Liberty Lane