



DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

Planning Division

PLANNING
916-808-5381
FAX 916-264-5328

January 11, 2005

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: FREEPORT ANNEXATION/REORGANIZATION STATUS (M04-122)

LOCATION AND COUNCIL DISTRICT:

The Town of Freeport, which is within the City's adopted Sphere of Influence in Council District 7. The western boundary is from the existing City Limit along the centerline of the Sacramento River to the southern point of the Freeport Marina parcel (APN 119-0040-017), *north of the Freeport Bridge*. The boundary then jogs east to the toe of the levee, and proceeds south to a point perpendicular to the south boundary of the City-owned Bartley Cavanaugh Golf Course. Finally, it proceeds to the western extent of Caltrans ROW along I-5, and north to the present City limit. The boundary excludes Freeport Bridge approaches, roadways and related easements.

RECOMMENDATION: **For Council Information**

CONTACT PERSONS: Helen Selph, Assistant Planner, 808-7852
Steve Peterson, Principal Planner, 808-5981

FOR COUNCIL MEETING OF: February 15, 2005 (afternoon)

SUMMARY:

Sacramento Local Area Formation Commission (LAFCo) completed its review of the Freeport Annexation/Reorganization and on August 4, 2004 approved Resolution No. LAFC 1283 (Attachment C), which included the Commission's determinations and findings regarding the Freeport Annexation/Reorganization and directed the Executive Officer to complete the conducting authority proceedings.

The Executive Officer held two protest hearings and received 21 certified protests (35% of registered voters.) The Commission found that there is sufficient protest regarding the Reorganization to prompt an election and requested that City Council direct the City Clerk to conduct an election.

BACKGROUND INFORMATION:

The term "Reorganization" consists of the following:

- A. Annexation of the Town of Freeport to the City of Sacramento,
- B. Detachment from County Service Area (CSA No. 1),
- C. Detachment from Sacramento County Water Agency Zone 13
- D. Detachment from County Sanitation District No. 1 (CSD No. 1)

A resolution initiating the Freeport Reorganization (annexation and related detachments) was approved by City Council on April 20, 2004 (M04-047, Resolution 2004-288). Related resolutions were also approved amending the City of Sacramento General Plan land use designation, the Airport-Meadowview Community Plan, applicable text, rezoning, and the addition of the Freeport Special Planning District (SPD) to the City code to further implement the goals contained in the Community Plan for the affected territory. Council also approved the Property Tax Exchange Agreement with Sacramento County, and ratified the Mitigated Negative Declaration and Monitoring Plan.

The Commission requested that City staff prepare a modified project boundary and legal description to comply with LAFCo criteria and approved the Reorganization on August 4, 2004. A map and legal description is included with this report (Attachments A & B). The project boundary has been modified to add APN 119-0190-006, and to avoid splitting parcels 119-0190-007, 009 and 010. The boundary excludes the Freeport Bridge approaches, roadways and related easements. The terms and conditions of the LAFCo approval are included as Attachment C.

FINANCIAL CONSIDERATIONS:

The County of Sacramento Board of Supervisors approved the Tax Revenue Sharing Agreement between the City and the County on April 20, 2004. The agreement provides that the property tax in the annexed area be pooled and split equally between the City and County General Funds. The gains and losses to the affected agencies will be minimal. The City will realize a small surplus of revenues over expenditures of approximately \$20,000 annually.

The conditions of LAFCo Resolution 1283 authorize the City to levy general and specific taxes including, but not limited to, utility users tax, sales taxes, occupancy taxes and other fees charged under Government Code Section 57330. It further states that the City may develop a financing plan or assessment district to pay for infrastructure. An assessment district would be required to fund sewer and water infrastructure as part of any future development of the adjacent Delta Shores property. The City may require voter approval of an assessment district for Landscaping and Lighting (L&L) at some point that could add the following amounts to property owner tax bills:

Landscaping & Lighting Annual Fee for July, 2004 – June 2005 for Residential Properties		
Single Family Homes in a Neighborhood with Lights	Single Family Homes in a Neighborhood without Lights	Multifamily-Residential (Per Unit)
\$64.02/ year	\$40.33/year	\$ 32.05 / year with lights \$15.47 / year no lights

Mobile homes with no land are assessed as single-family dwellings. Occupants of mobile homes with no land are not assessed. Churches are currently assessed \$36.85/year.

Commercial properties are assessed as follows:

Landscape & Lighting Annual Fee for July, 2004-June 2005 for Business Properties		
Business Property 0-25,000 sq. ft.	Business Property 25,001 sq. ft.- 100,000 sq. ft.	Business Property 100,001 or more sq. ft.
\$98.72/year	\$493.59/year	1,026.66/year

Landscape and Lighting fees are adjusted annually. Public hearings on L&L services, fees, and bonding payment are normally held during the month of June at regular meetings of the City Council.

Section IV.C.9 of the Airport-Meadowview Community Plan contains objectives and goals for retaining the "delta river town" identity of Freeport. Possible future improvements and services that the City may provide are outlined in Goals 1 & 2. Goal 2.2.4 states "a community main street master plan should be developed to plan for public improvements along Freeport Boulevard that would reflect the historic character of the town." It further states that the City Public Works Department, Department of Utilities, or other relevant departments should be involved in the development of, and utilize the concepts developed in, the community main street master plan to "guide the construction of normally required infrastructure improvements, such as curbs, gutters, sidewalks, and lighting." This portion of Freeport Boulevard is a State Highway and would need to be relinquished to the City. In addition, many of the "Victory" trees along Freeport Boulevard have been lost due to Dutch Elm Disease, and would need to be replanted.

In addition to L&L, the City may require voter approval for the Additional Library Services Assessment District. The annual assessment for single-family residential uses is \$25.97 for FY 2004/05. Other residential and non-residential uses are assessed according to a formula that takes into account the number of residential units (if any) and the proportional benefit relative to other parcels, based on the land use. The rates are adjusted annually according to the Consumer Price Index (CPI) San Francisco Area.

ENVIRONMENTAL CONSIDERATIONS:

Council previously ratified the Mitigated Negative Declaration and adopted the mitigation-monitoring plan. Sacramento LAFCo has considered the Mitigated Negative Declaration, together with the Addendum, and Mitigation Monitoring Plan previously certified by the City of Sacramento.

The LAFCo Commission, as the Responsible Agency, has reviewed and considered the Mitigated Negative Declaration and has incorporated the Mitigation Measures into LAFCo Resolution No. 1283, and filed a Notice of Determination with the County Clerk.

POLICY CONSIDERATIONS:

It is the City's policy to "assist property owners and residents that want to annex to the City of Sacramento consistent with the City's annexation policy." The City's policies also support the annexation of underdeveloped lands lacking services or having inadequate infrastructure facilities and services. The Freeport proposal is consistent with State law and LAFCo standards and criteria; preserves neighborhood identities; improves service to the City-owned Cavanaugh Golf Course; eliminates an irregular boundary and isolated unincorporated peninsula on the western side of I-5, and is located within the City of Sacramento's Sphere of Influence.

ESBD CONSIDERATIONS: No goods or services are being purchased under this report.

Respectfully submitted:



Gary Stonehouse
Planning Director

FOR COUNCIL INFORMATION:






ROBERT P. THOMAS
City Manager

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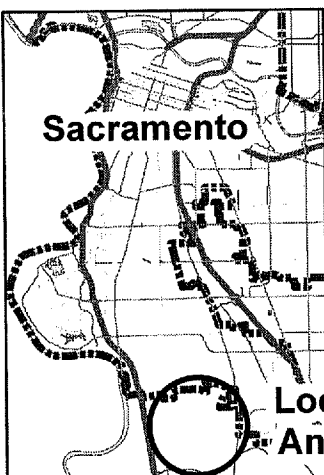
1. Attachment A: Modified Map	Pg. 4
2. Attachment B: Modified Legal Description	Pg. 5
3. Attachment C: LAFCo Correspondence, Resolution No. LAFC 1283	Pgs. 6-15

Proposed Freeport Annexation to the City of Sacramento

Legend

-  City of Sacramento
-  Annexation Area
-  Sacramento River

Excludes Freeport Bridge, approaches/roadways, and any related easements



City of Sacramento

**Freeport
Annexation Area**

Freeport Boulevard

Stonecrest Ave.

5

River Road

Freeport Bridge



LEGAL DESCRIPTION

FREEPORT ANNEXATION

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

Beginning at a point on the City Limits line of the City of Sacramento, said point being located on the easterly right of way line of Freeport Boulevard where said right of way line intersects the northerly boundary of that certain parcel described in deed to Lawrence Dee, dated January 23, 1939, and recorded in Book 732 of Official Records, Filing No. 1566, Sacramento County Records, said point also being the northwest corner of the "Freeport Acres Annexation Area" as described in Sacramento City Ordinance No. 2170, Fourth Series; thence southerly and easterly along the westerly and southerly boundary of said Annexation to the northwest corner of the "Peery/Arrillaga Annexation" as described in Sacramento City Ordinance No. 87-047; thence southerly along the westerly line of said Annexation, South 14° 32' 00" East 845.43 feet; thence leaving said Annexation, South 80° 09' 23" West 375.68 feet to a point on the westerly line of Interstate Freeway Route 5 as shown on the State of California Department of Transportation Monument Map designated Sacramento County, RTE 5, P.M. 14.4, sheet 6 of 12; thence southerly and coincident with said westerly line along a curve to the right, concave westerly, with a radius of 9850 feet, a radial line through said beginning of curve bears North 76° 26' 17" East, subtended by a chord bearing South 11° 35' 31" East 677.28 feet; thence South 09° 37' 18" East 239.10 feet; thence South 07° 53' 31" East 1129.00 feet; thence leaving said westerly line of Interstate Freeway Route 5, North 16° 37' 17" West 2.43 feet; thence North 77° 33' 57" West 2115.30 feet to the easterly high water line of the Sacramento River, said point also being the southwest corner of Swamp Land Survey No. 155; thence northerly following the meanderings of said high water line 1425.40 feet; thence leaving said easterly high water line South 77° 54' 30" West 367.50 feet, more or less, to the center line of the Sacramento River, said center line also being the boundary between Yolo and Sacramento Counties; thence meandering northerly, along said center line, 5108.00 feet, more or less, to the southwest corner of the "Riverside Annexation Area" as described in Sacramento City Ordinance No. 2107, Fourth Series; thence easterly along said southerly line of "Riverside Annexation Area" to the point of beginning containing 188.047 acres, more or less.

Including Assessor Parcel Numbers 119-0190-006, 007,009, and 010. Excepting therefrom Freeport Bridge, approaches/roadways, and any related easements.



SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
1112 I Street, Suite 100 • Sacramento, CA 95814-2836 • Tel (916) 874-6458 • Fax (916) 874-2939

December 13, 2004

Robert P. Thomas, City Manager
City of Sacramento
730 I Street, Suite #304
Sacramento, CA 95814

RE: **Freeport Reorganization** (08-04)

Dear Mr. Thomas:

This letter is to apprise you of the status of the Freeport Reorganization. Sacramento LAFCo staff completed the conducting authority protest proceedings on November 17, 2004. All protest and protest withdrawal forms were forwarded to the Sacramento County Registrar of Voters for certification.

According to Government Code Section 57000 (c) and (d), the Sacramento Local Agency Formation Commission finds that there is sufficient protest regarding the Reorganization to prompt an election. This letter is to respectfully request that you inform the City Council of the determination and respectfully request that the City Council direct the elections official to conduct the necessary election.

LAFCo staff will be happy to assist you regarding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Please do not hesitate to contact Don Lockhart, Assistant Executive Officer, at 874-2937 if you wish assistance.

Very truly yours,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Peter Brundage
Executive Officer

DL:Maf
Attachment

cc: Shirley Concolino, City Clerk



COUNTY OF SACRAMENTO

VOTER REGISTRATION AND ELECTIONS

COUNTYWIDE SERVICES AGENCY

We proudly conduct elections with accuracy, integrity and dignity

JILL LAVINE
Registrar of Voters

ALICE JARBOE
Assistant Registrar of Voters

REGISTRAR OF VOTERS WRITTEN PROTEST CERTIFICATION

I, Jill LaVine, Registrar of Voters of the County of Sacramento, State of California, hereby certify:

That the **FREEPORT ORGANIZATION** was filed with this office on November 18, 2004.

That said petition consists of 33 sections; with 37 signatures.

That each section contains signatures purporting to be signatures of qualified electors of this Freeport Reorganization.

That the affiant stated his/her own qualification, that s/he had solicited the signatures upon that section, that all of the signatures were made in his/her presence, and that to the best of his/her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determine the following facts regarding this petition:

1.	Number of protests delivered	25
2.	Number of protests verified	25
a.	Number found sufficient	21
b.	Number found not sufficient	4
	1. Not registered	3
	2. Not registered at correct address	1
	3. No signature	1
3.	Number of withdrawals delivered	11
4.	Number of withdrawals verified	11
a.	Number found sufficient	4
b.	Number found not sufficient	7
	1. Withdrawal form received and no protest form	3
	2. Withdrawal form duplicate signatures	2
	3. Withdrawal form deemed invalid	2
	Not registered at correct address	1
	Cannot Identify	1

RECAPITULATION:

Number of protests found sufficient	21
Number of withdrawals found sufficient	4
Number of registered voters in protest area as of November 17, 2004	59

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal this
9th day of December, 2004.

Jill LaVine
Jill LaVine
REGISTRAR OF VOTERS

RESOLUTION NO. LAFC 1283

**RESOLUTION OF THE
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS FOR THE APPROVAL OF THE
FREEPORT REORGANIZATION**

*[Annexation to City of Sacramento; Detachment from CSA #1, Sacramento County
Water Agency, Zone 13, and County Sanitation District No. 1]
(08-04)*

WHEREAS, an application for Reorganization [Annexation of the Town of Freeport to the City of Sacramento; Detachment from County Service Area No. 1, and Sacramento County Water Agency, Zone 13, and County Sanitation District No. 1 from the County of Sacramento] was submitted to the Commission by the City of Sacramento pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and all amendments thereto, which commences at Government Code Section 56000 et. seq. and all references in the Resolution shall be to the Government Code unless otherwise noted;

WHEREAS, at the times and in the substantial form and manner provided by law, the Executive Officer has given notice of public hearing(s) by this Commission upon the Proposal;

WHEREAS, a public hearing on the proposed Freeport Reorganization (08-04) was held by the Commission on August 4, 2004;

WHEREAS, the Executive Officer has reviewed all available information and prepared reports, including recommendations, and presented the findings, reports and related information to the Commission, which were then considered by the Commission; and

WHEREAS, at the public hearing(s) the Commission heard and received all oral and written testimony, objections, all oral and written evidence, which was made, presented, or filed, and persons present were given an opportunity to hear and be heard with respect to any matter relating to these hearing(s).

NOW, THEREFORE, the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** does hereby find, determine, resolve and order as follows:

1. The Commission has considered Government Code Sections 56425 and 56668 and all relevant factors in reaching its conclusions regarding the proposal.
2. Notice as required by law has been given.
3. The Affected Territory is inhabited and located in an urbanized area.

Resolution No. LAFC 1283

4. The Affected Territory is located within the City of Sacramento Sphere of Influence.
5. The City of Sacramento has rezoned the Affected Territory as required by law.
6. In accordance with Section 56430, the Commission has conducted a review of municipal services provided by the City of Sacramento and makes determinations that the municipal services will be adequate to serve the community of Freeport, as rezoned, by the City of Sacramento.
7. The Commission, through its Executive Officer, has considered the Mitigated Negative Declaration, together with the Addendum, and Mitigation Monitoring Plan previously certified by the City of Sacramento. The Commission, as the Responsible Agency, has reviewed and considered the Mitigated Negative Declaration and incorporates all Mitigation Measures, as identified, into this Resolution. The Commission reserves the right to monitor the enforcement of Mitigation Measures as identified. The Commission directs the Executive Officer to file the Notice of Determination with the County Clerk.
8. Subject to the terms and conditions set forth herein, the annexation proposed by the Resolution and Proposal submitted, is hereby approved as follows:
 - a. The Affected Territory, known as Freeport, consisting of 180 acres, more or less, (total area to centerline of the Sacramento River, including public Right-of-Ways) is annexed to the City of Sacramento, shown on Exhibit "A" and described in the attached legal description.
 - b. The boundaries of the City of Sacramento shall be amended to include subject territory.
 - c. The City of Sacramento shall provide all necessary services as required by law including Animal Control and Regulation, Building Inspection, Code Enforcement, Police and Law Enforcement, Fire, Ambulance, and Emergency Services, Parks and Recreation, Solid Waste, Public Works, Traffic, Drainage, Water, and other authorized services currently provided to the residents of the City of Sacramento. Notwithstanding that the City of Sacramento and affected property owners may develop and approve a financing plan, or assessment district, for the

Resolution No. LAFC 1283

construction of the necessary infrastructure to replace private septic systems and well systems.

- d. The following independent Special Districts shall be detached from the Affected Territory: County Service Area No. 1, Sacramento County Water Agency Zone 13, and County Sanitation District No.1.
 - e. The annexation is subject to an Ad Valorem Property Tax sharing Agreement between the City of Sacramento and the County of Sacramento for this reorganization consistent with Revenue and Taxation Code Section 99 attached hereto and made a part hereof.
9. The Commission has reviewed the following factors and made the following determinations:
- a. The proposal is consistent with the population needs and natural geographic boundary.
 - b. The proposal meets the need to provide municipal services to an area planned for urban development.
 - c. The proposal is consistent and compatible with the surrounding land uses.
 - d. The City of Sacramento has the ability and resources to provide governmental and municipal services to the Affected Territory in an efficient and accountable manner.
 - e. The Proposal will not adversely affect the surrounding area, nor affect other governmental services provided by the County of Sacramento or other special districts.
 - f. The City of Sacramento currently serves the community of Freeport with both fire and police services without compensation or a contract for service provision.
 - g. The proposal contains definite and certain boundaries, it does not split ownership or assessment lines, and it does not create islands or corridors of unincorporated areas.

Resolution No. LAFC 1283

10. The City of Sacramento shall be authorized and may continue to levy in the annexed area General and Special Taxes as currently levied by the City of Sacramento including but not limited to utility user taxes, transient occupancy taxes, sales taxes, real property transfer taxes, franchise fees, and any other fee and charges levied as authorized under Government Code Section 57330.
11. The City of Sacramento has adequate water to serve the affected territory.
12. The effective date of the reorganization shall be upon filing the Notice of Completion by the Executive Officer with the Sacramento County Clerk.
13. Pursuant to Government Code Section 57329 all roads and highways or portions thereof, which had been accepted into the County Road system pursuant to Section 941 of the Streets and Highway Code, shall become City of Sacramento streets on the effective date of the annexation, excepting therefrom the Freeport Bridge, approach/ roadways, and any related easements.
14. The Commission designates the Executive Officer as the Conducting Authority for all matters related to the Freeport Reorganization.

BE IT FURTHER RESOLVED by the Sacramento Local Agency Formation Commission the Executive Officer is directed to initiate appropriate proceedings in compliance with this Resolution and State law and that the Executive Officer of this Commission is authorized and directed to:

1. File the CEQA Notice of Determination with the Sacramento County Clerk;
2. Initiate the Conducting Authority protest proceeding before the Executive Officer acting on behalf of the Sacramento Local Agency Formation Commission pursuant to Government Code Section 57000 et. seq., and set the Conducting Authority Hearing at the Executive Officer's discretion.
3. Prepare a Certificate of Completion and make the filings as required under State law;
4. Mail a certified copy of this Resolution to the City Clerk of the City of Sacramento and to those affected governmental agencies whose boundaries are affected by the Resolution;

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5. File a certified copy of this Resolution with the Clerk of the Board of Supervisors of the County of Sacramento; and
6. Request the City of Sacramento to prepare the modified legal description, as designated by the Commission, of the Affected Territory to be filed with the Clerk of the Commission.

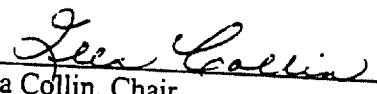
On a motion by Commissioner Tooker, seconded by Commissioner Rose, the foregoing Resolution was passed and adopted by the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**, State of California, this 4th day of August, 2004, by the following vote to-wit:

AYES: *Commissioners Charles Rose, Elliot Mulberg, Chris Tooker, Muriel Johnson, Lauren Hammond, and Illa Collin.*

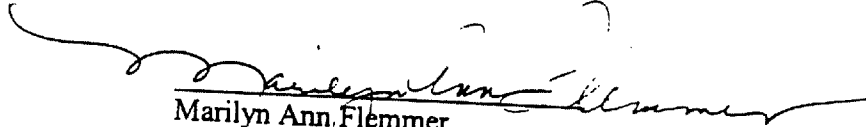
NOES: *None*

ABSTAIN: *None*

ABSENT: *Sophia Scherman*

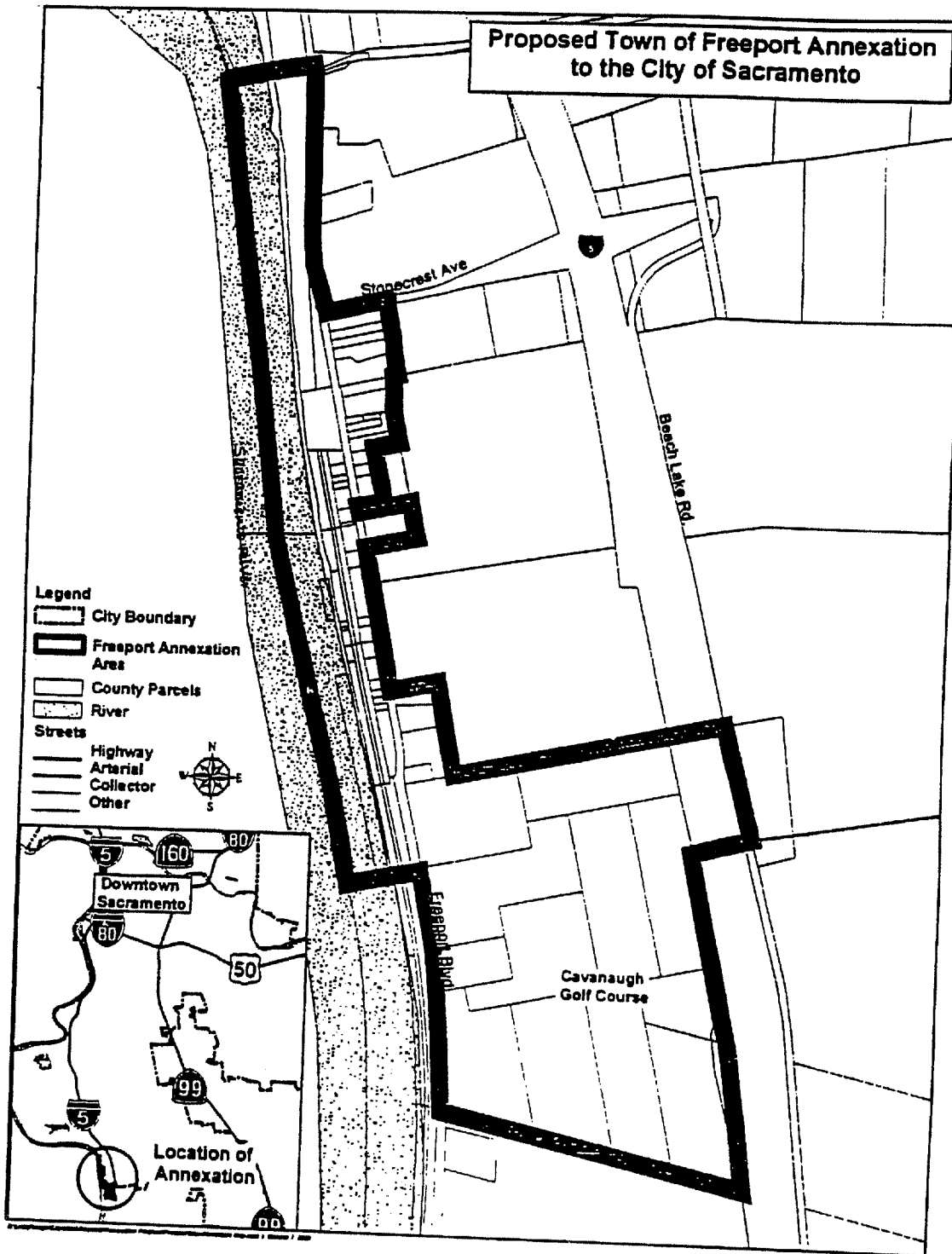

Illia Collin, Chair
**SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION**

ATTEST:


Marilyn Ann Flemmer
Commission Clerk

PB:DL:Maf
(Reso 1283 Freeport Reorganization)

Exhibit 2 - Freeport Annexation Map



APPROVED
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

AUG 4 - 2004

W. Langston

FOR CITY CLERK USE ONLY

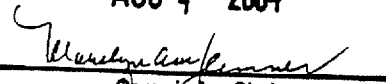
RESOLUTION NO. 2004-288

DATE ADOPTED: APR 20 2004

**LAFCO Staff Proposed
Revised Boundary***

APPROVED
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

AUG 4 - 2004


Commission Clerk

**Proposed Town of Freeport Annexation
to the City of Sacramento**

119-0190-007
Sacramento Regional
County Sanitation District

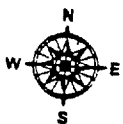
Freeport Blvd

*Note: Excepting therefrom
County of Sacramento
Road E-9 (FREEPORT BRIDGE)
and any related easements.

119-0190-010
State of California

119-0190-009
State of California

119-0190-006
Sacramento Regional
County Sanitation District



Legend

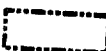


-  City Boundary
-  Prop. Boundary Change 1
-  County Parcels

EXHIBIT A

FREEPORT ANNEXATION - LEGAL DESCRIPTION

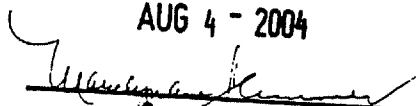
All that certain real property situated in the County of Sacramento, State of California, described as follows:

Beginning at a point on the City Limits line of the City of Sacramento, said point being located on the easterly right of way line of Freeport Boulevard where said right of way line intersects the northerly boundary of that certain parcel described in deed to Lawrence Dee, dated January 23, 1939, and recorded in Book 732 of Official Records, Filing No. 1566, Sacramento County Records, said point also being the northwest corner of the "Freeport Acres Annexation Area" as described in Sacramento City Ordinance No. 2170, Fourth Series; thence southerly and easterly along the westerly and southerly boundary of said Annexation to the southerly end of a course stated North 09° 47' 50" West 698.94 feet of said Annexation; thence, leaving said Annexation, South 80° 09' 23" West 677.23 feet to a point on the westerly line of Interstate Freeway Route 5; thence coincident with said westerly line along a curve to the right with a radius of 9850 feet, subtended by a chord bearing South 11° 35' 31" East 677.28 feet; thence South 08° 11' 39" East 1368.02 feet; thence leaving said westerly line of Interstate Freeway Route 5, North 16° 37' 17" West 2.43 feet; thence North 77° 33' 57" West 1937.67 feet to the easterly line of Freeport Boulevard; thence coincident with said easterly line North 04° 37' 20" West 873.31 feet; thence North 10° 25' 17" West 328.66 feet; thence North 06° 51' 07" West 257.32 feet; thence North 12° 22' 37" West 80.00 feet; thence leaving said easterly line of Freeport Boulevard South 77° 54' 07" West 554 feet, more or less, to the center line of the Sacramento River; thence meandering northerly, along said center line, 5105 feet, more or less, to the southwest corner of the "Riverside Annexation Area" as described in Sacramento City Ordinance No. 2107, Fourth Series; thence easterly along said southerly line of "Riverside Annexation Area" to the point of beginning.

Including Assessor Parcel Numbers 119-0190-006, 007, 009, & 010.
Excepting therefrom Freeport Bridge, approaches/ roadways, and any related easements.

APPROVED
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

AUG 4 - 2004


Commission Clerk