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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

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February 13, 2004

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ANNEXATION NO. 24 TO THE NEIGHBORHOOD LANDSCAPING DISTRICT
– PUBLIC HEARING**

LOCATION AND COUNCIL DISTRICT:

South Sacramento – Southeast corner of 65th Street and Elder Creek Road, located in Council District 6 (see Attachment A-1 for project location).

RECOMMENDATION:

This report recommends that City Council conduct the public hearing on Annexation No. 24 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 Report 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, Program Specialist, 808-5628

FOR COUNCIL MEETING OF: March 9, 2004

SUMMARY:

The purpose of today's hearing is to receive public testimony and to take action on Annexation No. 24 to the Neighborhood Landscaping District. On January 20, 2004, Council initiated the annexation process and authorized staff to mail notices and voter ballots. Approval of this annexation will provide funding to maintain the landscaping in and adjacent to the Elder Place Subdivision.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On July 23, 1991 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, which brings the total subdivisions being currently maintained to twenty-five.

This twenty-fourth (24th) annexation to the Neighborhood Landscaping District will include all residential properties located in the Elder Place 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 \$350 and is detailed in the Engineer's Report on file with the City Clerk.

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 located in the Landscaping and Lighting Act of 1977, as set forth in 22600 of the California Streets and Highways Codes. Annexation into the Neighborhood Landscaping District is consistent with the City's Strategic Plan in preserving and enhancing the City's neighborhoods and quality of life.

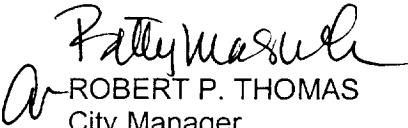
ESBD CONSIDERATIONS:

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,


Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:


ROBERT P. THOMAS
City Manager

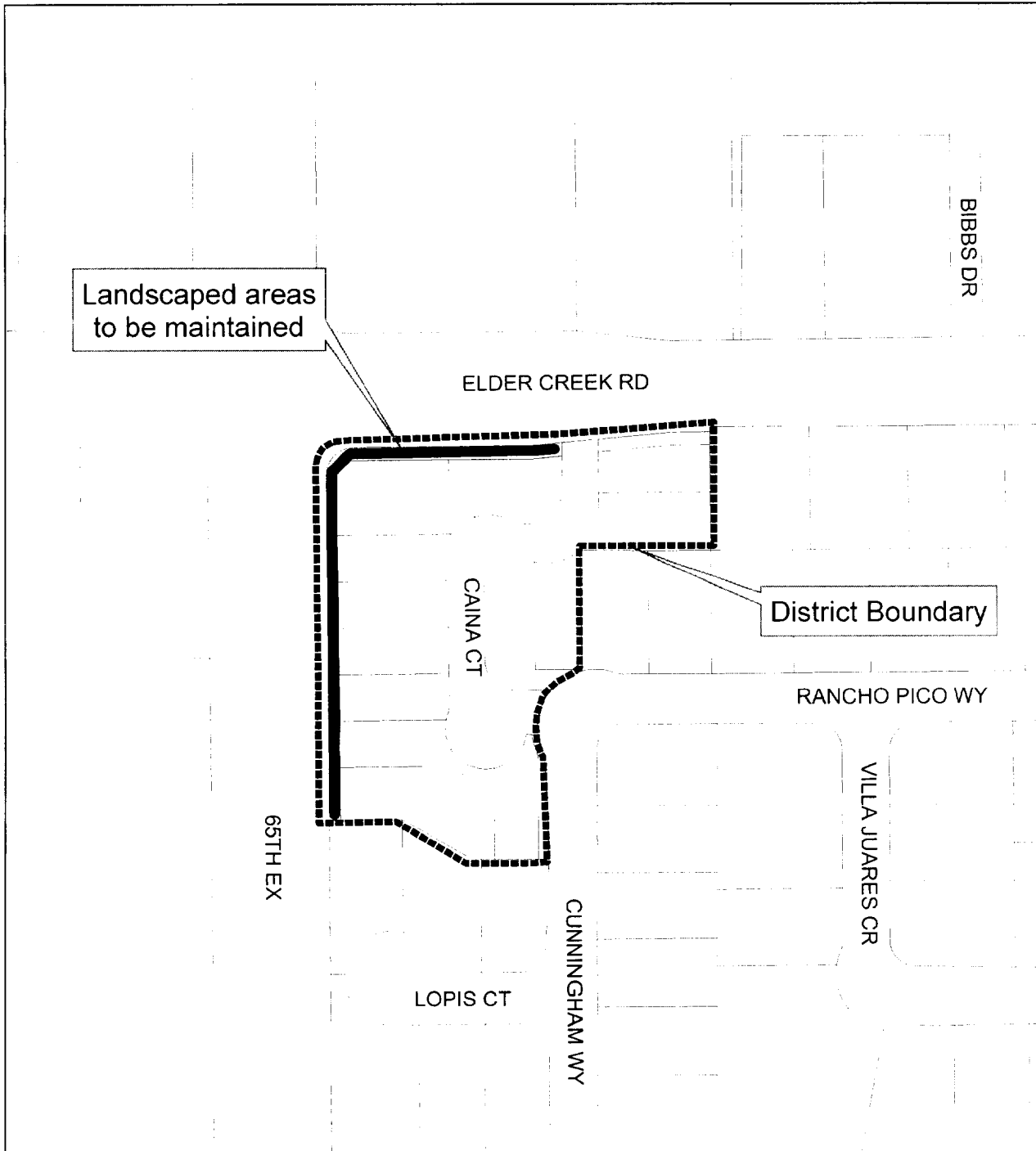
Approved:


Betty Masuoka
Assistant City Manager

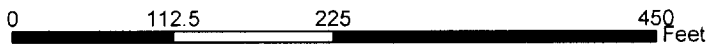
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ATTACHMENT A-1
Neighborhood Landscaping District
Elder Place Subdivision Annexation #24



BMueller 12/22/03



RESOLUTION NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION ADOPTING THE ENGINEER’S REPORT ON THE PROVISION OF MAINTENANCE SERVICES, ORDERING THE ANNEXATION OF TERRITORY AS ANNEXATION AREA NO. 24 TO THE CITY OF SACRAMENTO NEIGHBORHOOD LANDSCAPING DISTRICT, CONFIRMING AND LEVYING AN ASSESSMENT, ORDERING THAT THE MAINTENANCE SERVICES BE PERFORMED, 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 section 22500 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 as the “City of Sacramento Neighborhood Landscaping District” (hereafter “District”), and has established the District for that purpose; and

WHEREAS, by Resolution No. 2004-029 heretofore duly adopted on January 20, 2004 (the “Resolution of Intention”), the Council (a) declared its intention to annex to the District the territory described in Exhibit B, attached hereto and incorporated herein and made a part hereof, and to order that the maintenance services described in Exhibit A be provided by the City in and for the territory to be annexed; (b) referred said maintenance services to the Director of Public Works of the City as the Engineer of Work (the “Engineer of Work”); and (c) 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 on January 20, 2004, 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. 2004-030 heretofore duly adopted on January 20, 2004, preliminarily approved the report, and fixed 2:00 o’clock p.m. on Tuesday, March 9, 2004, at the regular meeting place of the Council, City Council Chambers, Interim Sacramento City Hall, 730 I Street, Sacramento, California, as the time and place for a public hearing of protests against the provision of said maintenance services within the territory to be annexed and the levy of said assessment; and

WHEREAS, the Engineer of Work has prepared an Engineer’s Report, as preliminarily approved by Resolution No. 2004-030, and the Report has been duly deposited with the City Clerk; and

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DATE ADOPTED: _____

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 March 9, 2004, and the Council proceeded with the public hearing of protests and duly heard all interested parties desiring to be heard at the public hearing of protests; and

WHEREAS, in accordance with said Resolution No. 2004-030 and Article XIID of the California Constitution, property-owner ballots were provided to all owners of real property within the territory to be annexed, 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 the territory to be annexed 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;

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. No majority protest having been made through the property-owner ballot procedure, the Council hereby overrules all protests to these proceedings, adopts the Engineer's Report, orders that the territory described in Exhibit B to this resolution be annexed to the District as Annexation Area No. 24, and orders the maintenance services described in the Resolution of Intention and the Engineer's Report to be provided within Annexation Area No. 24.

Section 3. The Council hereby finds and determines that all of the subdivisions of land in Annexation Area No. 24, 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

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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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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 Parks and Recreation, 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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EXHIBIT B

DESCRIPTION OF TERRITORY ANNEXED TO THE DISTRICT AS ANNEXATION AREA NO. 24

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

The subdivision map entitled "Elder Place", recorded on November 17, 2000 in Book 280 of Maps, Map number 1, records of Sacramento County.

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