



3.12

DEPARTMENT OF
PUBLIC WORKS

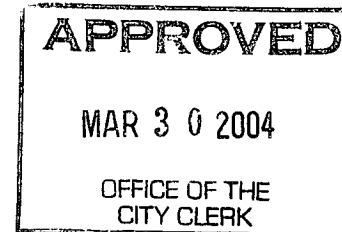
CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES DIVISION

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

March 11, 2004

City Council
Sacramento, California



Honorable Members in Session:

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

LOCATION AND COUNCIL DISTRICT:

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

RECOMMENDATION:

This report recommends that City Council adopt the following:

- Resolution determining the results of the special mail ballot election.

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

FOR COUNCIL MEETING OF: March 30, 2004

SUMMARY:

This Community Facility District has completed the resolution of intention, public hearing and election phases of the formation proceedings. This council report and resolution completes the formation process by reciting the results of the mail ballot election.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On March 16, 2004, City Council approved Annexation #2 of the Development Fee Financing CFD 95-01. The Development Fee Financing CFD was formed 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 first residential project annexed into the district.

Proposed Annexation

The proposed annexation included 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 for public hearing to call for a special election took place 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 -Election Results
March 11, 2004

ESBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted,



For Gary Alm,
Manager, Development Services

RECOMMENDATION APPROVED:



W ROBERT P. THOMAS
City Manager

Approved:



Betty Masuoka
Assistant City Manager

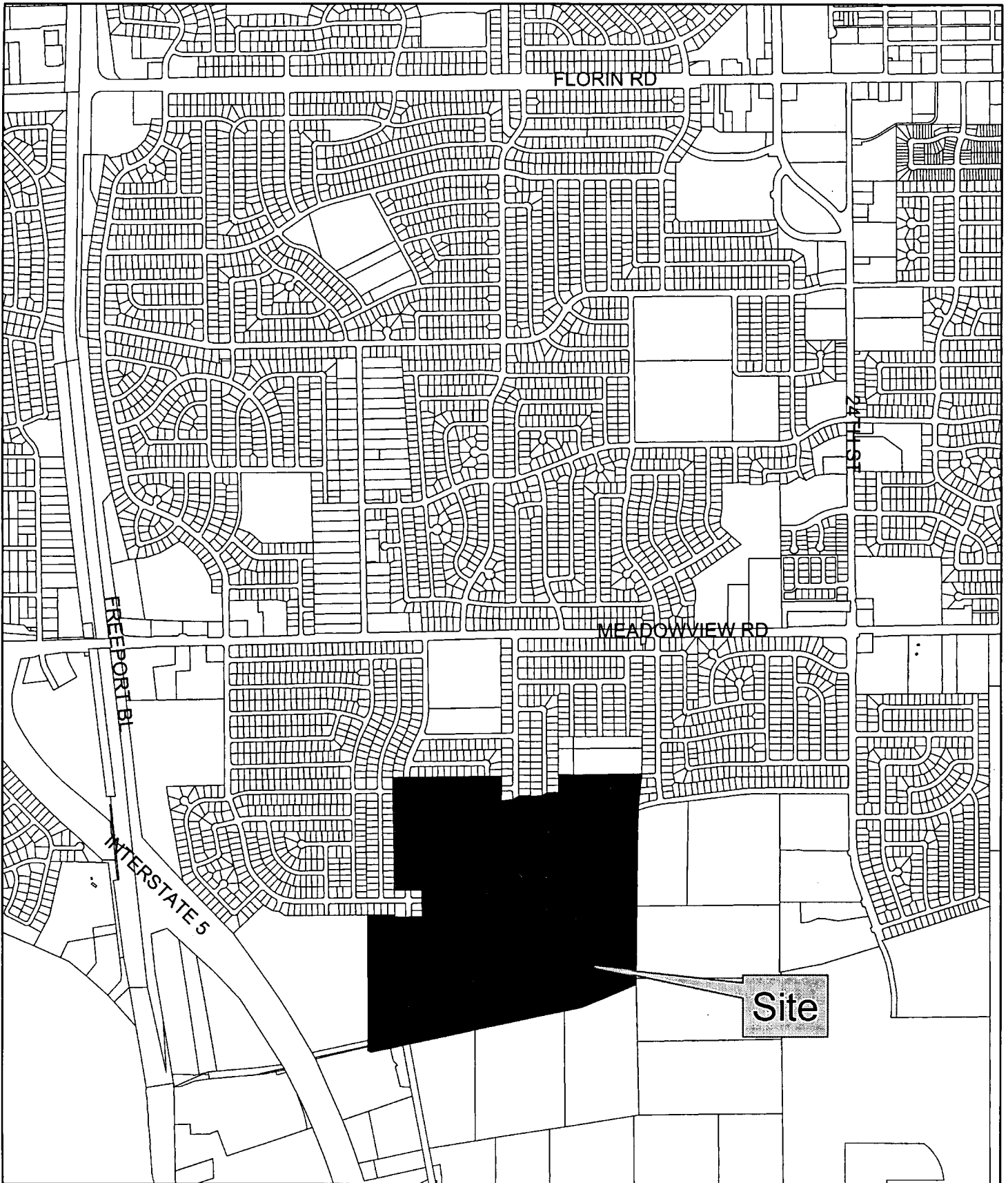
1. Attachment A, Map of Annexation #2 - pg. 4
2. Attachment B, Schedule of Annexation Proceedings - pg. 5
3. Resolution, Determining Election Results and authorizing Levy - pg. 6

SM/dkl

S:\TS Wrk Grp Docs\Spec Dists\DISTRICT PROJECTS\CFD\DFD\DF ANNEXATION #2 - ELECTION RESULTS & PFPdoc

Development Fee Financing CFD Annexation #2

Attachment A



B Mueller
12/30/03

0 500 1,000 2,000 3,000 4,000 Feet



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
March 17, 2004	Mail Ballots (Waiver of 90 day period)
March 23, 2004	Ballots Due

March 30, 2004

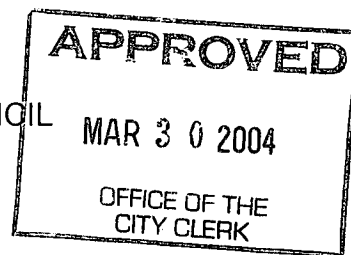
**City Council – Election Results & Pass for Publication
Ordinance to Levy Tax**

March 31, 2004	Record Notice of “Special Tax”
April 20, 2004	City Council - Adopt Ordinance to Levy Tax

RESOLUTION NO. 2004-213

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO DETERMINING THE RESULT OF THE SPECIAL ELECTION TO AUTHORIZE THE LEVY OF SPECIAL TAXES IN THE TERRITORY PROPOSED FOR ANNEXATION TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, HELD ON MARCH 23, 2004, AND ORDERING THE ANNEXATION OF SUCH TERRITORY TO THE COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Clerk of the City of Sacramento has duly canvassed the votes cast at the special election held to authorize the levy of special taxes in the Territory (the "Territory") proposed to be annexed to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District") constituting Annexation No. 2 (the "Territory") on March 23, 2004, upon the proposition hereinafter set forth, and has certified to the City Council (the "City Council") of the City of Sacramento the results of the votes cast at such special election upon such proposition, 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 CITY COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

Section 1. The above recital is true and correct, and the City Council so finds and determines.

Section 2. The canvass of the votes cast at such special election held on March 23, 2004, in the Territory, 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 Territory, and the number of votes cast for and against such proposition, as set forth in said canvass, is determined to be as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

BALLOT MEASURE

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?

Number of votes
YES

Number of votes
NO

Section 4. The total number of votes cast at such special election for and against such proposition was and is set forth in said canvass, and more than two-thirds (2/3) of all the votes cast at such special election were cast in favor of authorizing the levy of special taxes in the Territory, and the City is duly authorized to annex the Territory to the Community Facilities District and to levy such special taxes in the Territory; and accordingly, the City Council hereby finds, determines and orders that the Territory proposed to be annexed to the Community Facilities District is hereby annexed to and made a part of the Community Facilities District with legal effect in the premises, and the City Council may levy the special taxes in the Territory proposed to be levied in the Territory.

Section 5. The City Clerk of the City of Sacramento is hereby directed to enter this resolution on the minutes of the City Council, which shall constitute the official declaration of the results of such special election, and is hereby further authorized and directed to record a notice of annexation to the Community Facilities District and amendment to special tax lien for the Community Facilities District in accordance with the provisions of Section 3117.5 of the Streets and Highways Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Sacramento this 30th day of March, 2004, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RECORDING REQUESTED BY:

Shirley Concolino, City Clerk
City of Sacramento
730 I Street
Sacramento, CA 95814

AND WHEN RECORDED RETURN TO:

Shirley Concolino, City Clerk
City of Sacramento
730 I Street
Sacramento, CA 95814



Sacramento County Recording
Mark Norris, Clerk/Recorder

BOOK **20040401** PAGE **0947**

Thursday, APR 01, 2004 11:34:04 AM
Ttl Pd \$0.00 Nbr-0002693359

REB/51/2-3

NO FEE BENEFIT OF County
PURSUANT - GOVT.
CODE 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF ANNEXATION NO. 2 TO DEVELOPMENT FEE FINANCING-
COMMUNITY FACILITIES DISTRICT NO. 95-01
CITY OF SACRAMENTO
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
AND AMENDMENT TO SPECIAL TAX LIEN FOR THE
COMMUNITY FACILITIES DISTRICT

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of the State of California and Section 53339.8(b) of the Government Code of the State of California, the undersigned City Clerk of the City of Sacramento, County of Sacramento, State of California (the "City Clerk") hereby gives notice that certain territory constituting Annexation No. 2, was annexed to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the Community Facilities District), as more particularly set forth in that certain map entitled "Annexation Map No. 2 to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California" that was recorded on February 4, 2004, with the County Recorder of Sacramento County in Book 98 of Maps of Assessment and Community Facilities Districts at Page 4, and the special tax lien for the Community Facilities District has been amended to reflect such annexation, and the names of the owners and the assessor's parcel numbers of the real property annexed to the Community Facilities District and not exempt from the special tax, as of the date of recording this notice, are as set forth in Exhibit A attached hereto and incorporated herein. The Notice of Special Tax Lien with regard to Development Fee Financing Community Facilities District No. 95-01 was recorded in the office of the County Recorder of the County of Sacramento on April 21, 1995, in Book 95-04-21 at page 0767 of Official Records, and shall remain in full force and effect.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact Ed Williams, Senior Engineer, Development Services Department, City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814 (telephone 916/808-5440).

Dated: April 1st, 2004.

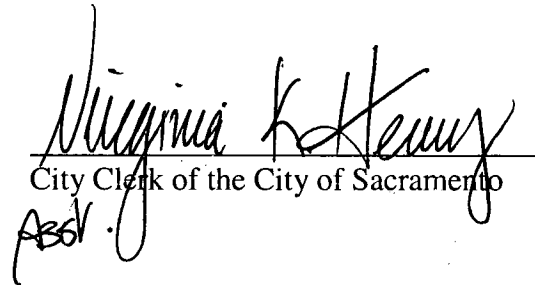

City Clerk of the City of Sacramento

EXHIBIT A

**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
1	JTS Communities, Inc.	052-0010-032	12.35
2	JTS Communities, Inc.	052-0010-081	0.07
3	JTS Communities, Inc.	052-0010-082	23.61
4	JTS Communities, Inc.	052-0010-083	11.41
5	JTS Communities, Inc.	052-0010-084	14.45
6	JTS Communities, Inc.	052-0010-085	2.51
7	Bryte Gardens Associates, Ltd.	052-0010-086	65.12
8	JTS Communities, Inc.	052-0010-087	0.05
9	JTS Communities, Inc.	052-0010-088	0.16
10	JTS Communities, Inc.	052-0010-089	0.01

CITY OF SACRAMENTO

CITY CLERK'S CERTIFICATE OF ELECTION RESULTS
FOR THE SPECIAL MAILED-BALLOT ELECTION HELD
IN THE DEVELOPMENT FEE FINANCING COMMUNITY
FACILITIES DISTRICT NO. 95-01 ANNEXATION NO. 2, CITY OF SACRAMENTO,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
ON MARCH 23, 2004

I, Shirley Concolino, City Clerk of the City of Sacramento, certify that:

I personally counted the ballots cast at the special mailed-ballot, landowner election called by the City Council in its Resolution No. 2004-189, adopted on March 16, 2004, and I hereby certify the result of that count to be as follows:

TOTAL VOTES CAST "YES": 137

TOTAL VOTES CAST "NO": 0

TOTAL VOTES CAST: 137

THE VOTES CAST "YES" EQUAL 100 % OF THE TOTAL VOTES

CAST.

I make this Certification on 4-1, 2004.



Shirley Concolino, City Clerk
of the City of Sacramento

CITY OF SACRAMENTO

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

Shirley Concolino, being first duly sworn, deposes and says:

That she is now and at all times herein mentioned was the City Clerk of the City
of Sacramento;

That, pursuant to Section 3111 of the Streets and Highways Code of the State of
California, she recorded a map 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 "Community Facilities District") in the office of the County Recorder of
Sacramento County on February 4, 2004, which date was not later than fifteen (15) days prior to
the date of the public hearing on Annexation 1 to the Community Facilities District scheduled to
be held on March 9, 2004.

Shirley Concolino
City Clerk of the City of Sacramento

Subscribed and sworn to before me
this 4th day of Feb., 2004.

Toni Ione Malik
NOTARY PUBLIC
State of California

