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DEPARTMENT OF  
PUBLIC WORKS

CITY OF SACRAMENTO  
CALIFORNIA

1234 STREET, 2nd Floor  
SACRAMENTO, CA 95814-  
2700

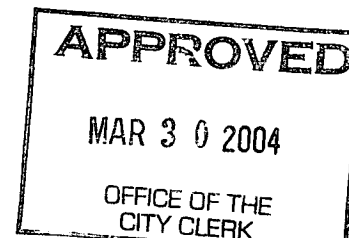
DEVELOPMENT SERVICES DIVISION

PH. (916) 264-7995  
FAX (916) 264-5786

March 8, 2004

City Council  
Sacramento, California

Honorable Members in Session:



**SUBJECT: ANNEXATION #1 TO THE NEIGHBORHOOD WATER QUALITY DISTRICT  
FORMERLY KNOWN AS THE MEADOWVIEW ESTATES MAINTENANCE  
DISTRICT NO. 2003-03 – PUBLIC HEARING**

**LOCATION AND COUNCIL DISTRICT:**

This District is located west of Cavalier Drive and south of Amherst Street, in Council District 8 (see attachment "A").

**RECOMMENDATION:**

This report recommends that City Council conduct the public hearing on Annexation No. 1 to the Neighborhood Water Quality District. After the close of today's hearing, staff will count the ballots and the City Clerk will present the results during the Staff Report portion of today's meeting. After the ballot tally has been reported, it is recommended that Council adopt a resolution approving the Engineer's Report.

**CONTACT PERSON:** Ron Wicky, Program Specialist, 808-5628

**FOR COUNCIL MEETING OF:** March 30, 2004

**SUMMARY:**

The purpose of today's hearing is to receive public testimony and to take action on Annexation No. 1 to the Neighborhood Water Quality District. On February 10, 2004, Council initiated the annexation process and authorized staff to mail notices and voter ballots. Approval of this annexation will provide funding to maintain the water quality basin and landscaping in and adjacent to the Steamboat Bend Subdivision.

Department of  
**PUBLICWORKS**  
CITY OF  
SACRAMENTO

City Council  
Annexation #1 Water Quality District – Public Hearing  
March 8, 2004

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

On October 21, 2003, the City Council approved formation of the Neighborhood Water Quality District, formerly known as the Meadowview Estates Maintenance District No. 2002-03. By annexing to this district, it will mitigate the storm water quality issues for this subdivision. This district provides funding to maintain the water quality basin and the landscape corridors adjacent to this subdivision.

This first annexation to the Neighborhood Water Quality district will include all residential properties located in the Steamboat Bend Subdivision. Petitions have been received by 100 percent of the property owners to initiate these proceedings.

**FINANCIAL CONSIDERATIONS:**

This district is self-supporting and has no impact on the General Fund. The estimated annual cost to each residential lot will be \$150 and is detailed in the Engineer's Report on file with the City Clerk.

**ENVIRONMENTAL CONSIDERATIONS:**

Under California Environmental Quality Act (CEQA) guidelines, annexation of a special district does not constitute a project and is therefore exempt from review.

**POLICY CONSIDERATIONS:**

The proceedings for this district are being processed as set forth in Title 3.124 of the City Code. This process is consistent with the City's Strategic Plan in preserving and enhancing the City's neighborhoods and quality of life.

City Council  
Annexation to the #1 Water Quality District – Public Hearing  
March 8, 2004

**ESBD CONSIDERATIONS:**

City Council approval of these proceedings is not affected by City policy related to the ESBD Program.

Respectfully submitted,

  
Gary Alm,  
Manager, Development Services

RECOMMENDATION APPROVED:



*ad* ROBERT P. THOMAS  
City Manager

Approved:



Betty Masuoka  
Assistant City Manager

**TABLE OF CONTENTS:**

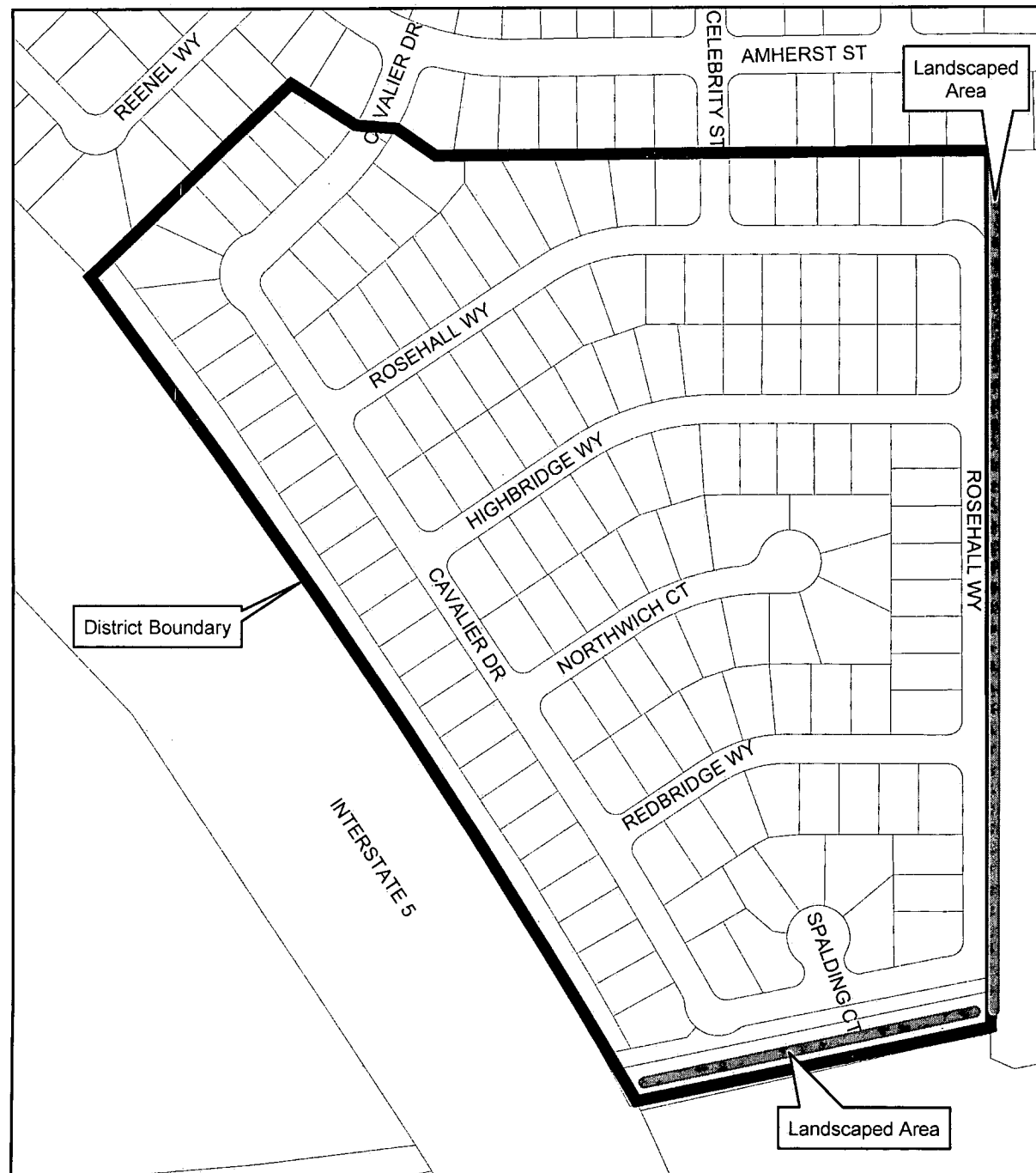
1. Annexation #1 Location Map, pg. 4
2. Resolution Approving Engineer's Report, pg. 5
3. Exhibit A – General Description of Territory to be Annexed, pg. 8
4. Exhibit B – Description of Improvements and Services, pg. 9

RW/dkl

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# Annexation No. 1 to the Neighborhood Water Quality District

ATTACHMENT A



Department of  
**PUBLICWORKS**  
City of  
Hawthorne  
Design Services & Construction

BMueller 1/20/04

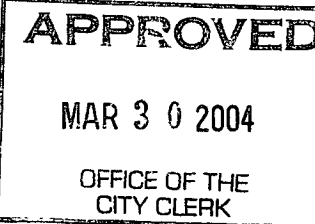
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**RESOLUTION NO. 2004- 221**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_



**RESOLUTION APPROVING THE ENGINEER'S REPORT, ORDERING  
THAT TERRITORY BE ANNEXED TO NEIGHBORHOOD WATER-  
QUALITY DISTRICT NO. 2003-03 AS ANNEXATION NO. 1, CONFIRMING  
AND LEVYING AN ASSESSMENT, ORDERING THAT MAINTENANCE  
SERVICES BE PERFORMED, AND DIRECTING THAT A NOTICE OF  
ASSESSMENT BE RECORDED**

**RECITALS:**

A. The City Council has previously formed the Neighborhood Water-Quality District No. 2003-03 (formerly named the Meadowview Estates Maintenance District No. 2003-03) under chapter 3.124 of the Sacramento City Code.

B. Hofmann Land Development Company, Inc., a California corporation (Landowner), is the owner of all land within the Steamboat Bend Subdivision. One of the conditions of approval for this subdivision requires Landowner to annex it to the Neighborhood Water-Quality District No. 2003-03. To fulfill this condition, Landowner has presented a petition to the city requesting that the city commence proceedings for annexing to the district, in accordance with chapter 3.124 of the Sacramento City Code, the territory generally described in Exhibit A.

C. The city has installed or acquired or will subsequently install or acquire, within the Steamboat Bend Subdivision, the public improvements described in Exhibit B. To finance the cost of providing the maintenance services specified in Exhibit B for these improvements (the Services), and as requested by Landowner, the City Council proposes to annex to the district the territory generally described in Exhibit A.

D. By Resolution No. 2004-084, and in response to Landowner's petition, the City Council (1) initiated proceedings to annex to the district the territory generally described in Exhibit A; (2) designated the city's director of public works to be the Engineer for purposes of the annexing the territory to the district and levying any assessment to finance the Services; and (3) directed the Engineer to prepare and file with the city clerk a map of the territory to be annexed, as required by section 3110 of the Streets and Highways Code. The Engineer has prepared and filed the map as directed, and by Resolution No. 2004-085 the City Council has approved it.

E. By Resolution No. 2004-086, the City Council (1) declared its intention to annex to

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

the district the territory generally described in Exhibit A and to order that the city provide the Services; and (2) directed the Engineer to prepare and file with the city clerk the report required by sections 3.124.110 and 3.124.200A of the Sacramento City Code. The Engineer has presented his report to the city clerk, who has presented it to the City Council for consideration, and the City Council has fully considered the report.

F. By Resolution No. 2004-087, the City Council (1) preliminarily approved the Engineer's report for proposed assessment; (2) fixed the time and place of a public hearing on the Engineer's report and proposed assessment; and (3) provided for notice of the hearing and delivery of assessment ballots in accordance with chapters 3.44 and 3.124 of the Sacramento City Code and article XIID of the California Constitution.

G. The city clerk has filed with the City Council an affidavit setting forth the time and manner of her compliance with the requirements of law for mailing the notices and ballots. Relying on this affidavit, the City Council finds that a notice of public hearing and an assessment ballot were mailed to each record owner of an identified parcel within the territory to be annexed, as ordered by Resolution No. 2004-087 and as required by law.

H. The City Council convened the public hearing on the Engineer's report and proposed assessment at the time and place fixed by Resolution No. 2004-087. During the hearing, the City Council received from the city clerk all written protests filed with her office, afforded all interested persons the opportunity to hear and be heard, and considered all oral statements and written protests made or filed by any interested person. Immediately following the close of the hearing, the city clerk tabulated the returned assessment ballots, both in support of and in opposition to the assessment (with ballots weighted according to the amount of the assessment on each parcel), and announced that the total dollar amount of all ballots cast in favor of the assessment exceeded the total dollar amount of all ballots cast in opposition to it.

I. The owners of all real property within the territory to be annexed have waived the right to pay the assessment in cash.

**BASED ON THE FOREGOING RECITALS, THE CITY COUNCIL OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:**

**Section 1.** The City Council finds that recitals A through I are true.

**Section 2.** No majority protest having been made through the assessment-ballot procedure, the City Council;

(a) overrules all protests to these proceedings;

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- (b) approves the Engineer's report on the proposal to levy an annual assessment on land within the territory to be annexed, which is on file with the city clerk and was preliminarily approved by Resolution No. 2004-087;
- (c) establishes a budget, as set forth in the Engineer's report;
- (d) orders the annexation to the district of the territory generally described in Exhibit A, with exterior boundaries as shown on the assessment diagram set forth in the Engineer's report and the boundary map approved by Resolution No. 2004-085;
- (e) orders that the Services described in the Engineer's report be provided within the annexed territory;
- (f) finds and determines that each parcel within the annexed territory, as shown on the assessment diagram set forth in the Engineer's report, has been assessed in proportion to the benefits the parcel will receive from the Services, all as described in the Engineer's report;
- (g) confirms the assessment diagram and the assessment roll set forth in the Engineer's report; and
- (h) levies the assessment set forth in the Engineer's report.

**Section 3.** In accordance with section 3.124.030 of the Sacramento City Code and section 3114 of the Streets and Highways Code, the city clerk is directed to transmit the assessment diagram and the assessment roll to the Engineer and the city's superintendent of streets. Each of those persons is directed to record the assessment diagram and assessment roll in his or her office.

**Section 4.** In accordance with section 3.124.180 of the Sacramento City Code and section 3114 of the Streets and Highways Code, the city clerk is further directed to file a copy of the assessment diagram in the office of the Sacramento County Recorder and to execute and record a notice of assessment in the office of the Sacramento County Recorder. Upon the recording of the diagram and notice, the assessment will become a lien upon the parcels assessed.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

## EXHIBIT A

### GENERAL DESCRIPTION OF TERRITORY TO BE ANNEXED

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

The subdivision map entitled "Steamboat Bend Unit No. 2", recorded on December 23, 2003 in Book 323 of Maps, Map number 7, records of Sacramento County.

The subdivision map entitled "Steamboat Bend Unit No. 3", recorded on December 23, 2003 in Book 323 of Maps, Map number 8, records of Sacramento County.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



## **EXHIBIT B**

### **DESCRIPTION OF IMPROVEMENTS AND SERVICES**

The work described below is to be carried out when the improvements (e.g., landscaping, irrigation systems, post & cable, and water quality drainage swale) are installed and dedicated to the City. The work will be performed in the landscaped area on Cavalier Drive adjacent to the channel and adjacent to Rosehall Way, and is more particularly described in plans and specifications approved by the City of Sacramento and on file at the City of Sacramento's Department of Parks and Community Services, 1231 "I" Street, Room 400, Sacramento, California 95814.

The work to be performed consists of furnishing all tools, equipment, apparatus, facilities, labor, material, supplies, and utilities necessary or desirable to maintain the landscaping and irrigation systems. Maintenance work may include but not be limited to periodic mowing of grass, trimming of trees and shrubs, and fertilizing, together with the regular furnishing of water for irrigation of all plant material, and the repair, maintenance, replacement of the post & cable, irrigation systems, planted materials, and amenities, and cleaning of the water quality drainage swale.

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

RECORDING REQUESTED BY:  
RON WICKY, City of Sacramento  
Department of Public Works  
1231 "I" Street, Room 300  
Sacramento, California 95814

AND WHEN RECORDED, RETURN TO:  
RON WICKY, City of Sacramento  
Department of Public Works  
1231 "I" Street, Room 300  
Sacramento, CA 95814

  
Sacramento County Recording  
Mark Norris, Clerk/Recorder  
BOOK **20040331** PAGE **2327**  
Wednesday, MAR 31, 2004 1:23:08 PM  
Ttl Pd \$32.00 Nbr-0002689964  
DLE/07/1-4

### NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 81.02.210 of the Sacramento City Code and Section 3114 of the Streets and Highways Code of the State of California, the undersigned Clerk of the City of Sacramento, California, hereby gives notice that a Diagram and Assessment were recorded in the office of the City Clerk of said city as provided in said Section and relating to the following described property:

The lots, pieces or parcels of land as shown on the Assessment Diagram for Annexation No. 1 to the Neighborhood Water Quality District No. 2003-03, City of Sacramento, County of Sacramento, State of California, which was filed for record in the office of the County Recorder of the County of Sacramento on the \_\_\_\_ day of \_\_\_\_\_ 2004 in Book \_\_\_\_ of Maps of Assessment and Community Facilities District at Page \_\_\_\_ thereof.

NOTICE IS FURTHER GIVEN that upon the recording of this notice in the office of the County Recorder, the several assessments assessed upon the lots, pieces or parcels of land shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the Assessment Diagram hereinabove referred to and the Assessment Roll recorded in the office of the City Clerk of said City of Sacramento on the 30<sup>th</sup> day of March, 2004. Said Assessment Roll recorded in the office of the City Clerk is referred to determine the amount for the 2004/05 fiscal year only and levied against each parcel of land shown upon the Assessment Diagram.

A list of the name or names of the assessed owners as they appear on the latest secured Assessment Roll, or as known to the City Clerk, is attached hereto and made a part thereof, together with a list of the amount of the assessment levied against each parcel of land.

Dated: March 31, 2004

SHIRLEY CONCOLINO, City Clerk  
City of Sacramento, County of  
Sacramento, State of California

By: 

**EXHIBIT A**  
**ASSESSMENT ROLL**

PARCEL DESCRIPTION		AMOUNT	OWNERS
NO.	APN#		NAME
1	052-0190-001	\$150.00	Hoofman Land Development Co.
2	052-0190-002	\$150.00	Hoofman Land Development Co.
3	052-0190-003	\$150.00	Hoofman Land Development Co.
4	052-0190-004	\$150.00	Hoofman Land Development Co.
5	052-0190-005	\$150.00	Hoofman Land Development Co.
6	052-0190-006	\$150.00	Hoofman Land Development Co.
7	052-0190-007	\$150.00	Hoofman Land Development Co.
8	052-0190-008	\$150.00	Hoofman Land Development Co.
9	052-0190-009	\$150.00	Hoofman Land Development Co.
10	052-0190-010	\$150.00	Hoofman Land Development Co.
11	052-0190-011	\$150.00	Hoofman Land Development Co.
12	052-0190-012	\$150.00	Hoofman Land Development Co.
13	052-0190-013	\$150.00	Hoofman Land Development Co.
14	052-0190-014	\$150.00	Hoofman Land Development Co.
15	052-0190-015	\$150.00	Hoofman Land Development Co.
16	052-0190-016	\$150.00	Hoofman Land Development Co.
17	052-0190-017	\$150.00	Hoofman Land Development Co.
18	052-0190-018	\$150.00	Hoofman Land Development Co.
19	052-0190-019	\$150.00	Hoofman Land Development Co.
20	052-0190-020	\$150.00	Hoofman Land Development Co.
21	052-0190-021	\$150.00	Hoofman Land Development Co.
22	052-0190-022	\$150.00	Hoofman Land Development Co.
23	052-0190-023	\$150.00	Hoofman Land Development Co.
24	052-0190-024	\$150.00	Hoofman Land Development Co.
25	052-0190-025	\$150.00	Hoofman Land Development Co.
26	052-0190-026	\$150.00	Hoofman Land Development Co.
27	052-0190-027	\$150.00	Hoofman Land Development Co.
28	052-0190-028	\$150.00	Hoofman Land Development Co.
29	052-0190-029	\$150.00	Hoofman Land Development Co.
30	052-0190-030	\$150.00	Hoofman Land Development Co.
31	052-0190-031	\$150.00	Hoofman Land Development Co.
32	052-0190-032	\$150.00	Hoofman Land Development Co.
33	052-0190-033	\$150.00	Hoofman Land Development Co.
34	052-0190-034	\$150.00	Hoofman Land Development Co.
35	052-0190-035	\$150.00	Hoofman Land Development Co.
36	052-0190-036	\$150.00	Hoofman Land Development Co.
37	052-0190-037	\$150.00	Hoofman Land Development Co.
38	052-0190-038	\$150.00	Hoofman Land Development Co.
39	052-0190-039	\$150.00	Hoofman Land Development Co.
40	052-0190-040	\$150.00	Hoofman Land Development Co.
41	052-0190-041	\$150.00	Hoofman Land Development Co.
42	052-0190-042	\$150.00	Hoofman Land Development Co.
43	052-0190-043	\$150.00	Hoofman Land Development Co.
44	052-0190-044	\$150.00	Hoofman Land Development Co.
45	052-0190-045	\$150.00	Hoofman Land Development Co.
46	052-0190-046	\$150.00	Hoofman Land Development Co.
47	052-0190-047	\$150.00	Hoofman Land Development Co.
48	052-0190-048	\$150.00	Hoofman Land Development Co.

PARCEL DESCRIPTION			OWNERS
NO.	APN#	AMOUNT	NAME
49	052-0190-049	\$150.00	Hoofman Land Development Co.
50	052-0190-050	\$150.00	Hoofman Land Development Co.
51	052-0190-051	\$150.00	Hoofman Land Development Co.
52	052-0190-052	\$150.00	Hoofman Land Development Co.
53	052-0190-053	\$150.00	Hoofman Land Development Co.
54	052-0190-054	\$150.00	Hoofman Land Development Co.
55	052-0190-055	\$150.00	Hoofman Land Development Co.
56	052-0190-056	\$150.00	Hoofman Land Development Co.
57	052-0190-057	\$150.00	Hoofman Land Development Co.
58	052-0190-058	\$150.00	Hoofman Land Development Co.
59	052-0190-059	\$150.00	Hoofman Land Development Co.
60	052-0190-060	\$150.00	Hoofman Land Development Co.
61	052-0190-061	\$150.00	Hoofman Land Development Co.
62	052-0190-062	\$150.00	Hoofman Land Development Co.
63	052-0190-063	\$150.00	Hoofman Land Development Co.
64	052-0190-064	\$150.00	Hoofman Land Development Co.
65	052-0190-065	\$150.00	Hoofman Land Development Co.
66	052-0190-066	\$150.00	Hoofman Land Development Co.
67	052-0190-067	\$150.00	Hoofman Land Development Co.
68	052-0190-068	\$150.00	Hoofman Land Development Co.
69	052-0190-069	\$150.00	Hoofman Land Development Co.
70	052-0190-070	\$150.00	Hoofman Land Development Co.
71	052-0190-071	\$150.00	Hoofman Land Development Co.
72	052-0190-072	\$150.00	Hoofman Land Development Co.
73	052-0190-073	\$150.00	Hoofman Land Development Co.
74	052-0190-074	\$150.00	Hoofman Land Development Co.
75	052-0190-075	\$150.00	Hoofman Land Development Co.
76	052-0190-076	\$150.00	Hoofman Land Development Co.
77	052-0190-077	\$150.00	Hoofman Land Development Co.
78	052-0190-078	\$150.00	Hoofman Land Development Co.
79	052-0190-079	\$150.00	Hoofman Land Development Co.
80	052-0190-080	\$150.00	Hoofman Land Development Co.
81	052-0190-081	\$150.00	Hoofman Land Development Co.
82	052-0190-082	\$150.00	Hoofman Land Development Co.
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87	052-0200-003	\$150.00	Hoofman Land Development Co.
88	052-0200-004	\$150.00	Hoofman Land Development Co.
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92	052-0200-008	\$150.00	Hoofman Land Development Co.
93	052-0200-009	\$150.00	Hoofman Land Development Co.
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95	052-0200-011	\$150.00	Hoofman Land Development Co.
96	052-0200-012	\$150.00	Hoofman Land Development Co.
97	052-0200-013	\$150.00	Hoofman Land Development Co.
98	052-0200-014	\$150.00	Hoofman Land Development Co.
99	052-0200-015	\$150.00	Hoofman Land Development Co.

PARCEL DESCRIPTION			OWNERS
NO.	APN#	AMOUNT	NAME
100	052-0200-016	\$150.00	Hoofman Land Development Co.
101	052-0200-017	\$150.00	Hoofman Land Development Co.
102	052-0200-018	\$150.00	Hoofman Land Development Co.
103	052-0200-019	\$150.00	Hoofman Land Development Co.
104	052-0200-020	\$150.00	Hoofman Land Development Co.
105	052-0200-021	\$150.00	Hoofman Land Development Co.
106	052-0200-022	\$150.00	Hoofman Land Development Co.
107	052-0200-023	\$150.00	Hoofman Land Development Co.
108	052-0200-024	\$150.00	Hoofman Land Development Co.
109	052-0200-025	\$150.00	Hoofman Land Development Co.
110	052-0200-026	\$150.00	Hoofman Land Development Co.
111	052-0200-027	\$150.00	Hoofman Land Development Co.
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116	052-0200-032	\$150.00	Hoofman Land Development Co.
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133	052-0200-049	\$150.00	Hoofman Land Development Co.
134	052-0200-050	\$150.00	Hoofman Land Development Co.
135	052-0200-051	\$150.00	Hoofman Land Development Co.
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142	052-0200-058	\$150.00	Hoofman Land Development Co.
143	052-0200-059	\$150.00	Hoofman Land Development Co.
144	052-0200-060	\$150.00	Hoofman Land Development Co.
145	052-0200-061	\$150.00	Hoofman Land Development Co.
146	052-0200-062	\$150.00	Hoofman Land Development Co.

**CITY OF SACRAMENTO  
NEIGHBORHOOD WATER-QUALITY DISTRICT NO. 2003-03  
ANNEXATION NO. 1**

**CITY CLERK'S CERTIFICATE OF RESULTS FROM ASSESSMENT-  
BALLOT PROCEEDURE CONDUCTED ON MARCH 30, 2004**


I, Shirley Concolino, City Clerk of the City of Sacramento, certify as follows:

1. At its regular meeting on March 30, 2004, in accordance with Resolution No. 2004-087, adopted on February 10, 2004, the city council held a public hearing and conducted an assessment-ballot procedure on Annexation No. 1 to the Neighborhood Water-Quality District No. 2003-03 and a proposed assessment within the annexed territory.
2. I was present during the public hearing and have no vested interest in the outcome of the assessment-ballot procedure on the proposed annexation and assessment.
3. At the conclusion of the public hearing, and at the direction of the city council, I tabulated the ballots properly submitted in the assessment-ballot procedure (and not withdrawn).
4. As required by section 4 in article XIID of the California Constitution and section 53753 of the California Government Code, I weighted each ballot according to the proportional financial obligation of the property for which the ballot was submitted.
5. The result of my tabulation is as follows:

Votes submitted in favor of the annexation and assessment, and not withdrawn: 21,900

Votes submitted in opposition to the annexation and assessment, and not withdrawn: 0

6. I make this certification on 3-31, 2004.

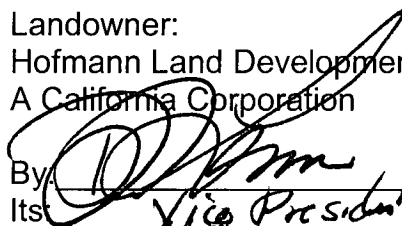
  
**Shirley Concolino, City Clerk  
City of Sacramento**

**LANDOWNER PETITION FOR ANNEXATION**  
**OF LAND TO THE CITY OF SACRAMENTO**  
**NEIGHBORHOOD *Water Quality* DISTRICT**  
**(ANNEXATION NO. 7)**

1. The undersigned parties (hereafter "Landowner") are the owners of the land (hereafter "Property") described below by Assessor's parcel number and incorporated herein by this reference.
2. As one of the conditions which must be satisfied before Landowner can record a final subdivision map for the Property, Landowner is required to commence and complete the necessary legal proceedings for annexation of the Property to the City of Sacramento's (hereafter "City") existing Neighborhood *Water Quality* District (hereafter "District").
3. The improvements (hereafter "Improvements") to be maintained through the District are those specified in Exhibit A, attached hereto and incorporated herein by this reference.
4. The maintenance services (hereafter "Services") to be provided with respect to the Improvements are those specified in Exhibit A, attached hereto and incorporated herein by this reference.
5. Landowner is aware that City must comply with the provisions of Article XIID of the California Constitution, as well as California Streets and Highways Code Section 22500 et seq., in conducting the annexation proceedings, and that those provisions cannot be waived notwithstanding Landowner's consent to the annexation.
6. Notwithstanding the provisions of section 5 above, Landowner for itself and for its successors in interest, agrees and represents that in the ballot procedure which City must conduct, Landowner will mark its ballot "yes" indicating an affirmative vote for annexation of the Property to the District and for levy of the assessment upon the Property. Landowner further understands and agrees that City would not undertake the annexation proceedings but for Landowner's agreement as specified in this section, and that without such proceedings having been instituted and completed City would not approve, and Landowner could not lawfully record, its final subdivision map.
7. Landowner hereby petitions City to initiate proceedings for annexation of the Property to the District, with the full understanding that if such proceedings are commenced and concluded, there will be an annual assessment levied upon the Property to pay the entire cost of the Services.

Dated: 10/20/03

Landowner:  
Hofmann Land Development Company, Inc.,  
A California Corporation

By:   
Its: Vice President

County APN or APN's:  
052-0010-074-0000

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