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**DEPARTMENT OF  
PUBLIC WORKS**

**CITY OF SACRAMENTO  
CALIFORNIA**

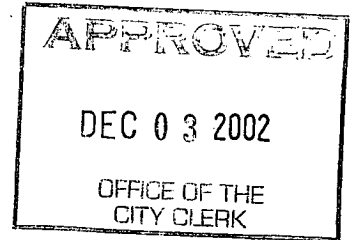
Special Districts  
1231 I Street, Room 300  
Sacramento, CA 95814

DEVELOPMENT SERVICES  
DIVISION

PH 916-264-7113  
FAX 916-264-7480

November 7, 2002

City Council  
Sacramento, California



Honorable Members in Session:

**SUBJECT: ANNEXATION NO. 21 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT -  
FORMATION**

**LOCATION AND COUNCIL DISTRICT:**

South Sacramento – west of the Southern Pacific Railroad alignment and south of 35<sup>th</sup> Avenue in Council District 4 (see Attachment A).

**RECOMMENDATION:**

This report recommends that the City Council conduct the public hearing on Annexation No. 21 to the Neighborhood Landscaping District. After the close of today's hearing, staff will count the ballots and the City Clerk will present the results during the Staff Reports portion of today's meeting. After the ballot tally has been reported, it is recommended that Council adopt a resolution approving the Engineer's Report.

**CONTACT PERSON:** Ron Wicky, Special Districts Analyst, 264-5628

**FOR COUNCIL MEETING OF:** December 3, 2002

**SUMMARY:**

The purpose of today's hearing is to receive public testimony and to take action on Annexation No. 21 to the Neighborhood Landscaping District. On October 8, 2002, Council initiated the district and authorized staff to mail notices and voter ballots. Formation of this district will provide funding to maintain the landscaping in and adjacent to the East Land Park Village Subdivision.

**COMMITTEE/COMMISSION ACTION:**

None.  
Department of

**PUBLICWORKS**

CITY OF  
SACRAMENTO

**BACKGROUND INFORMATION:**

On July 23, 1991 the City Council approved formation of the Neighborhood Landscaping District, formerly known as the Subdivision Landscaping Maintenance District. This district provides funding for the maintenance of landscaping improvements, which are located along the frontage or entranceways of residential subdivisions. At the time of formation, the initial district included two subdivisions; and since then, sixteen subdivisions have been annexed.

This 21<sup>st</sup> annexation to the Neighborhood Landscaping District will include all residential properties located in the East Land Park Village Subdivision. Petitions have been received by 100% of the property owners to initiate these proceedings.

**FINANCIAL CONSIDERATIONS:**

This district is self-supporting and has no impact on the General Fund. The estimated annual cost to each residential lot will be One Hundred dollars (\$100) and is detailed in the Engineer's Report on file with the City Clerk.

**ENVIRONMENTAL CONSIDERATIONS:**

None.

**POLICY CONSIDERATIONS:**

The proceedings under which this district is being processed are located in the Landscaping and Lighting Act of 1977, as set forth in 22600 of the California Streets and Highways Codes. Annexation into Parks Maintenance District is consistent with the City's Strategic Plan in preserving and enhancing the City's neighborhoods and quality of life.


**ESBD CONSIDERATIONS:**

None. No goods or services are being purchased.

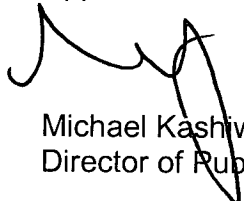
Respectfully submitted,

  
For Gary Alm  
Manager, Development Services

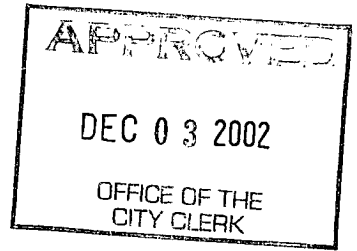
RECOMMENDATION APPROVED:

  
ROBERT THOMAS  
City Manager

Approved:

  
Michael Kashiwagi  
Director of Public Works





**RESOLUTION NO. 2002-796**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO ADOPTING THE ENGINEER'S REPORT ON PROVISION OF MAINTENANCE SERVICES AND CONFIRMING AND LEVYING AN ASSESSMENT AND ORDERING SUCH MAINTENANCE SERVICES TO BE PERFORMED IN AND FOR THE CITY OF SACRAMENTO LANDSCAPING DISTRICT, ANNEXATION NUMBER 21 AND PROVIDING FOR NOTICE OF RECORDING THE ASSESSMENT**

WHEREAS, in accordance with prior proceedings duly had and taken, the City Council (the "Council") of the City of Sacramento (the "City") has determined that it is necessary, convenient and desirable to undertake proceedings pursuant to the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code sections 12500 et seq. ("Act") for the provision of certain maintenance services more particularly described in Exhibit A, attached hereto and incorporated herein and made a part hereof, in and for an assessment district in the City designated the "City of Sacramento Landscaping District" (hereafter "District"), and has established the District for that purpose; and

WHEREAS, the Council, by Resolution No. 2002-673 heretofore duly adopted on October 8, 2002, (the "Resolution of Intention"), declared its intention to order such maintenance services to be provided by the City in and for an area to be annexed to the District (hereafter "Annexation Area No. 21"), and referred said maintenance services to the Director of Public Works of the City as the Engineer of Work (the "Engineer of Work"), and directed the Engineer of Work to prepare a report containing the matters required by the Act and thereafter to file such report with the City Clerk of the City, who was directed to present such report to the Council; and

WHEREAS, in accordance with the Resolution of Intention, the Engineer of Work filed with the City Clerk of the City October 8, 2002, a report containing the matters required by the Act, which report was duly presented by the City Clerk of the City to the Council for consideration; and

WHEREAS, the Council, by Resolution No. 2002-674 heretofore duly adopted on October 8, 2002, preliminarily approved the report, and fixed 2:00 o'clock p.m. on Tuesday, December 3, 2002, at the regular meeting place of the Council, City Council

**FOR CITY CLERK USE ONLY**

RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Chambers, Sacramento City Hall, 915 I Street, Sacramento, California 95814, as the time and place for a public hearing of protests to the provision of said maintenance services within Annexation Area No. 21, and as to the levy of said assessment; and

WHEREAS, the Engineer of Work has prepared an Engineer's Report, as preliminarily approved by Resolution No. 2002-674, and the Amended Engineer's Report has been duly deposited with the City Clerk; and

WHEREAS, the Council provided for the giving of notice of said public hearing of protests to said maintenance services and of the property owner ballot procedure required by Article XIID of the California Constitution (together with the property owner ballots); and

WHEREAS, the City Clerk of the City has filed with the Council an affidavit setting forth the time and manner of the compliance with the requirements of law for mailing notices of the adoption of the Resolution of Intention and of the filing of the report and the preliminary approval thereof and of the time and place for said public hearing thereon and notice of the property owner ballot procedure required by Article XIID of the California Constitution (together with the property owner ballots); and the Council hereby finds that notice of the adoption of the Resolution of Intention and of the filing of the report and the preliminary approval thereof and of the time and place for said public hearing thereon and notice of the property owner ballot procedure required by Article XIID of the California Constitution (together with the property owner ballots) has been mailed in the time, form and manner required by law; and

WHEREAS, said public hearing of protests was duly convened by the Council at said time and place set for said public hearing of protests on December 3, 2002, and the Council thereupon proceeded with said public hearing of protests, and duly heard all interested parties desiring to be heard at said public hearing of protests; and

WHEREAS, in accordance with said Resolution No. 2002-674 and Article XIID of the California Constitution, property owner ballots were provided to all of the property owners in Annexation Area No. 21, and at the end of the public hearing, the Council found and determined that property owner ballots cast against the levy of said assessment did not exceed the property owner ballots cast in favor of the levy of said assessment; and

WHEREAS, the owners of all real property assessed in Annexation Area No. 21 have waived their right to make payments of said assessment in cash within the time permitted therefor; and

WHEREAS, the Council is fully advised in the premises;

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RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, as follows:**

Section 1. The foregoing recitals are true and correct and the Council so finds and determines.

Section 2. The Engineer's Report is hereby adopted by the Council, and the Council hereby orders said maintenance services described in the Resolution of Intention and in the Engineer's Report to be provided within Annexation Area No. 21, and the Council hereby overrules all protests to said proceedings.

Section 3. The Council hereby finds and determines that all of the subdivisions of land in Annexation Area No. 21, as provided in the Engineer's Report, have been assessed in proportion to the benefits to be received by such subdivisions, respectively, from said maintenance services, and hereby confirms said assessment and said diagram as set forth in the Engineer's Report and as now on file with it; and the Council hereby declares that said assessment and said diagram as set forth in the Engineer's Report are hereby confirmed by the Council, and the assessment contained in the Engineer's Report is hereby levied by the Council.

Section 4. The City Clerk of the City is hereby directed to transmit the diagram of said assessment district and said assessment as confirmed to the Superintendent of Streets of the City and the Engineer of Work, and each of said persons shall record the same in his or her office, and said assessment shall become due and payable; and the City Clerk of the City is hereby further directed to file in the office of the Sacramento County Recorder a copy of said assessment diagram as so recorded and to execute and record a notice of assessment in the office of the Sacramento County Recorder, and said assessment shall become a lien upon the land on which it is levied; all pursuant to the provisions of the Act and any other applicable provisions of state law.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# EXHIBIT A

## DESCRIPTION OF SERVICES AND OF IMPROVEMENTS TO BE MAINTAINED

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 A-1, and more particularly described on plans and specifications approved by the City of Sacramento on file at the City of Sacramento, Department of Neighborhood Services, 1231 I Street, Room 400, 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 A-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.

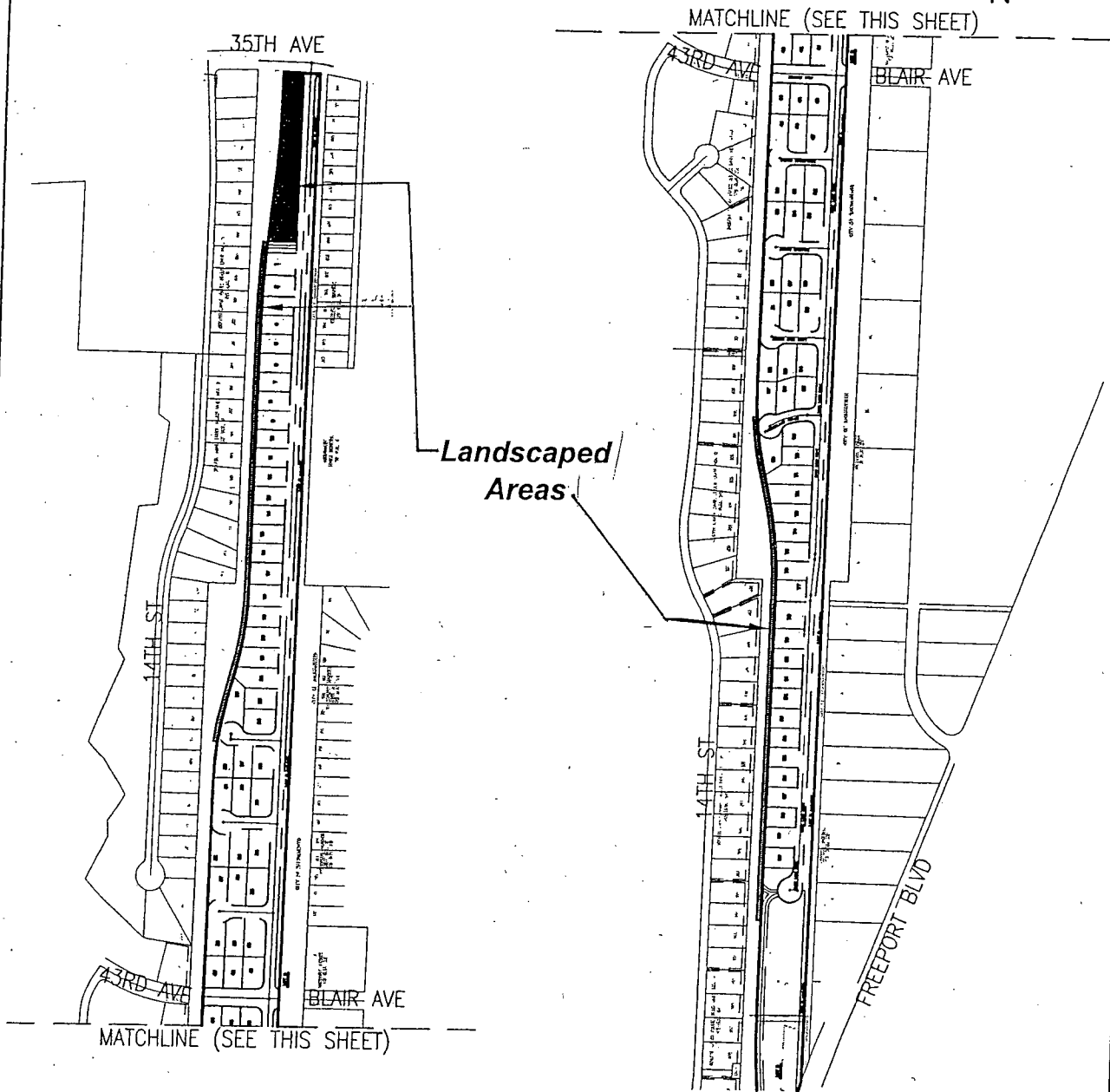
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RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

EXHIBIT A-1



**Stantec**

**ANNEXATION NO. 21 TO THE  
NEIGHBORHOOD LANDSCAPING DISTRICT**

Stantec Consulting Inc. Tel. 916.925.5550  
 2590 Venture Oaks Way Fax. 916.921.9274  
 Sacramento, CA 95833-3288 www.stantec.com

DATE: 03/05/02

JOB #: 84400001

DRAWN BY: AH

CHECKED BY:

SCALE: NO SCALE

CODE:

DRAWING #:

SHEET 1 OF 4

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**CITY OF SACRAMENTO**

**Annexation No. 21 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT**

**NOTICE OF PUBLIC HEARING  
ON THE RESOLUTION OF INTENTION TO ESTABLISH  
ANNEXATION NUMBER 21 TO THE NEIGHBORHOOD  
LANDSCAPING DISTRICT  
AND TO LEVY A SPECIAL ASSESSMENT THEREIN TO FINANCE  
THE MAINTENANCE OF  
LANDSCAPING IMPROVEMENTS**

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NOTICE IS HEREBY GIVEN that on October 8, 2002, the City Council (the "Council") of the City of Sacramento (the "City") duly adopted Resolution No. 2002- 673, (the "Resolution of Intention"), wherein it declared its intention to order the maintenance of those certain public improvements more particularly described in **Attachment A** attached hereto and incorporated herein and made a part hereto under the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code sections 12500 et.seq. ("Act").

NOTICE IS HEREBY FURTHER GIVEN that the Council in and by the Resolution of Intention referred said public improvements to the Director of Public Works of the City as the Engineer of Work in said proceedings and directed the Engineer of Work to prepare and file with the City Clerk of the City a report as required by Law, and that the Engineer of Work duly prepared and filed his report dated October 8, 2002, with the City Clerk of the City on October 8, 2002, which report was presented to and was preliminarily approved by the Council by resolution adopted on October 8, 2002.

NOTICE IS HEREBY FURTHER GIVEN that 2:00 o'clock p.m. on Tuesday, December 3, 2002, at the regular meeting place of the Council, City Council Chambers, 2<sup>nd</sup> Floor, Sacramento City Hall, 916 I Street, Sacramento, California 95814; has been fixed by the Council as the time and place for a public hearing of protests to the maintenance of said public improvements, to the extent of said assessment district and to the levy of said assessment, and that any interested person may object to the maintenance of said public improvements, or to the extent of said assessment district or to the levy of said assessment by filing a written protest with the City Clerk of the City at or before the time set for said public hearing, and all mailed protests should be addressed to the City Clerk, Sacramento City Hall, 916 I Street, Room 304, Sacramento, California 95814. Each protest must contain a description of the property in which each signer thereof is interested sufficient to identify the property and, if the signers are not shown on the last equalized assessment roll as the owners of the property, must contain or be accompanied by written evidence that the signers are the owners of such property. The City Clerk of the City shall endorse on each protest the date of its receipt and at the time appointed for said hearing shall present to the Council all protests filed with her.

NOTICE IS HEREBY FURTHER GIVEN that the total estimated annual cost of the maintenance of said public improvements is \$9,900.00, which is proposed to be met by the levy of said assessment in said proceedings for fiscal year 2003/2004.

NOTICE IS HEREBY FURTHER GIVEN that the basis on which the amount of such proposed assessment was calculated is more particularly set forth in **Attachment B** attached hereto and incorporated herein and made a part hereof.

NOTICE IS HEREBY FURTHER GIVEN that, as required by Section 4 of Article XIID of the California Constitution, a Property Owner Ballot has been enclosed with this notice, along with a self-addressed, return envelope by which the ballot may be returned to the City Clerk at her office at the Sacramento City Hall, City of Sacramento, 916 I Street, Room 304, Sacramento, California 95814. This ballot may be used by the owner or owners of any parcel to express either support for or opposition to the proposed assessment, and the ballot may be returned either by mail (which may be done using the enclosed envelope but requires the user to provide the required postage) or by personal delivery, either prior to or at the time of the public hearing of protests on December 3, 2002.

NOTICE IS HEREBY FURTHER GIVEN that, immediately following the close of the public hearing of protests, the returned property owner ballots will be tabulated, both in support of and in opposition to the assessment, with ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided, that in the event the City Clerk requires opportunity to determine whether any ballot has been properly signed by an owner or authorized representative of an owner, the Council reserves entitlement to continue the matter of announcing results to provide the City Clerk with such opportunity. In the event that ballots in opposition exceed ballots in support, there will be a "majority protest", and the City Council will be precluded from proceeding with the proposed assessment. THIS MEASURE OF MAJORITY PROTEST IS COMPLETELY INDEPENDENT OF THE WRITTEN PROTEST PROCEDURE, WHICH IS DESCRIBED ABOVE.

NOTICE IS HEREBY FURTHER GIVEN that Ron Wicky, Special Districts Analyst, Department of Public Works, City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814, telephone (916) 264-5628, has been designated to answer inquiries regarding the protest proceedings.

NOTICE IS HEREBY FURTHER GIVEN that the legal records of Sacramento County indicate that you own that certain real property constituting the Sacramento County Assessor's Parcel Number set forth below, and that the amount proposed to be assessed against such parcel, as shown by said report, is set forth below.

For all further particulars concerning said proceedings, reference is hereby made to the Resolution of Intention and to said report, both of which are on file in the office of the City Clerk of the City, Sacramento City Hall, 916 I Street, Sacramento, California 95814, and may be examined at said office by any interested persons.

Dated: \_\_\_\_\_

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

ATTACHMENT A

**DESCRIPTION OF SERVICES AND OF  
IMPROVEMENTS TO BE MAINTAINED**

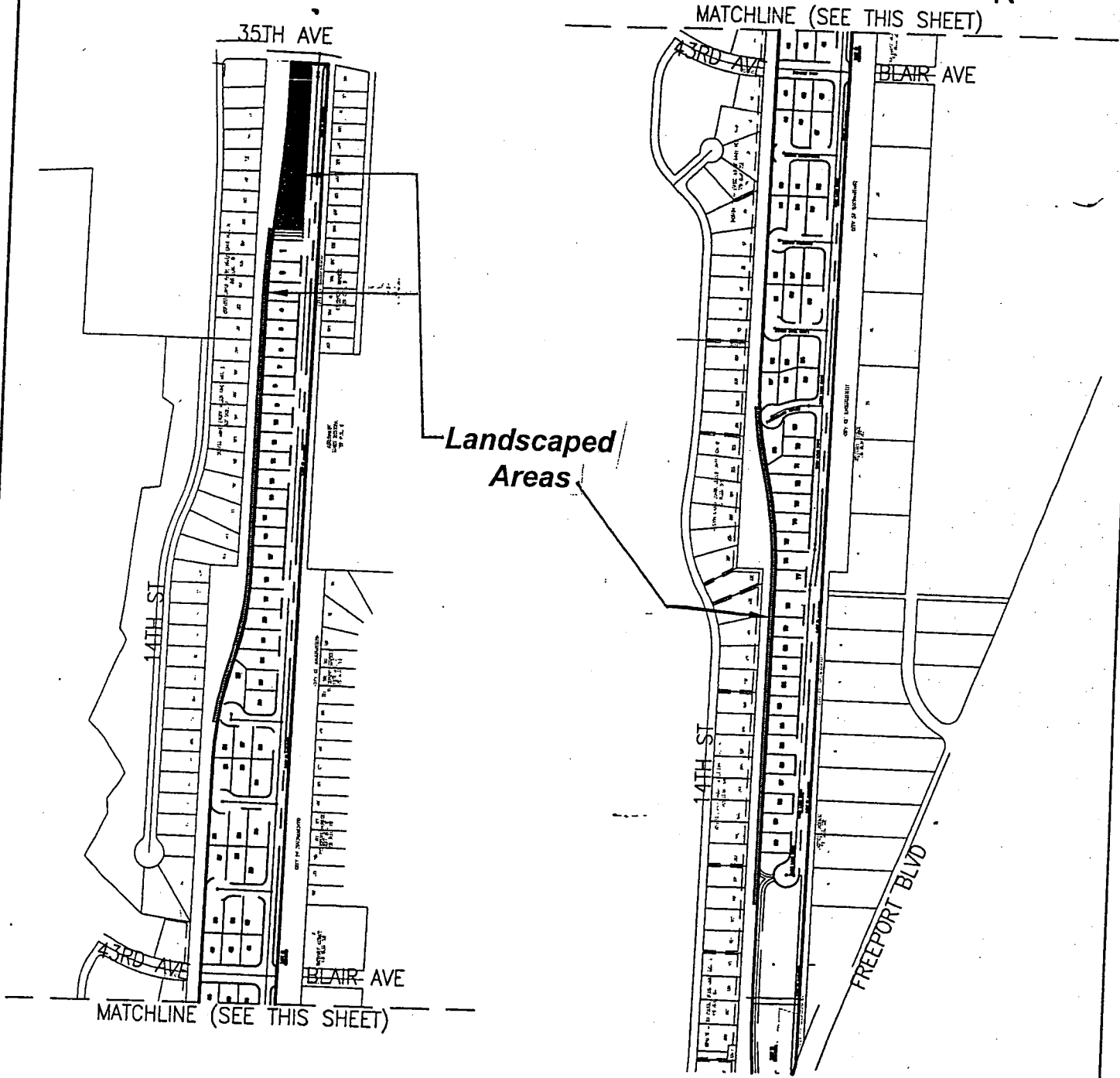
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AD NO.: 9549  
RUN: 10/11/02  
PROOFS: 2

# ATTACHMENT A-1



**Stantec**

Client/Project

EAST LAND PARK VILLAGE

Title

EXHIBIT A

Stantec Consulting Inc.  
 2590 Venture Oaks Way  
 Sacramento, CA 95833-3288

Tel. 916.925.5550  
 Fax. 916.921.9274

www.stantec.com

DATE: 03/05/02

JOB #: 84400001

DRAWN BY: AH

CHECKED BY:

SCALE: NO SCALE

CODE:

SHEET 1 OF 4

DRAWING #: