



APPROVED
BY THE CITY COUNCIL

AUG 2 1988

OFFICE OF THE
CITY CLERK

47

DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

THOMAS M. FINLEY
ENGINEERING DIVISION MANAGER

CITY OF SACRAMENTO
CALIFORNIA

August 2, 1988

927 TENTH STREET
ROOM 200
SACRAMENTO, CA
95814-2705

916-449-8220

CONSTRUCTION SECTION
640 BERGUT DRIVE
SUITE B
SACRAMENTO, CA
95814-0131

916-449-5282

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: G, H, 25th and 26th Streets Alley Assessment District (JN:1236,
IP 88-01) - Initiation Actions

SUMMARY

It is requested that the City Council approve the various attached resolutions to initiate the proposed assessment district.

BACKGROUND

Attached hereto is a petition signed by property owners representing 76.9% of the area to be assessed for the construction of a Portland Cement concrete paved alley way with drainage facilities, together with all necessary appurtenances for the above described improvements in the G, H, 25th, 26th Streets Alley Assessment District.

The petition provides for a Waiver of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

By approving this petition, the Council is authorizing City staff to expend funds to perform the necessary survey work that will enable the preparation of the plans and specifications for the improvements. The preliminary engineering cost is estimated to be \$7,500. This amount will be recovered through the actual formation of the assessment district and will be included as an item under incidental expenses for the district. If the district is not formed, for whatever reason, this expense will not be recovered, which is highly unlikely as 76.9% of the property owners have requested the alley to be improved.

FINANCIAL

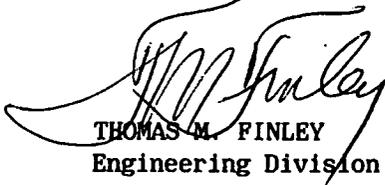
This project is to be paid for in its entirety by the property owners within the proposed assessment district. If it is determined that the water and sewer lines need to be replaced, the City will make a contribution for that cost.

City Council
G, H, 25th and 26th Streets
Alley Assessment District
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It is recommended that the following resolutions be adopted in the order listed below:

1. Resolution Accepting Petition
2. Resolution Approving Boundary Map
3. Resolution Approving Agreement for Legal Services
4. Resolution of Intention

Respectfully submitted,


THOMAS M. FINLEY
Engineering Division manager

Recommendation Approved:


WALTER J. SLIPE
City Manager

REW:yg
RE3-06AD.C
07.2288

Approved:


MELVIN H. JOHNSON
Director of Public Works

August 2, 1988
District No. 1

Attachments

RESOLUTION NO. 88-700

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED BY THE CITY COUNCIL

AUG 2 1988

OFFICE OF THE CITY CLERK

RESOLUTION ACCEPTING PETITION

G, H, 25TH AND 26TH STREETS ALLEY ASSESSMENT DISTRICT

The City Council of the City of Sacramento resolves:

Certain owners of real property have filed with the Clerk of this body a petition, signed by them, requesting the public improvements described in the petition, the cost to be specially assessed against land benefiting from the improvements. The petition contains an express waiver of statutory proceedings under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, as provided in Section 2804 of the Streets and Highways Code.

The City Council finds that all of the owners of more than sixty percent (60%) in area of the land subject to assessment for the proposed improvements have signed the petition. Accordingly, the City Council accepts the petition and directs that special assessment proceedings shall be undertaken by the terms of the petition, and without further compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. This action is final within the meaning of Section 3012 of the Streets and Highways Code.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 2nd day of August, 1988.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 78-701

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

AUG 2 1988

OFFICE OF THE
CITY CLERK

RESOLUTION APPROVING BOUNDARY MAP

G, H, 25TH AND 26TH STREETS ALLEY ASSESSMENT DISTRICT

The City Council of the City of Sacramento resolves:

A map entitled "City of Sacramento, California, Boundary Map of G, H, 25th and 26th Streets Alley Assessment District" has been filed with the City Clerk.

This Council approves the map and adopts the boundaries shown on the map as describing the extent of the territory included in a proposed assessment district to be known as G, H, 25th and 26th Streets Alley Assessment District, City of Sacramento, Sacramento County, California.

This Council finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code.

This Council directs the City Clerk to certify the adoption of this resolution on the face of the map, and to file a copy of the map with the County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 2nd day of August, 1988.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 88-702

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED BY THE CITY COUNCIL

AUG 2 1988

OFFICE OF THE CITY CLERK

RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES

G, H, 25TH AND 26TH STREETS ALLEY ASSESSMENT DISTRICT

The City Council of the City of Sacramento resolves:

This Council approves that certain agreement between the City of Sacramento, and STURGIS, NESS, BRUNSELL & SPERRY a professional corporation, for services of that firm as Special Bond Counsel for G, H, 25th and 26th Streets Alley Assessment District, City of Sacramento, Sacramento County, California, dated April 12, 1988, and attached to this resolution.

The Mayor is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 2nd day of August, 1988.

Mayor

ATTEST:

City Clerk

47

RESOLUTION NO. 88-703

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

AUG 2 1988

OFFICE OF THE
CITY CLERK

RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN

G, H, 25TH AND 26TH STREETS ALLEY ASSESSMENT DISTRICT

The City Council of the City of Sacramento resolves:

This Council intends to order the following improvement

under the authority of the Municipal Improvement Act of 1913:

The construction of Portland Cement Concrete Pavement with drainage facilities, together with all necessary appurtenances in the alley in the block bounded by G and H Streets, lying between the easterly right-of-way line of 25th Street and the westerly right-of-way line of 26th Street; and in any easements within or adjacent thereto as may be deemed necessary; all in accordance with the City's Standard Specifications and any necessary Special Provisions.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "City of Sacramento, California, Boundary Map of G, H, 25th and 26th Streets Alley Assessment District." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated G, H, 25th and 26th Streets Alley Assessment District, City of Sacramento, Sacramento County, California.

This Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Sacramento and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improvement and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

Serial bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum,

will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature fourteen (14) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

This Council finds that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800, Streets and Highways Code) does not apply to these proceedings.

This Council appoints Melvin H. Johnson, Director of Public Works of the City of Sacramento, as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized from the assessment it shall be used, in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

- (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or

(c) For the maintenance of the improvements.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 2nd day of August, 1988.

Mayor

ATTEST:

City Clerk

MEMORANDUM OF PROCEEDINGS TO BE CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AT ITS MEETING ON TUESDAY, AUGUST 2, 1988, IN CONNECTION WITH G, H, 25TH AND 26TH STREETS ALLEY ASSESSMENT DISTRICT

It is in order to consider the following items:

- 1. Petitions. These are to be filed.
- 2. Certificate re Petition. This is to be filed.
- 3. Resolution accepting Petition. This is to be passed.
- 4. Boundary Map. This is to be filed. Please see additional instructions.
- 5. Resolution approving Boundary Map. This is to be passed.
- 6. Resolution approving Agreement for Legal Services. This is to be passed. Please see additional instructions.
- 7. Resolution of intention. This is to be passed.

ADDITIONAL INSTRUCTIONS FOR CITY CLERK:

- a. The mylar copy of the boundary map is to be filed for record in the office of the County Recorder. Please conform three blue-line prints of the map, retain one copy in your file and returning two copies to our office. Please have the County Recorder's office complete three copies of the enclosed Certificate of filing Boundary Map with County Recorder, retaining one copy in your file and returning two copies to our office. A check is enclosed for the filing fee.
- b. Please have three copies of the Agreement for Legal Services executed, attaching a certified copy of the resolution to each executed copy. Please provide two copies to our office and retain one copy in your file.
- c. Please provide our office with two certified copies of each resolution adopted.

STURGIS, NESS, BRUNSELL & SPERRY
a professional corporation

By: Philip D. Assaf

PDA:mm

May 26, 1988

G, H, 25th & 26th Streets
Alley Assessment District
Sacramento, California

City Council
Sacramento, California

Honorable Members In Session:

The undersigned being Owners of the real property in the City of Sacramento, which property is subject to assessment for the improvement hereinafter described, do hereby respectfully petition your Honorable Body to commence proceedings to improve said property by constructing:

Portland Cement Concrete Pavement with drainage facilities, together with all necessary appurtenance for the above described improvements, in the alley in the block bounded by G and H Streets, lying between the easterly right-of-way line of 25th Street and the westerly right-of-way line of 26th Street; and in any easements within or adjacent thereto you may deem necessary; all in accordance with the City's Standard Specifications and any necessary Special Provisions.

We further petition that Serial Bonds be issued to represent the Assessments that remain unpaid for said work, said bonds to be issued under either the Improvement Act of 1911 or the Improvement Bond Act of 1915; and to contain any term or provision or interest rate that is lawful under the terms of the Act that your Honorable Council shall choose to use.

The undersigned, being Owners of more that 60% of the Area subject to Assessment for the said improvements, respectfully request that your Honorable Body WAIVE the proceedings required by the SPECIAL ASSESSMENT INVESTIGATION, LIMITATION AND MAJORITY PROTEST ACT OF 1931, and amendments thereto, and consider this petition as being also a WAIVER by the undersigned Owners, as provided in Section 2804 of Division 4 of the Streets and Highways Code of the State of California, the said "Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Respectfully Submitted,

NAME

ADDRESS

COUNTY ASSESSOR'S PARCEL NO.

<i>Charles S. Payne</i>	2515 H. St.	AP#003-0194-016
<i>[Signature]</i>	2515 H. St.	AP#003-0194-016
<i>[Signature]</i>	2501 H. St.	AP#003-0194-017
<i>Carol Caylor</i>	2519 H. St.	AP#003-0194-015
<i>Herta A. Caylor</i>	2519 H. St.	AP#003-0194-015

August 8, 1988

Sturgis, Ness, Brunsell & Sperry
2000 Powell Street, Suite 1690
Emeryville, CA 94608-1804

Dear Gentlemen:

On August 2, 1988, the Sacramento City Council adopted Resolution No. 88-702 authorizing the execution of City Agreement #88029, Legal Services for G, H, 24th and 26th Streets Alley Assessment District.

Enclosed, for your records, is one fully certified copy of said agreement and authorizing resolution.

Sincerely,

LORRAINE MAGANA, CITY CLERK

JANICE BEAMAN
Deputy City Clerk

JB/cc/47
Enclosure

cc: Public Works
Risk Management