



4.2

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
& SPECIAL DISTRICTS
1231 I STREET, ROOM 300
SACRAMENTO, CA 95814

TECHNICAL SERVICES
DIVISION

APPROVED
BY THE CITY COUNCIL

PH 916-264-8300
FAX 916-264-8281

May 5, 1998

MAY 19 1998

City Council
Sacramento, California

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

**SUBJECT: DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT (CFD)
NO. 95-01 ANNEXATION NO. 1 - ELECTION RESULTS**

LOCATION AND COUNCIL DISTRICT:

Properties included in this annexation are located in Council Districts 1, 2, 5 and 6 (see attached map marked Exhibit A).

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution determining the results of the special election to annex territory to the Development Fee Financing Community Facilities District (CFD) No. 95-01.

CONTACT PERSON:

Jim Johnston, Administrative Analyst, 264-7967

FOR COUNCIL MEETING OF:

May 19, 1998

SUMMARY:

The purpose of this report is to declare the results of a special election held on May 12, 1998 for the Development Fee Financing CFD No. 95-01. Election results will be reported verbally during the May 19, 1998 afternoon Council meeting. A two-thirds ($\frac{2}{3}$) vote in favor of the annexation is required to confirm the annexation of property to the CFD and the special tax.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

Annexation No. 1 to the Development Fee Financing CFD was initiated by City Council on March 31, 1998 (Resolution 98-103) and a public hearing was held on May 7, 1998. At the conclusion of the hearing, a resolution was adopted to annex seven properties to the CFD and to call for a special election. The purpose of the election was to submit to the landowners the question of annexing property to the CFD. The election was held on May 12, 1998. Each

City Council
Development Fee Financing Community Facilities District
May 4, 1998

property owner signed a waiver and consent form to shorten the election process to accommodate the schedule shown as Exhibit B. Due to the shortened election process and submission of this report, the results of the election will be presented verbally.

FINANCIAL CONSIDERATIONS:

All costs associated with this annexation process are borne by the property owners involved. There is no cost to the general fund.

ENVIRONMENTAL CONSIDERATIONS:

The environmental review for the development projects listed in this report have previously been completed. Council action in approving this CFD is exempt from CEQA because it will have no conceivable affect on the physical environment.

POLICY CONSIDERATIONS:

Council approved the Development Fee Financing CFD on April 6, 1995. The procedures under which this annexation is being conducted are set forth in Title 5 of the Government Code, Sections 53311-53317.5 entitled "The Mello-Roos Community Facilities Act of 1982."

MBE/WBE:

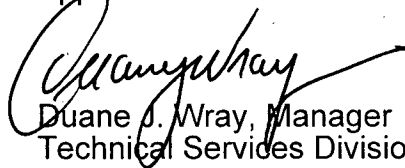
City Council adoption of the attached resolutions is not affected by City policy related to MBE/WBE.

Respectfully submitted,



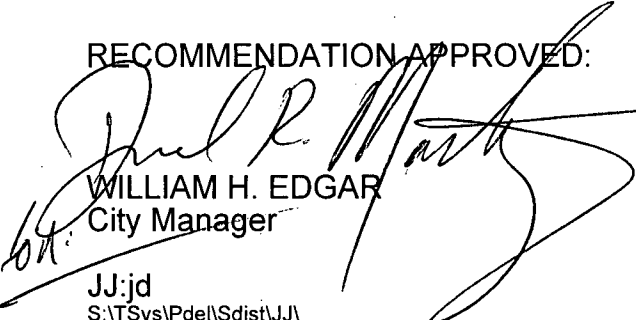
for Gary Alm, Manager
Development Services and Special Districts

Approved:



Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

JJ:jd
S:\TSvs\PdellSdist\JJ

Approved:



Michael Kashiwagi
Director of Public Works

Attachments

DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01
ANNEXATION NO. 1

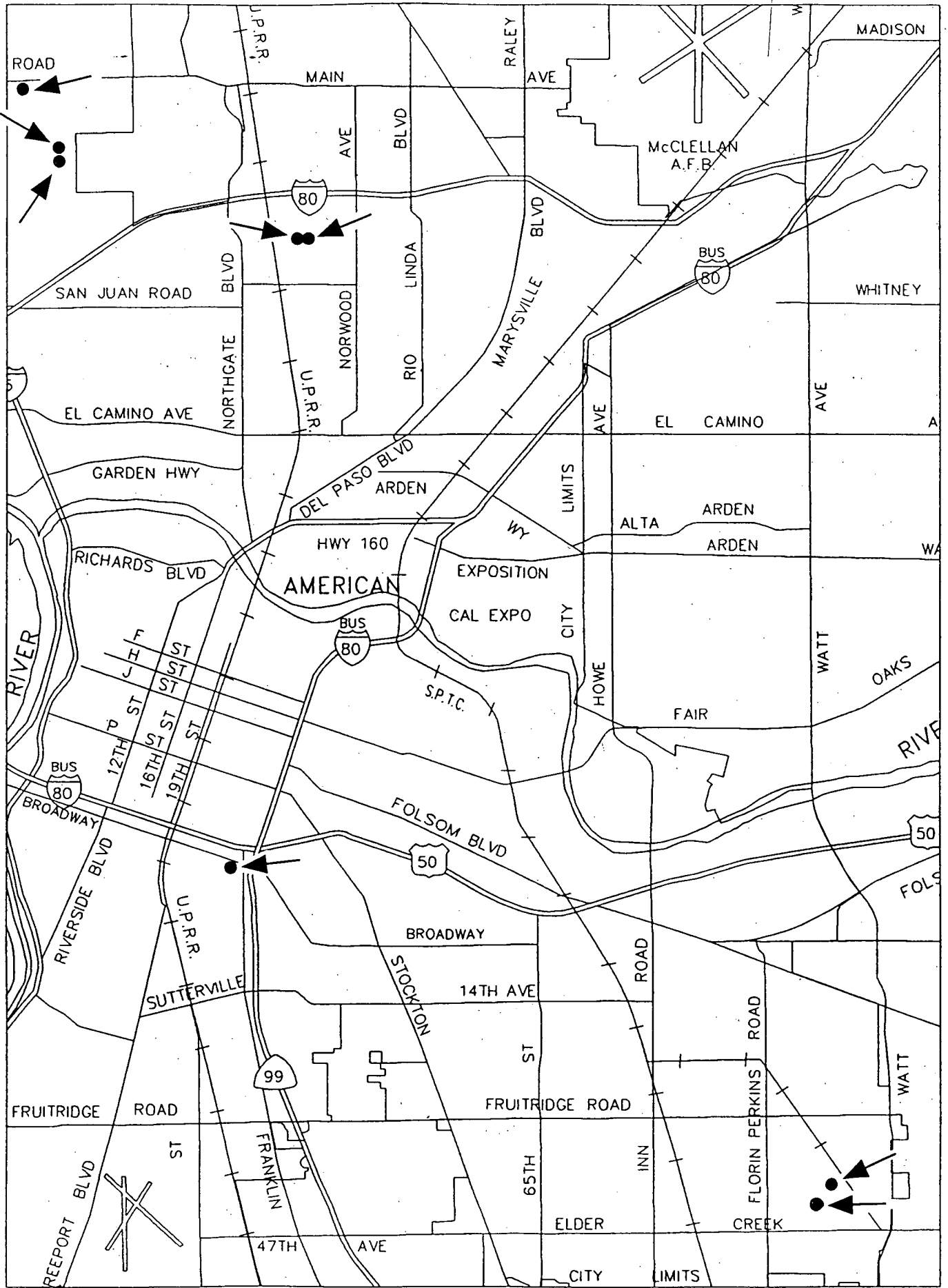


EXHIBIT B

DEVELOPMENT FEE FINANCING CFD ANNEXATION NO. 1 SCHEDULE

- March 1998 Receive from Property Owners:
- Final application, information, title reports
 - Annexation and Reimbursement Agreements
- March 31, 1998 Council Action:
- Adopt Resolution of Intention to Annex Property, to Increase the Special Tax Rate and Call for Public Hearing.
 - Adopt Resolution Approving Annexation and Reimbursement Agreements
- April 3, 1998 Hearing Notice and Consent and Waiver Form mailed to Property Owners
Proposed annexation boundary map is recorded.
- April 28, 1998 CFD Report is filed with City Clerk
- May 7, 1998 Council Action:
- Conduct Public Hearing
 - Adopt Resolution Approving Annexation and Special Tax Rate Increase and Calling for a Special Election.
- May 12, 1998 Ballots are due to City Clerk
- May 19, 1998 Council Action:
- Adopt Resolution Confirming Election Results.
- May 21, 1998 Record Notice of Special Tax Lien
- May 26, 1998 Council Action:
- Development Fee Financing CFD Annexation Ordinance - Pass for Publication
- June 4, 1998 Council Action:
- Adopt Ordinance Levying Special Tax
 - Adopt Resolution Levying a Special Tax
 - Adopt Resolution Appropriating Funds
 - Adopt Resolution Approving Official Statement
 - Adopt Bond Documents
- June/July 1998 Close bond sale, obtain and disburse proceeds.

APPROVED
BY THE CITY COUNCIL

MAY 19 1998

RESOLUTION NO. 98-194

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF May 19, 1998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO DETERMINING THE RESULTS OF THE SPECIAL ELECTIONS TO ANNEX TERRITORY TO AND TO INCREASE THE SPECIAL TAX RATE FOR DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, ON MAY 12, 1998

WHEREAS, the City Clerk of the City of Sacramento has duly canvassed the votes cast at the special elections held to annex territory to and to increase the special tax rate for Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District"), on May 12, 1998, upon the propositions hereinafter set forth, and has certified to this City Council the results of the votes cast at such special elections upon such propositions, which certification is now on file in the office of the City Clerk of the City of Sacramento;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

Section 1. The above recitals are true and correct, and this City Council so finds and determines.

Section 2. The canvass of the votes cast at the special elections held to annex territory to and to increase the special

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RESOLUTION NO.: _____

DATE ADOPTED: _____

tax rate for the Community Facilities District held on May 12, 1998, as shown by said certification, is hereby approved and confirmed.

Section 3. At such special election, the following proposition was submitted to the landowners in the area proposed for annexation to the Community Facilities District, and the number of votes cast for and against such proposition, as set forth in said canvass, is determined to be as follows:

BALLOT MEASURE

Shall the area of the Territory (as that term is defined in Resolution No. 98-164 adopted by the City Council of the City of Sacramento on May 7, 1998) be annexed to the Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California, as provided in such Resolution No. 98-164

Number of votes
YES

78

Number of votes
NO

0

Section 4. At such special election, the following proposition was submitted to the landowners in the Community Facilities District (as constituted after such annexation), and the number of votes cast for and against such proposition, as set forth in said canvass, is determined to be as follows:

BALLOT MEASURE

Shall the special tax rate for the Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (as constituted after Annexation 1 thereto) be increased as provided in Resolution No. 98-164 adopted by the City Council of the City of Sacramento on May 7, 1998?

Number of votes
YES

78

Number of votes
NO

0

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RESOLUTION NO.: _____

DATE ADOPTED: _____

Section 5. The total number of votes cast at such special elections for and against such propositions was and is set forth in said canvass.

Section 6. More than two-thirds (2/3) of all the votes cast at such special annexation election were cast in favor of such annexation proposition, and such annexation proposition carried.

Section 7. More than two-thirds (2/3) of all the votes cast at such special tax rate increase election were cast in favor of such special tax rate increase proposition, and such special tax rate increase proposition carried.

Section 8. The City Clerk of the City of Sacramento is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the results of such special elections, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code of the State of California.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

PASSED AND ADOPTED by the City Council of the City of Sacramento this 19th day of May, 1998, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

[SEAL]

Mayor of the City of Sacramento

ATTEST:

City Clerk of the City of Sacramento

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RESOLUTION NO.: _____

DATE ADOPTED: _____



4.2

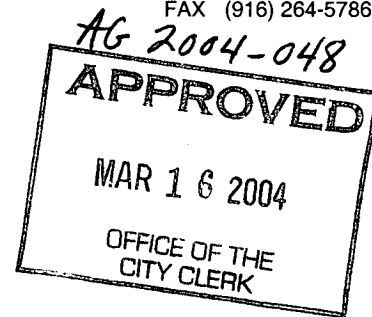
DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET, 2nd Floor
SACRAMENTO, CA 95814
PH. (916) 264-7995
FAX (916) 264-5786

DEVELOPMENT SERVICES DIVISION

February 9, 2004



City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT
NO. 95-01 ANNEXATION #2 – PUBLIC HEARING**

LOCATION AND COUNCIL DISTRICT:

Properties included in this annexation are located in Council District 8 (see Attachment A).

RECOMMENDATION:

This report recommends City Council conduct the Public Hearing and adopt the attached resolutions:

- Annex Territory to the Development Fee Financing District (DFF) CFD 95-01 and call for a Special Election.
- Approve Annexation and Reimbursement Agreement.

CONTACT PERSON: Sini Makasini, Administrative Analyst, 808-7967

FOR COUNCIL MEETING OF: March 16, 2004

SUMMARY:

This report presents a proposal to annex six parcels of land to the Development Fee Financing Community Facility District. This Community Facility District (CFD) allows the City to issue Mello-Roos bonds and finance certain development fees over a 20-year period. Properties proposed for annexation are owned by JTS Communities, Inc. and Bryte Gardens, LTD.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

The Development Fee Financing CFD was approved by City Council on April 6, 1995 by adoption of Resolution No. 95-38. The purpose of the district is to allow developers to be reimbursed for certain development fees. Fees eligible for financing are those, which are directly related to public improvements (e.g. major street construction tax, sewer, water, school, Regional Sanitation and SMUD fees). Development fees used to pay for operating costs of the public agencies are not included (e.g. building permit, plan check, business operations tax, processing and planning fees). Financing of fees is accomplished by issuing Mello-Roos bonds in the amount of the fees plus issuance costs. The original district included five commercial/industrial properties. The district was set up so that other properties could periodically annex to the district. This will be the district's second annexation. Legal services are provided by Agreement to the City of Sacramento by the firm, Orrick, Herrington & Sutcliffe LLP.

Proposed Annexation

The proposed annexation includes six parcels representing a total of 519 residential units to be taxed annually at \$1,080.00 per unit. The total acreage to be annexed is approximately 129 acres. The annexation approval and election are scheduled for March 16, 2004 as shown on the attached schedule (see Attachment B).

FINANCIAL CONSIDERATIONS:

The program is 100% self supported with no impact to the City's General Fund. Costs associated with the annexation process are incurred by the property owner or funded through District Fund proceeds. The annexation will authorize approximately \$5.2 million of bonds to be sold that will be paid back over a 20-year period by property owners within the district.

ENVIRONMENTAL CONSIDERATIONS:

Under California Environmental Quality (CEQA) Guidelines, administration and annexation into a CFD does not constitute a project and therefore is exempt from review.

POLICY CONSIDERATIONS:

The procedures under which this CFD annexation is being conducted are set forth in Title 5 of the Government Code; Sections 53311-53317.5 entitled "The Mello-Roos Community Facilities Act of 1982." Annexation into the Development Fee Financing District CFD 95-01 is consistent with the City's Strategic Plan in promoting and supporting economic vitality.

City Council
Community Facilities District No. 95-01 Annexation #2 – Public Hearing
February 9, 2004

ESBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted,



Gary Alm,
Manager, Development Services

RECOMMENDATION APPROVED:

Approved:



ROBERT P. THOMAS
City Manager



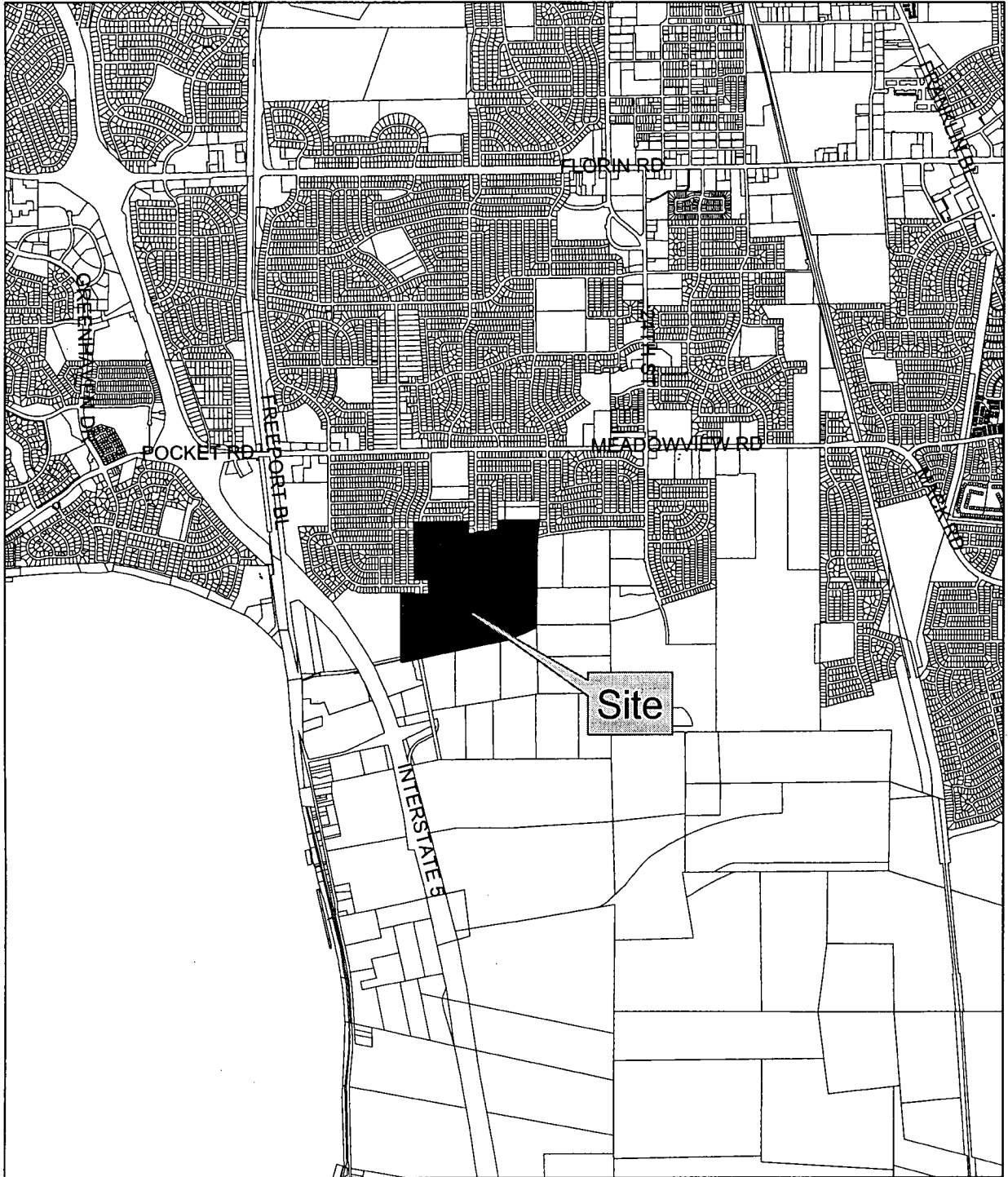
Betty Masuoka
Assistant City Manager

1. Attachment A, Map of Annexation #2 - pg. 4
2. Attachment B, Schedule of Annexation Proceedings - pg. 5
3. Resolution of Intention to Annex Property - pg. 6
4. Exhibit A, Annexation No. 2 Cost Spread, Tax Formula – pg. 11
5. Exhibit B, Eligible Development Fees to be Financed - pg. 12
6. Resolution Approving Annexation and Reimbursement Agreement -pg. 13
7. Annexation and Reimbursement Agreement -pg. 14

SM/dkl

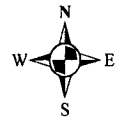
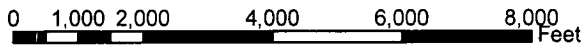
ATTACHMENT A

Development Fee Financing CFD Annexation #2



Department of
PUBLICWORKS
Special Districts City of HOUSTON

B Mueller
12/30/03



Attachment B

Development Fee Financing CFD Annexation No. 2 Schedule

February 3, 2004 City Council – Resolution of Intention

February 4, 2004 Mail Notice of Hearing

March 16, 2004	City Council – Hearing, Call for a Special Election
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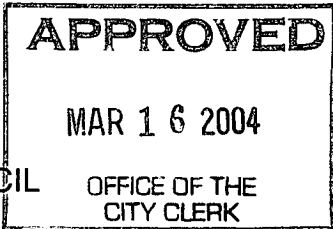
March 17, 2004 Mail Ballots (Waiver of 90 day period)

March 23, 2004 Ballots Due

March 30, 2004 City Council - Election Results & Pass for Publication
Ordinance to Levy Tax

March 31, 2004 Record Notice of “Special Tax”

April 20, 2004 City Council - Adopt Ordinance to Levy Tax



RESOLUTION NO. 2004-189

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO DETERMINING TO ANNEX TERRITORY TO THE EXISTING DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND CALLING A SPECIAL ELECTION TO SUBMIT TO THE LANDOWNERS IN THE TERRITORY PROPOSED FOR ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT THE QUESTION OF AUTHORIZING THE LEVY OF SPECIAL TAXES IN SUCH TERRITORY

WHEREAS, the City Council (the "Council") of the City of Sacramento (the "City") duly adopted Resolution No. 2004-068 (the "Resolution of Intention") on February 3, 2004, wherein it determined, under the terms and provisions of the "Mello-Ross Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that certain territory (the "Territory") more particularly described in the Resolution of Intention (constituting Annexation No. 2) be annexed to the existing Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District"), and that (in connection with such annexation) the public convenience and necessity require that the levy of special taxes of the Community Facilities District be authorized within the Territory that are higher than the existing special taxes authorized to be levied in the existing Community Facilities District to pay for the development fees to be financed with bonds pursuant to the Act, as more particularly set forth in Exhibit A attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the Council further determined in the Resolution of Intention that no change was proposed to the types of development fees authorized to be financed by the Community Facilities District pursuant to the Act; and accordingly the types of development fees currently financed by the Community Facilities District in the existing Community Facilities District pursuant to the Act (and the types of development fees proposed to be financed by the Community Facilities District in the Territory pursuant to the Act after the completion of the annexation) are set forth in Exhibit B attached hereto and incorporated herein and made a part hereof; and since such development fees are site specific to each parcel of land, there is no plan for sharing the financing of the development fees that will be provided in common within the Community Facilities District and within the Territory; and the Council further determined in the Resolution of Intention that the City is authorized to enter into an agreement with any person or entity advancing funds or work in-kind to the Community Facilities District or the territory to repay all or a portion of such funds advanced or to reimburse the person or entity for the value, or cost, whichever is less, of such work in-

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DATE ADOPTED: _____

kind, as determined by the City, from the proceeds of the sale of bonds of the Community Facilities District; and

WHEREAS, the Resolution of Intention fixed Tuesday, the 9th of March, 2004, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, Interim City Hall, 730 I Street, First Floor, Sacramento, California 95814, as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to the Community Facilities District and the levy of such special taxes of the Community Facilities District within the Territory and all other matters set forth in the Resolution of Intention, and notice of such public hearing was duly given as provided in the Resolution of Intention; and

WHEREAS, at the time and place appointed for the public hearing, the Council duly continued the public hearing to Tuesday, the 16th of March, 2004, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, Interim City Hall, 730 I Street, First Floor, Sacramento, California 95814; and

WHEREAS, such continued public hearing was duly convened by the Council at the time and place appointed therefore, and at such continued public hearing the Council considered the proposed annexation of the Territory to the Community Facilities District and the levy of such special taxes of the Community Facilities District within the territory and any other matters set forth in the Resolution of Intention, and at such continued public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District and within the Territory, were given an opportunity to appear and be heard, and the testimony of all interested persons or taxpayers for or against such proposed annexation or the levy of such special taxes of the Community Facilities District within the Territory or any other matters set forth in the Resolution of Intention was heard and considered; and

WHEREAS, the Council is fully advised in this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

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

Section 2. The Council finds and determines that written protests to such proposed annexation are insufficient in number and in amount under the Act and that such proposed annexation has not been precluded by a majority protest as provided in the Resolution of Intention; and accordingly the Council hereby orders that all protests to such proposed annexation are hereby overruled.

Section 3. The Council hereby re-approves and readopts the Resolution of Intention, and reconfirms all the findings and determinations contained therein, and if the levy

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RESOLUTION NO: _____

DATE ADOPTED: _____

of such special taxes in the Territory is approved at the election called by this resolution, the Council will be authorized to annex the Territory to the Community Facilities District and may levy such special taxes of the Community Facilities District, in the Territory; and thereafter upon recordation of a notice of special tax lien pursuant to Section 3117.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of such special taxes in the Territory shall attach to all nonexempt real property in the Territory, which lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until collection of such special taxes by the Council ceases.

Section 4. The Council hereby determines to call a special election to be held in the Territory on Tuesday, March 23, 2004, in accordance with and subject to the Act and applicable law and the terms hereof to submit to the landowners in the Territory (which landowners are the electors qualified to vote at such special election) the question of the levy of such special taxes in the Territory, and in connection with such election, the Council finds and determines that all landowners within the Territory have waived any and all time periods relative to such election pursuant to California Government Code Section 53326(a), and they have waived the preparation and distribution of an impartial analysis of the ballot proposition, as well as arguments in favor and against such proposition, pursuant to California Government Code Section 53327(b), and they have waived the requirement to publish notice of the election pursuant to California Government Code Section 53352, and they have waived the requirements regarding the time to mail ballots pursuant to California Elections Code Section 4101, and they have agreed to accept either mailed service or personal service of the ballots, and they have waived the requirements regarding identification envelopes for the return of mailed ballots pursuant to California Government Code 53327.5, and they have requested that the election be expedited. At such special election, the ballot proposition shall be as follows:

Shall special taxes be authorized to be levied in the area of the Territory (as that term is defined in Resolution No. 2004-068 adopted by the City Council of the City of Sacramento on February 3, 2004) constituting Annexation No.2 proposed to be annexed to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California, as provided in such Resolution No. 2004-068.

Section 5. The City Clerk of the City (the "City Clerk") is hereby designated as the official to conduct such special election in accordance with and subject to the Act and applicable law and the following provisions of this resolution:

(a) Such special election shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined, as provided herein; and in all particulars not prescribed by this resolution such special election shall be held and conducted and the votes received and canvassed in the

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DATE ADOPTED: _____

manner provided by law for the holding of general elections in the City that are consistent with the Act.

(b) All landowners within the Territory upon the date of such special election herein called shall be qualified to vote upon the proposition to authorize the levy of such special taxes in the Territory proposed to be annexed to the Community Facilities District to be submitted at such special election.

(c) Such special election shall be conducted as mailed ballot election, in accordance with the provisions of Sections 1340 et seq. and Section 23511.1 of the Elections Code of the State of California, and there shall be no polling place for such special election. All official ballots shall be mailed by the City Clerk to such landowners, and all voted ballots are required to be received at the office of the City Clerk not later than 2:00 o'clock P.M. on the day of the special election in order to be counted.

(d) Each voter to vote for the proposition to be submitted at such special election shall mark a cross (+) in the blank space opposite the word "YES" on the ballot to the right of such proposition, and to vote against such proposition shall mark a cross (+) in the blank space opposite the word "NO" on the ballot to the right of such proposition, which cross (+) may be marked with either pen or pencil.

(e) The City Clerk shall commence the canvass of the returns of such special election at her office at the conclusion of such special election, and at the conclusion of such canvass shall determine the results of such special election; provided, that if all the qualified electors shall have voted on the proposition hereby submitted prior to 2:00 o'clock P.M. on the date of such special election, the City Clerk shall close such special election at such time and thereupon shall proceed to canvass the returns of such special election and to determine the results thereof.

(f) The Council shall meet at its regular meeting on Tuesday, March 30, 2004, at the hour of 2:00 o'clock P.M. and declare the results of such special election as determined by the City Clerk, and shall cause to be spread upon its minutes a statement of the result of such special election as ascertained by such canvass.

Section 6. If two-thirds (2/3) or more of the votes cast upon the proposition to authorize the levy such special taxes in the Territory are cast in favor thereof, as determined by the Council after reviewing the returns of such special election, the Council will be authorized to annex the Territory to the Community Facilities District and to levy such special taxes in the Territory.

Section 7. The Administrative Analyst, Department of Public Works, Special Districts, City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814 (telephone (916) 808-7967) will be responsible for preparing annually a current roll of special tax levy obligations by Sacramento County Assessor's parcel numbers, and will be

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DATE ADOPTED: _____

responsible for estimating future special tax levies pursuant to Section 53340.1 of the Government Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Sacramento this 16th day of March, 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

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RESOLUTION NO: _____

DATE ADOPTED: _____

EXHIBIT A

DEVELOPMENT FEE FINANCING CFD No. 95-01 ANNEXATION No. 2 COST SPREAD Tax Formula

Parcel Number (1)	Est. Number of Units on Parcel	Total Fees	Bond Costs	Reserve Account (3)	Total Bond Issue (4)	Total Annual Debt Service	Annual Admin. Costs (5)	Total Annual Special Tax (6)	Maximum Annual Special Tax (7)
		Funded By CFD (2)							
052-0010-032	69	\$583,642	\$39,153	\$69,199	\$691,994	\$62,781	\$2,019	\$64,800	\$74,520
052-0010-082	130	\$1,099,615	\$73,767	\$130,376	\$1,303,757	\$118,282	\$3,805	\$122,087	\$140,400
052-0010-083	52	\$439,846	\$29,507	\$52,150	\$521,503	\$47,313	\$1,522	\$48,835	\$56,160
052-0010-084	73	\$617,476	\$41,423	\$73,211	\$732,110	\$66,420	\$2,137	\$68,557	\$78,840
052-0010-085	12	\$101,503	\$6,809	\$12,035	\$120,347	\$10,918	\$351	\$11,270	\$12,960
052-0010-086	183	\$1,547,919	\$103,841	\$183,529	\$1,835,289	\$166,505	\$5,356	\$171,861	\$197,640
TOTAL	519	\$4,390,000	\$294,500	\$520,500	\$5,205,000	\$472,219	\$15,190	\$487,409	\$560,520

- (1) The parcels within Annexation No. 2 will be subdivided into 519 residential lots. As this occurs, the Maximum Annual Special Tax will be reallocated to each residential lot at a rate of \$1,080 per lot. CFD Annexation No. 2 also includes parcels 052-0010-081, 052-0010-087, 052-0010-088, and 052-0010-089; these parcels are too small to contain a full residential lot and therefore will not be subject to the CFD tax.
- (2) Equals approximately \$8,459 in eligible development fees that can be funded per residential unit.
- (3) The Reserve Account equals 10% of the bond issue.
- (4) The total bond issue amount is based on a 6.5% annual average interest rate and a 20 year bond term.
- (5) As determined by City staff, any annual CFD administration costs associated with Annexation No. 2 that are incurred prior to the issuance of bonds maybe funded through the bond issue.
- (6) The Annual Special Tax will not be levied until and unless required to fund the debt service and the annual administration costs associated with the issuance of bonds for CFD No. 95-01 Annexation No. 2.
- (7) The Maximum Annual Special is 115.0% of the Total Annual Special Tax and equals \$1,080 per residential unit.

FOR CITY CLERK USE ONLY

DATE ADOPTED: _____

RESOLUTION NO: _____

EXHIBIT B

**DEVELOPMENT FEE FINANCING CFD NO. 95-01
ANNEXATION No. 2**

Eligible Development Fees that can be funded through DFF CFD No. 95-01:

- Construction Excise Tax (Major Street Construction Tax)
- Sewer Development Fee
- Water Development Fee
- Water and Sewer Tap Fee
- Sterling Fee (Schools)^a
- Regional Sanitation Fee
- Sanitary Sewer Trunk Fee
- SMUD Fees.
- Quimby Park Fee
- Any other development fees that the City deems eligible.

^a 450 of the 519 lots in DFF CFD No. 95-01 Annexation No. 2 are within the Sacramento City Unified School District CFD No. 2 and therefore, are not subject to the Sterling Fee; the remaining 69 lots are not within CFD No. 2 and would be subject to the Sterling Fee.^a

FOR CITY CLERK USE ONLY

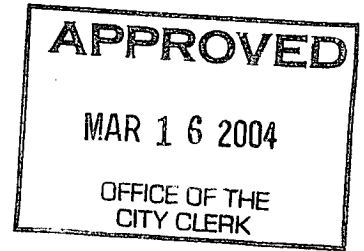
RESOLUTION NO: _____

DATE ADOPTED: _____

RESOLUTION NO. 2004-190

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



RESOLUTION APPROVING ANNEXATION AND REIMBURSEMENT AGREEMENT

**DEVELOPMENT FEE FINANCING
COMMUNITY FACILITIES DISTRICT NO. 95-01
ANNEXATION No. 2**

THE CITY COUNCIL OF THE CITY OF SACRAMENTO RESOLVES:

As part of the proceedings for improvements in Development Fee Financing Community Facilities District No. 95-01 Annexation No. 2, City of Sacramento, County of Sacramento, State of California ("95-01"), the City Council hereby approves that certain Annexation and Reimbursement Agreement by and between the City of Sacramento (the "City") and each owner of the following property within CFD 95-01:

Assessor's Parcel Numbers:	052-0010-032	052-0010-081
	052-0010-082	052-0010-083
	052-0010-084	052-0010-085
	052-0010-086	052-0010-087
	052-0010-088	052-0010-089

in substantially the form as the Annexation and Reimbursement Agreement attached hereto.

The Mayor is hereby authorized to execute the Annexation and Reimbursement Agreement and the City Clerk is authorized to attest its execution.

A copy of the executed Agreement shall be filed in the office of the City Clerk.

MAYOR

ATTEST:

CITY CLERK

ANNEXATION AND REIMBURSEMENT AGREEMENT

COMMUNITY FACILITIES DISTRICT NO. 95-01
(DEVELOPMENT FEE FINANCING)
CITY OF SACRAMENTO
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

THIS AGREEMENT is entered into as of the _____ day of _____, 2004 by and between the City of Sacramento, a municipal corporation (the "City"), and _____, a _____, (Owner)

RECITALS

(A) Owner possesses certain residential real property (the "Property") which Owner desires to develop within the City. The Property is described on Exhibit "A" attached hereto and by this reference made a part hereof.

(B) In order to develop the Property, Owner must pay certain fees and charges (the "Fees and Charges" listed on Exhibit "B" attached hereto and by this reference made a part hereof) of the City and of various other governmental agencies. The proceeds of the Fee and Charges are used to pay for public infrastructure needed to serve the requirements of the new development.

(C) Owner has requested that the City commence and complete proceeding for the annexation to the existing Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "District") pursuant to the provisions of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," ("Act"). Of Property for the purpose of selling bonds in an amount sufficient to pay certain of the Fees and Charges.

(D) Section 53314.9 of the Act provides that at any time. Either before or after the formation of the District, the City Council of the City (the "Council") may accept advances of funds from any source, including private entities, and may provide for the use of those funds for any purpose authorized by the District, and further provides that the Council may enter into an agreement with the entity advancing funds to repay all of a portion of the funds advanced, and this Agreement is entered into under the authority of Section 53314.9 of the Act.

AGREEMENT

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties agree as follows:

Section 1. The City shall initiate and prosecute proceedings pursuant to the Act for the annexation of the Property to the District. Such proceeding shall include but not be limited to, election pursuant to Sections 53330 et seq. and Sections 53339 et seq. of the

Government Code on (i) the question of the annexation of the Property to the District, and (ii) the annual levy of special taxes on all taxable property within the District for the payment of principal and interest on the bonds of the District and the annual administrative expenses of the City and District in levying and collection such special taxes, paying the principal and interest on such bonds and providing for the registration, exchange and transfer of such bonds, including the fees of fiscal agents and paying agents, and any necessary replenishment for the reserve fund for such bonds, or accumulation of funds for future bond payments, which bonds shall be used to finance the payment of the Fee and Charges. Owner shall cooperate with City in its conduct of the proceeding for and the annexation of the Property to the District and acknowledges that any recalcitrance on the part of the Owner, or any failure of the Owner to sign the normal waivers of time limits in order to expedite the annexation of the Property to the District, will relieve the City of its obligation under this Section.

Section 2. The Owner has paid, or will promptly, upon the execution hereof, pay the Fees and Charges. Owner acknowledges that until paid, the City is relieved of its obligation under Section 1. It is agreed that upon payment, the Fees and Charges will be immediately considered committed to their authorized purposes and it, for any reason, the annexation of the property to the District is not completed or funds do not become available for repayment to the Owner, there shall be no return of any Fees and Charges to the Owner except in the case of direct reimbursement from the City as a result amendment, modification, recalculation or correction of the Fees and Charges themselves in accordance with normal City practice.

Section 3. It is understood and agreed that the ability to fund the Fees and Charges by means of an issue of tax-exempt municipal bonds of the City is subject to various limitation and restrictions, both under State and Federal Law. The city will include all such Fees and Charges in the tax-exempt financing as it feels it may, after consultation with the City's bond counsel. Fees and Charges, which are not included in such financing shall not be reimbursed, and the City's determination on the inclusion or exclusion of any element of the Fees and Charges in the tax-exempt financing shall be in its sole and exclusive discretion and shall be final.

Section 4. Notwithstanding the provision of Section 2 and 3, the City and the Owner may, by separate agreement, provide for the deferral of the Fees and Charges, or for the repayment of the Fees and Charges from sources other than the proceeds of tax-exempt bonds of the District (which sources may include the proceeds of the special taxes of the District, or the proceeds of taxable bonds of the District), but not such agreement providing for repayment from any source related to the District may or shall constitute a debt or liability of the City or the District. Nothing in this Agreement creates or implies any obligation on the part of the City to enter into any such separate agreement.

Section 5. This Agreement does not constitute a debt or liability of the City or the District, and the Owner may not look for reimbursement to any source other than the proceeds of the proposed bonds (or, pursuant to Section 4. special taxes). More specifically, the Owner may not look to the general fund of the City nor any other funds or accounts of the City for reimbursement hereunder.

Section 6. When and if the annexation of the Property to the District is completed, and when and if tax-exempt bonds of the District are issued and the proceeds thereof are actually received by the City, the City agrees to repay to the Owner, only from the bond proceeds, and subject to the limitations of section 3 hereof, the Fees and Charges financed pursuant to the Agreement.

Section 7. The District shall automatically, upon execution of this Agreement and upon completion of the annexation of the Property to the District, become a party to this Agreement, and all provisions hereof which apply to the City shall also apply to the District. The City Council, acting for the District, shall perform all parts of this Agreement, which will require performance on the part of the District.

Section 8. Prior to a bond issuance to finance the reimbursement obligation of Section 6, hereof, Owner may not assign this Agreement or any right or duty hereunder without the express written approval of the City. As a condition of such approval, the City may require proof of the financial responsibility and experience of the proposed assignee, both to the satisfaction of the City in its discretion, as well as an express assumption of all liability hereunder by the assignee.

Section 9. Prior to issuance of any bonds, the Owner will execute a landowner/developer disclosure certificate as required by the bond underwriter. Owner's failure to deliver the required certificate will excuse the City from any obligation to issue bonds hereunder.

Section 10. All consents, approvals and determinations required of either the City or Owner pursuant to this Agreement shall be promptly given or made, and shall not be unreasonably withheld if all conditions to such consents, approvals and determinations have been satisfied.

Section 11. This agreement contains the entire agreement between the parties with respect to the matters herein provided for, and may be amended by a subsequent written agreement signed on behalf of both parties. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties. This Agreement shall be construed and governed by the Constitution and laws of the State of California. Should either party to this Agreement commence a court action or proceeding against the other party with respect to this Agreement, the party prevailing in such action or proceeding shall be entitled to receive from the losing party its attorney's fees, expert witness fees, court costs, and other cost incurred by it in prosecuting or defending such action or processing.

Section 12. This Agreement may be executed in several counterparts, each of which shall be an original of the same Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed as of date first above written.

CITY OF SACRAMENTO

Mayor

Attest:

City Clerk

Approved for legal form:

City Attorney

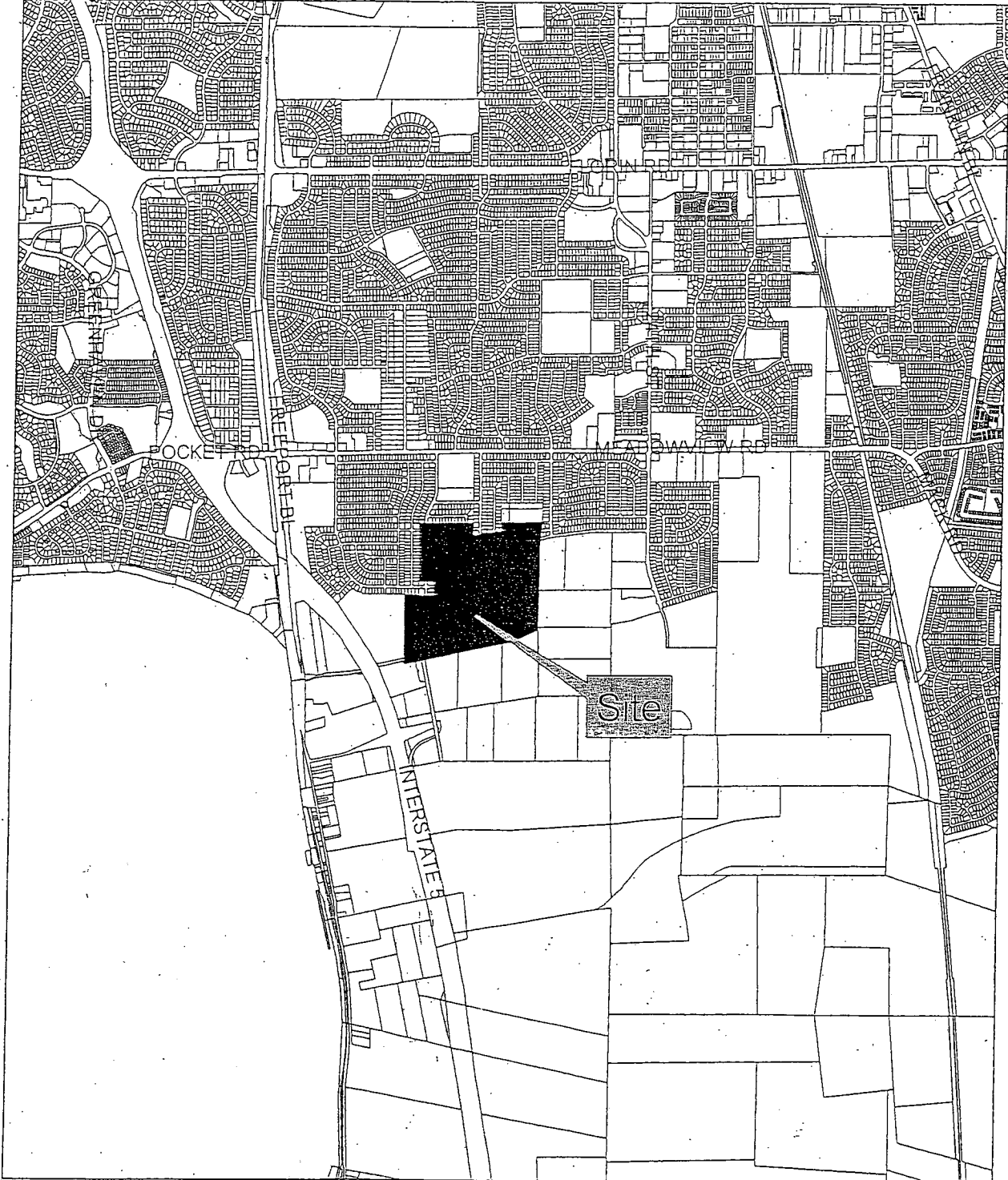
OWNER

By: _____

Its: _____

EXHIBIT A

Development Fee Financing CFD Annexation #2



Department of
PUBLICWORKS
Special Districts DIVISION

B Mueller
12/30/03

0 1,000 2,000 4,000 6,000 8,000 Feet

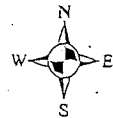


EXHIBIT B

DEVELOPMENT FEE FINANCING CFD NO. 95-01 ANNEXATION No. 2

Eligible Development Fees that can be funded through DFF CFD No. 95-01:

- Construction Excise Tax (Major Street Construction Tax)
- Sewer Development Fee
- Water Development Fee
- Water and Sewer Tap Fee
- Sterling Fee (Schools)^a
- Regional Sanitation Fee
- Sanitary Sewer Trunk Fee
- SMUD Fees.
- Quimby Park Fee
- Any other development fees that the City deems eligible.

^a 450 of the 519 lots in DFF CFD No. 95-01 Annexation No. 2 are within the Sacramento City Unified School District CFD No. 2 and therefore, are not subject to the Sterling Fee; the remaining 69 lots are not within CFD No. 2 and would be subject to the Sterling Fee.^a

4.2

[N-1]

EXHIBIT A

NOTICE OF PUBLIC HEARING
ON THE RESOLUTION OF INTENTION TO ANNEX TERRITORY TO DEVELOPMENT
FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01,
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Sacramento (the "City") has duly adopted Resolution No. 2004-068 (the "Resolution of Intention") on February 3, 2004, wherein the Council determined, under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that it commence proceedings to annex certain territory (the "Territory") to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District"), and that (in connection with such annexation) the public convenience and necessity require that the special tax rate in the Territory be higher than the existing special tax rate in the District, and for particulars as to the Territory proposed to be annexed to the Community Facilities District reference is hereby made to the map marked Exhibit A attached hereto and incorporated herein and made a part hereof, which map sets forth a description of the Territory, and for particulars as to the special tax rate proposed to be levied in the Territory reference is hereby made to Exhibit B attached hereto and incorporated herein and made a part hereof.

NOTICE IS HEREBY FURTHER GIVEN that Tuesday, the 9th day of March, 2004, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, at the City Council Chambers, Interim City Hall, 730 I Street, Sacramento, California 95814, has been fixed by the Council as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to the Community Facilities District and all other matters set forth in the Resolution of Intention. At such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District and within the Territory, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the proposed annexation of the Territory to the Community Facilities District or the proposed special tax rate of the Community Facilities District in the Territory or on any other matters set forth in the Resolution of Intention will be heard and considered. Any protests to the foregoing may be made orally or in writing by any such interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk of the City on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. If fifty (50) per cent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the Community Facilities District, or if fifty (50) per cent or more of the registered voters or six (6) registered voters, whichever is more, residing within the Territory, or if the owners of one-half (1/2) or more of the area of land within

the Community Facilities District, or if the owners of one-half (1/2) or more of the area of land within the Territory, file written protests against the proposed annexation of the Territory to the Community Facilities District, and such protests are not withdrawn so as to reduce the value of the protests to less than a majority, then no further proceedings to annex the Territory to the Community Facilities District as herein proposed shall be taken for a period of one (1) year from the date of the decision by the Council on the issues discussed at such public hearing. At the conclusion of such public hearing, the Council may abandon the proceedings to annex the Territory to the Community Facilities District or may, after passing upon on all protests, determine to proceed to call an election to submit to the qualified electors of the Territory the question of annexing the Territory to the Community Facilities District and authorizing the levy of such special taxes of the Community Facilities District within the Territory; and if the Council determines at the conclusion of such public hearing to call such an election, the voting procedure at such election shall be by landowners in the Territory voting in accordance with the Act.

NOTICE IS HEREBY FURTHER GIVEN that such public hearing may be continued from time to time, but shall be completed within thirty (30) days.

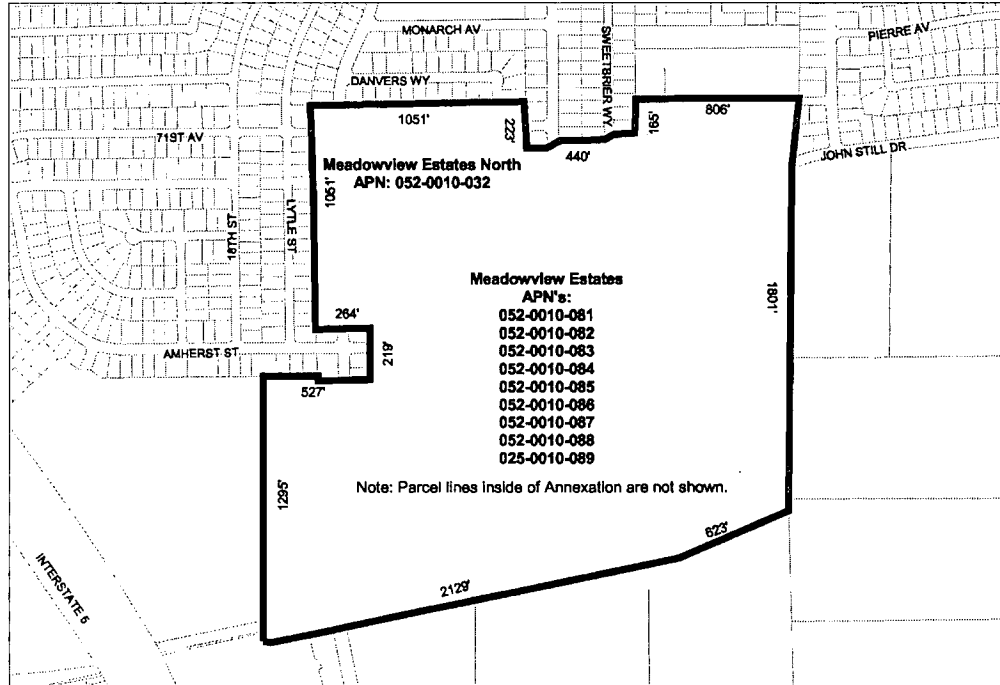
NOTICE IS HEREBY FURTHER GIVEN that a copy of the Resolution of Intention and the boundary map of the Territory are on file with the City Clerk of the City, Sacramento City Hall, 915 I Street, Sacramento, California 95814, and are available for review there during business hours by any interested persons.

DATED: February 3, 2004.

Shirley Concolino
City Clerk of the City of Sacramento

Ad no. 9864
Run: 2/6/04
Proofs: 2

EXHIBIT A



**ANNEXATION MAP NO. 2 TO
DEVELOPMENT FEE FINANCING
COMMUNITY FACILITIES DISTRICT No. 95-01**

CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA
SHEET 1 OF 1

CLERK'S CERTIFICATE AND MAP FILING STATEMENT:

FILED IN THE OFFICE OF THE CLERK OF CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS ___ DAY OF ___, 2004

I HEREBY CERTIFY THAT THE MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION 2 TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AT A MEETING THEREOF, HELD ON THE ___ DAY OF ___, 2004, BY ITS RESOLUTION NO. _____

CITY CLERK,
CITY OF SACRAMENTO, CALIFORNIA

COUNTY RECORDER'S FILING STATEMENT:

FILED THIS ___ DAY OF ___, 2004 AT THE HOUR OF ___ O'CLOCK __ M., IN BOOK ___ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ___ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA,

COUNTY RECORDER
OF THE COUNTY OF SACRAMENTO, CALIFORNIA

BY: _____ DOCUMENT NO. _____
DEPUTY

Legend

— Boundary Line

NPD Not Part of District



EXHIBIT B

DEVELOPMENT FEE FINANCING CFD No. 95-01

ANNEXATION NO. 2
COST SPREAD
Tax Formula

Parcel Number (1)	Est. Number of Units on Parcel	Total Fees Funded By CFD (2)	Bond Costs	Reserve Account (3)	Total Bond Issue (4)	Total Annual Debt Service	Annual Admin. Costs (5)	Total Annual Special Tax (6)	Maximum Annual Special Tax (7)
052-0010-032	69	\$583,642	\$39,153	\$69,199	\$691,994	\$62,781	\$2,019	\$64,800	\$74,520
052-0010-082	130	\$1,099,615	\$73,767	\$130,376	\$1,303,757	\$118,282	\$3,805	\$122,087	\$140,400
052-0010-083	52	\$439,846	\$29,507	\$52,150	\$521,503	\$47,313	\$1,522	\$48,835	\$56,160
052-0010-084	73	\$617,476	\$41,423	\$73,211	\$732,110	\$66,420	\$2,137	\$68,557	\$78,840
052-0010-085	12	\$101,503	\$6,809	\$12,035	\$120,347	\$10,918	\$351	\$11,270	\$12,960
052-0010-086	<u>183</u>	<u>\$1,547,919</u>	<u>\$103,841</u>	<u>\$183,529</u>	<u>\$1,835,289</u>	<u>\$166,505</u>	<u>\$5,356</u>	<u>\$171,861</u>	<u>\$197,640</u>
TOTAL	519	\$4,390,000	\$294,500	\$520,500	\$5,205,000	\$472,219	\$15,190	\$487,409	\$560,520

- (1) The parcels within Annexation No. 2 will be subdivided into 519 residential lots. As this occurs, the Maximum Annual Special Tax will be reallocated to each residential lot at a rate of \$1,080 per lot. CFD Annexation No. 2 also includes parcels 052-0010-081, 052-0010-087, 052-0010-088, and 052-0010-089; these parcels are too small to contain a full residential lot and therefore will not be subject to the CFD tax.
- (2) Equals approximately \$8,459 in eligible development fees that can be funded per residential unit.
- (3) The Reserve Account equals 10% of the bond issue.
- (4) The total bond issue amount is based on a 6.5% annual average interest rate and a 20 year bond term.
- (5) As determined by City staff, any annual CFD administration costs associated with Annexation No. 2 that are incurred prior to the issuance of bonds maybe funded through the bond issue.
- (6) The Annual Special Tax will not be levied until and unless required to fund the debt service and the annual administration costs associated with the issuance of bonds for CFD No. 95-01 Annexation No. 2.
- (7) The Maximum Annual Special is 115.0% of the Total Annual Special Tax and equals \$1,080 per residential unit.

**CITY OF SACRAMENTO
ORDINANCES**

On March 9, 2004, the following ordinance was considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of March 16, 2004. In accordance with Sacramento City Charter Section 32, the titles are herein published:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 8.100 OF THE SACRAMENTO CITY CODE, RELATING TO THE CITY OF SACRAMENTO HOUSING CODE, AND SECTIONS 8.04.150(A)(4) AND 8.96.130(D)(4) RELATING TO NOTICES AND ORDERS RE NUISANCES GENERALLY AND DANGEROUS BUILDINGS

Anyone interested in the full text of the above ordinances may contact the Office of the City Clerk, Interim City Hall, 730 "I" Street, Room 211, phone (916) 808-5427.

SACRAMENTO CITY COUNCIL

**BY: SHIRLEY CONCOLINO
CITY CLERK**

**AD NO.: 9881
RUN ONE TIME: 3/11/04
2 PUB PROOFS**

CERTIFICATE OF ENGINEER

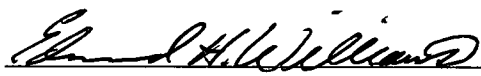
DEVELOPMENT FEE FINANCING
COMMUNITY FACILITIES DISTRICT NO. 95-01
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
ANNEXATION NO. 2

I, Edward Williams, declare:

I am familiar with the boundary map attached hereto entitled "Annexation Map No. 2 to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California" (the "Map"), and I have prepared, from the records of the County of Sacramento, a list of all property owners within the territory shown on the Map, and I also personally inspected the land shown on the Map, and have noted the locations of all dwellings therein that might contain registered voters, and I have cross-checked those addresses with the County Registrar of Voters as well as inquired directly of the County Registrar of Voters to determine the number of registered voters residing within the land shown on the Map; and based on the foregoing, I have determined that on March 16, 2004, there were no registered voters residing within the territory shown on the Map.

Attached to this declaration is a list of all property owners within the territory shown on the Map, including the total number of acres each owns and the number of votes each will be entitled to cast at the special tax election to be held in territory shown on the Map on March 23, 2004 (based upon the formula of one vote for each acre, or portion of an acre, owned).

I certify the foregoing to be true and correct as of March 16, 2004.


Senior Engineer, Department of Public
Works, Special Districts, City of
Sacramento

**DEVELOPMENT FEE FINANCING
COMMUNITY FACILITIES DISTRICT NO. 95-01
CITY OF SACRAMENTO
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
ANNEXATION NO. 2**

List of Property Owners

ID#	OWNER/ADDRESS	PARCEL NUMBER	ACRES	VOTES
1	JTS Communities, Inc.	052-0010-032	12.35	13
2	JTS Communities, Inc.	052-0010-081	0.07	1
3	JTS Communities, Inc.	052-0010-082	23.61	24
4	JTS Communities, Inc.	052-0010-083	11.41	12
5	JTS Communities, Inc.	052-0010-084	14.45	15
6	JTS Communities, Inc.	052-0010-085	2.51	3
7	Bryte Gardens Associates, Ltd.	052-0010-086	65.12	66
8	JTS Communities, Inc.	052-0010-087	0.05	1
9	JTS Communities, Inc.	052-0010-088	0.16	1
10	JTS Communities, Inc.	052-0010-089	0.01	1
TOTAL VOTES:				137



1.12

DEPARTMENT OF
PUBLIC WORKS

SPECIAL DISTRICTS
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

August 18, 1995

CITY HALL
915 I STREET
ROOM 200
SACRAMENTO, CA
95814-2608

PH 916-264-7113
FAX 916-264-5573

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: DEL PASO ROAD COMMUNITY FACILITIES DISTRICT NO. 95-02
ORDINANCE LEVYING A SPECIAL TAX**

LOCATION AND COUNCIL DISTRICT:

Properties within the Del Paso Road Community Facilities District (CFD) are located in the North Natomas Community Plan Area of Council District 1 (please see attached map marked Attachment A).

RECOMMENDATION:

This report recommends that the City Council adopt the Ordinance Levying a Special Tax.

CONTACT PERSON: Karen Shipley, Special Districts Analyst, 264-5236

FOR COUNCIL MEETING OF: September 5, 1995

SUMMARY:

This report presents the Ordinance Levying a Special Tax for the property tax year 1995/96 and Following Tax Years for the Del Paso Road Community Facilities District (CFD) No. 95-02, pursuant to Section 53340 of the California Government Code. The recommended Council action will authorize the billing and collection of the special tax.

COMMITTEE/COMMISSION ACTION:

None.

City Council
Del Paso Road CFD Ordinance
August 18, 1995

BACKGROUND INFORMATION:

On June 20, 1995, City Council initiated the CFD formation. A public hearing and special election was held on August 29, 1995. The district formation was approved by a unanimous vote of the landowners. It is anticipated that bonds will be sold in December 1995. The bond proceeds will refinance the existing North Natomas 88-03 assessment district bonds on the CFD property and eliminate the bond debt on the sports stadium site.

FINANCIAL CONSIDERATIONS:

All costs associated with the formation of this district are recoverable as part of the district costs. There is no impact to the General Fund.

ENVIRONMENTAL CONSIDERATION:

The improvements financed through the North Natomas Assessment District No. 88-03 have been completed. No environmental review is required for formation of the CFD because changing the financing through formation of the Community Facilities District will not have any conceivable affect on the environment pursuant to CEQA Guidelines, Section 15061 (b)(3).

POLICY CONSIDERATIONS:

The procedures relating to the attached Ordinance are set forth in Title 5 of the Government Code Sections 53340 entitled "Mello-Roos Community Facilities Act of 1982".

MBE/WBE:

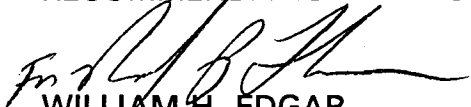
Council adoption of the ordinance is not affected by City policy related to MBE/WBE.

Respectfully submitted,



Gary Alm
Manager, Special Districts Division

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:

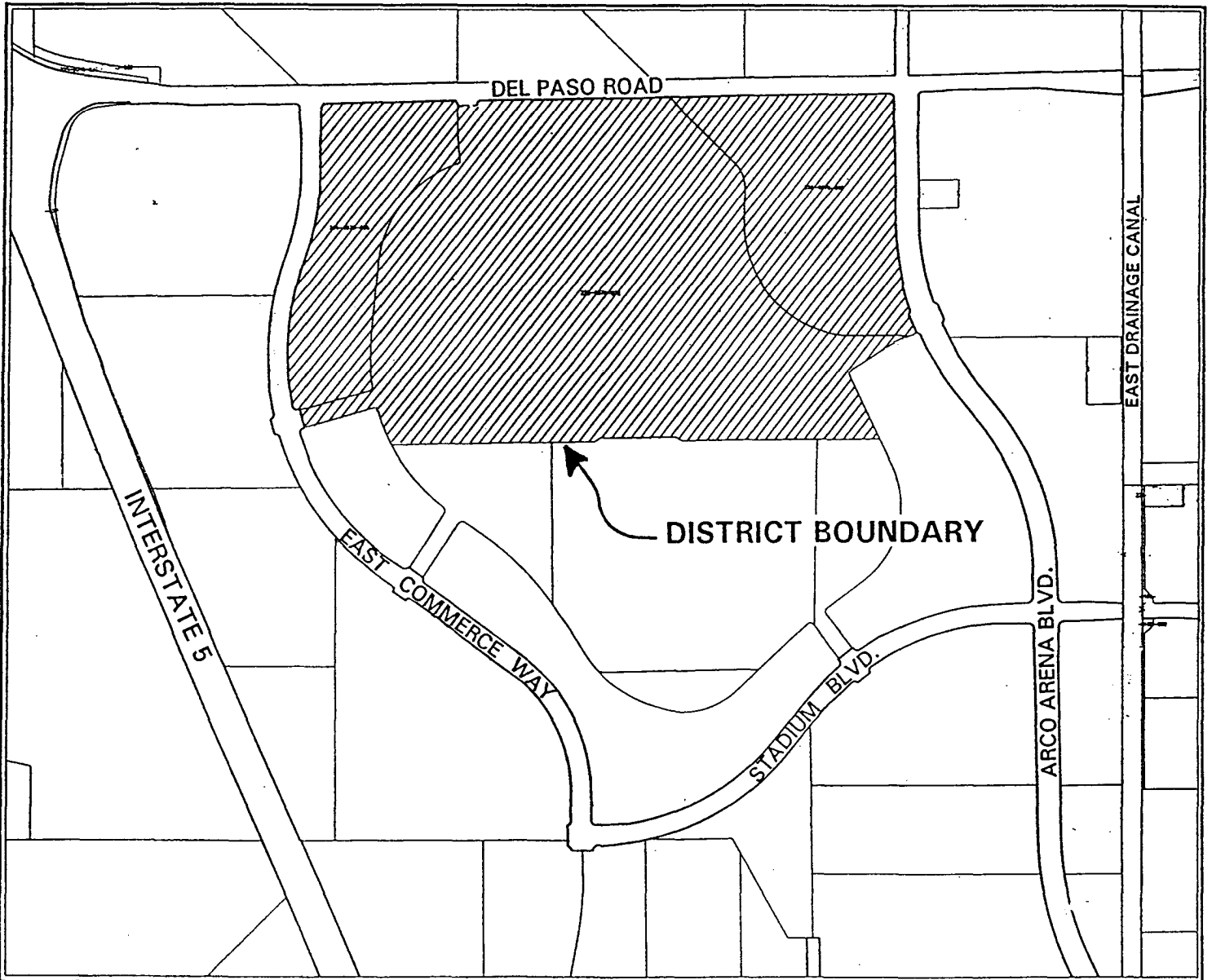


Michael Kashiwagi
Director of Public Works, Technical Services

ATTACHMENT A

DEL PASO ROAD COMMUNITY FACILITIES DISTRICT NO. 95-02

LOCATION MAP



MAP COURTESY OF SACRAMENTO GEOGRAPHIC INFORMATION SYSTEM (GIS) BASE MAP MAINTENANCE SECTION - ENGINEERING DIVISION

ORDINANCE NO.

95-042

APPROVED
BY THE CITY COUNCIL

SEP 5 1995

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SACRAMENTO LEVYING A SPECIAL TAX
FOR THE PROPERTY TAX YEAR 1995-1996
AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING TO THE
COMMUNITY FACILITIES DISTRICT NO. 95-02
(DEL PASO ROAD)
CITY OF SACRAMENTO
SACRAMENTO COUNTY, CALIFORNIA**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax as shown in Exhibit C to the Resolution of Formation of Community Facilities District No. 95-02 (Del Paso Road) (Resolution No. 95-___ adopted by this Council on August 29, 1995), a special tax is hereby levied on all taxable parcels within Community Facilities District No. 95-02 (Del Paso Road) for the 1995-1996 tax year and for all subsequent years of the authority to levy this special tax in the amount of the maximum authorized tax. This amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of this Council.

2. The Director of Public Works is authorized and directed, with the aid of the appropriate officers and agents of the City of Sacramento (the "City"), to determine each year, without further action of this Council, the Special Tax Requirement (as that term is defined in Exhibit C of the Resolution of Formation), to prepare the annual special tax roll in the amount of the Special Tax Requirement in accordance with said Exhibit C and, without further action of this Council, to provide all necessary and appropriate information to the Sacramento County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County; provided that, as provided in said Resolution of Formation and Section 53340 of the California Government Code, this Council has reserved the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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3. The appropriate officers and agents of the City are authorized to make adjustments to the special tax roll prior to the final posting of the special taxes to the county tax roll each year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

4. The City agrees that, in the event the special tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, prior to remitting the special tax collections to the City.

5. Taxpayers who have requested changes or corrections of the special tax pursuant to Section VI of the Rate and Method of Apportionment of the Special Tax and who are not satisfied with the decision of the Director of Public Works (whether the Director simply disagrees with the taxpayer or feels the Department of Public Works is not authorized to consider the change requested), may appeal to the Council. The appeal must be in writing and fully explain the grounds of appeal. Appeals must be based solely on the correction of mistakes in the levy based upon the status of the property. No other appeals will be allowed. The office of the Director of Public Works shall schedule the appeal for consideration within a reasonable time at a Council meeting.

6. If for any cause any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the special tax to the remaining parcels, shall not be affected.

7. This ordinance shall take effect and be in force immediately as a tax measure.

8. The TITLE only of this Ordinance shall have been published at least once in a newspaper of general circulation published in the City of Sacramento, after being passed for publication of Title by the Council, at least three days before the adoption of this Ordinance by the Council, pursuant to Section 32(c) of the Sacramento City Charter. It is hereby found that the Title of this Ordinance was published in _____, a newspaper of general circulation published in the City of Sacramento on _____, 1995.

* * *

FOR CITY CLERK USE ONLY

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ORDINANCE NO.: _____

DATE ADOPTED: _____

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This Ordinance was PASSED FOR PUBLICATION by the City Council of the City of Sacramento, County of Sacramento, State of California, on August 29, 1995; and PASSED AND ADOPTED by said Council this ____ day of September, 1995.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

1115 H Street P.O. Box 1048
Sacramento, California 95812
Telephone (916) 444-2355
Fax (916) 444-0636

SAC. CITY CLERK (SAC)
915 I St., Rm. 304/ V. HENRY
Sacramento CA 95814

Proof of Publication
(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

ORDINANCE NO. 95-042

I am a citizen of the United States; I am over the age of
eighteen years, and not a party to or interested in the above
entitled matter. I am the principal clerk of the printer and
publisher of THE DAILY RECORDER, a daily newspaper
published in the English language in the City of Sacramento,
County of Sacramento, and adjudged a newspaper of
general circulation as defined by the laws of the State of
California by the Superior Court of the County of Sacramen-
to, State of California, under date of May 2, 1913, Case
No. 16,180. That the notice, of which the annexed is a
printed copy, has been published in each regular and entire
issue of said newspaper and not in any supplement thereof
on the following dates, to-wit:

09/15/95

EXECUTED ON : 09/15/95
AT LOS ANGELES, CALIFORNIA

I certify (or declare) under penalty of perjury that the
foregoing is true and correct.

[Handwritten Signature]
Signature

DJC8911199

ORDINANCE NO. 95-042
ADOPTED BY THE SACRAMENTO
CITY COUNCIL
ON DATE OF SEPTEMBER 05,
1995
ORDINANCE OF THE CITY
COUNCIL
OF THE CITY OF SACRAMENTO
LEVYING A SPECIAL TAX
FOR THE PROPERTY TAX YEAR
1995-1996
AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING
TO THE
COMMUNITY FACILITIES
DISTRICT NO. 95-02
(DEL PASO ROAD)
CITY OF SACRAMENTO
SACRAMENTO COUNTY,
CALIFORNIA

BE IT ENACTED BY THE
COUNCIL OF THE CITY OF SAC-
RAMENTO:

1. Pursuant to Government
Code Sections 53328 and 53340,
and in accordance with the Rate
and Method of Apportionment of
Special Tax as shown in Exhibit C
to the Resolution of Formation of
Community Facilities District No.
95-02 (Del Paso Road) (Resolution
No. 95-505 adopted by this Council
on August 29, 1995), a special
tax is hereby levied on all taxable
parcels within Community Facilities
District No. 95-02 (Del Paso Road)
for the 1995-1996 tax year and for
all subsequent years of the authori-
ty to levy this special tax in the
amount of the maximum authorized
tax. This amount may be adjusted
annually, subject to the maximum
authorized special tax limit, by
resolution of this Council.

2. The Director of Public
Works is authorized and directed,
with the aid of the appropriate
officers and agents of the City of
Sacramento (the "City"), to deter-
mine each year, without further
action of this Council, the Special
Tax Requirement (as that term is
defined in Exhibit C of the Resolu-
tion of Formation), to prepare the
annual special tax roll in the
amount of the Special Tax Require-
ment in accordance with said Ex-
hibit C and, without further action
of this Council, to provide all neces-
sary and appropriate information
to the Sacramento County Auditor
in proper form, and in proper time,
necessary to effect the correct and
timely billing and collection of the
special tax on the secured property
tax roll of the County; provided
that, as provided in said Resolution
of Formation and Section 53340 of
the California Government Code,
this Council has reserved the right
to utilize any method of collecting
the special tax which it shall, from
time to time, determine to be in the
best interests of the City, including
but not limited to, direct billing by
the City to the property owners

and supplemental billing.
3. The appropriate officers and
agents of the City are authorized to
make adjustments to the special
tax roll prior to the final posting of
the special taxes to the county tax
roll each year, as may be neces-
sary to achieve a correct match of
the special tax levy with the
assessor's parcel numbers finally
utilized by the County in sending
out property tax bills.

4. The City agrees that, in the
event the special tax is collected
on the secured tax roll of the Coun-
ty, the County may deduct its
reasonable and agreed charges for
collecting the special tax from the
amounts collected, prior to remit-
ting the special tax collections to
the City.

5. Taxpayers who have re-
quested changes or corrections of
the special tax pursuant to Section
VI of the Rate and Method of Ap-
portionment of the Special Tax and
who are not satisfied with the
decision of the Director of Public
Works (whether the Director simply
disagrees with the taxpayer or
feels the Department of Public
Works is not authorized to consider
the change requested), may appeal
to the Council. The appeal must be
in writing and fully explain the
grounds of appeal. Appeals must
be based solely on the correction
of mistakes in the levy based upon
the status of the property. No
other appeals will be allowed. The
office of the Director of Public
Works shall schedule the appeal for
consideration within a reasonable
time at a Council meeting.

6. If for any cause any portion
of this ordinance if found to be
invalid, or if the special tax is
found inapplicable to any particular
parcel by a court of competent
jurisdiction, the balance of this
ordinance, and the application of
the special tax to the remaining
parcels, shall not be affected.

7. This ordinance shall take
effect and be in force immediately
as a tax measure.

8. The TITLE only of this Ordi-
nance shall have been published at
least once in a newspaper of gen-
eral circulation published in the
City of Sacramento, after being
passed for publication of Title by
the Council, at least three days
before the adoption of this Ordi-
nance by the Council, pursuant to
Section 32(c) of the Sacramento
City Charter. It is hereby found that
the Title of this Ordinance was
published in Daily Recorder, a
newspaper of general circulation
published in the City of Sacramen-
to on August 29, 1995.

This Ordinance was PASSED
FOR PUBLICATION by the City
Council of the City of Sacramento,
County of Sacramento, State of
California, on August 29, 1995;
and PASSED AND ADOPTED by
said Council this 5th day of Sep-
tember, 1995.

JOE SERNA, JR., Mayor
ATTEST: