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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

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PROJECT DELIVERY DIVISION

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February 9, 2004

APPROVED

MAR 04 2004

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: PROPOSED TAHOE PARK 5 STREET LIGHTING ASSESSMENT DISTRICT
NO. 2003-07 – ABANDON PROCEEDINGS**

LOCATION AND COUNCIL DISTRICT: Tahoe Park 5 - Council District 6 (See location map, Attachment "A").

RECOMMENDATION:

This report recommends that City Council approve the attached resolution abandoning the proceedings for the proposed Tahoe Park 5 Street Lighting Assessment District No. 2003-07.

CONTACT PERSON: Rita Goolkasian, Program Specialist, 808-5236

FOR COUNCIL MEETING OF: March 4, 2004

SUMMARY:

Council is being asked to approve a resolution abandoning the proceedings for the formation of a street lighting assessment district in Tahoe Park 5. On February 3, 2004, the majority of property owners who submitted ballots in the mail-ballot election for Tahoe Park 5 voted in opposition of the district formation and assessment.

The revised schedule is shown on Attachment "B".

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On December 16, 2003, the City Council approved the Resolution of Intention to form a street lighting assessment district in Tahoe Park 5 and set the public hearing and mail-ballot election for February 3, 2004.

At the close of the public hearing, staff counted the ballots and reported back to Council that a majority of the voters were in opposition to the district formation and assessment. Therefore, Council is being asked to approve the attached resolution abandoning the proceedings for the proposed Tahoe Park 5 Street Lighting Assessment District No. 2003-07.

FINANCIAL CONSIDERATIONS:

None. The district proceedings are being abandoned.

ENVIRONMENTAL CONSIDERATIONS:

Under the California Environmental Quality Act (CEQA) Guidelines, the abandonment proceedings of a proposed assessment district, does not constitute a project, and is therefore, exempt from review.

POLICY CONSIDERATIONS:

The abandonment proceedings for this proposed district are pursuant to the provisions of the Municipal Improvement Act of 1913 when property owners vote down a proposed district.


ESBD CONSIDERATIONS:

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

Respectfully submitted:


Francesca Lee Halbakken
Project Delivery Manager

RECOMMENDATION APPROVED:


ROBERT P. THOMAS
City Manager

Approved:

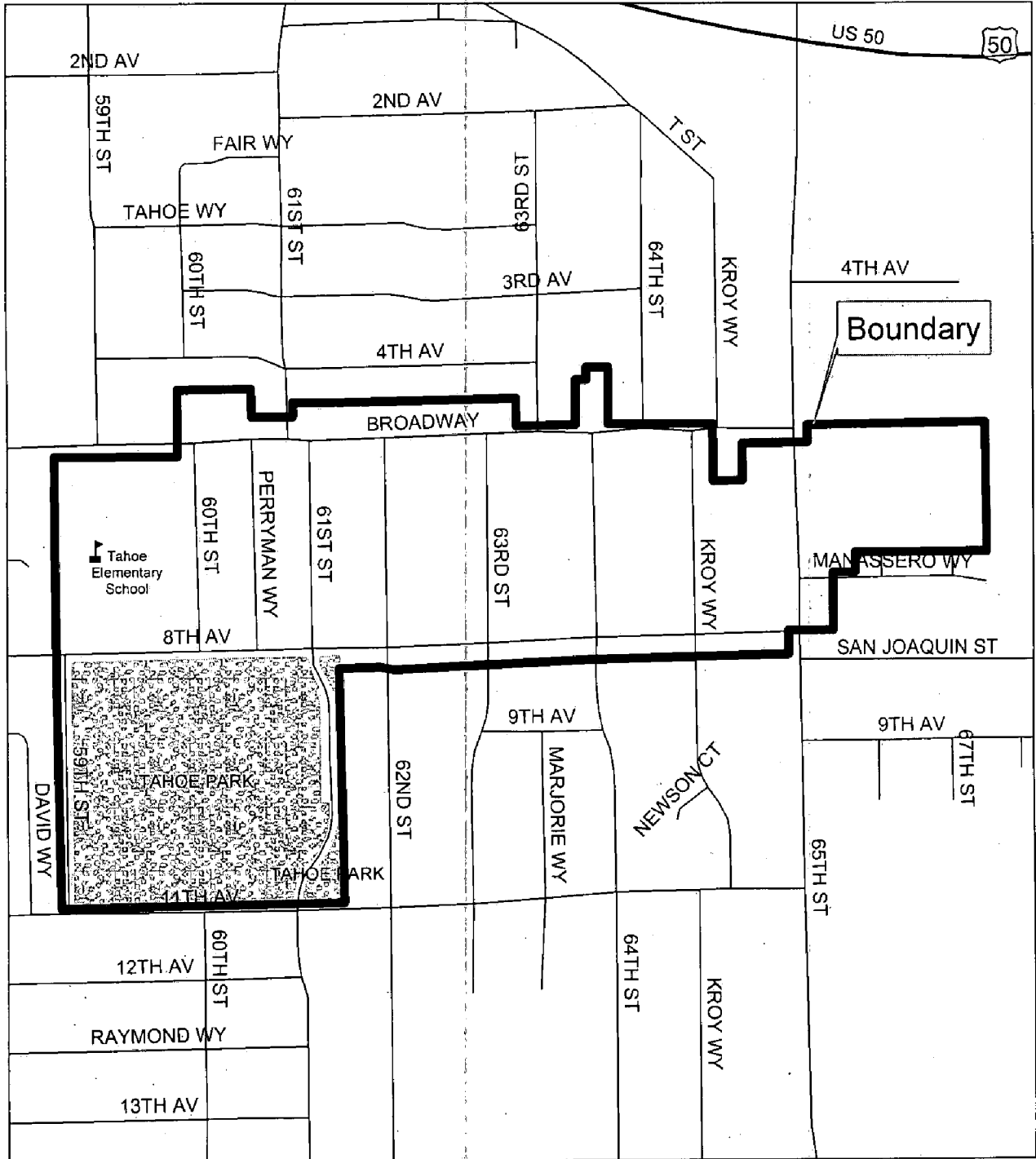

Thomas V. Lee
Deputy City Manager

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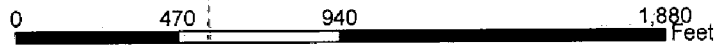
- 1) Attachment A, Location Map, pg. 3
- 2) Attachment B, Schedule of Proceedings for Tahoe Park 5 Street Lighting Assessment District, pg. 4
- 3) Resolution Abandoning the Proceedings for the Proposed Tahoe Park 5 Street Lighting Assessment District No. 2003-07, pg. 5

RG/dkl

Tahoe Park 5 Street Lighting Assessment District (#2003-07)



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ATTACHMENT B

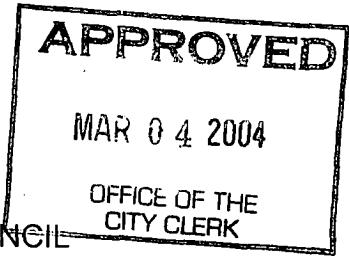
SCHEDULE FOR TAHOE PARK #5 STREET LIGHTING ASSESSMENT DISTRICT #2003-07

- November 4, 2003 City Council Approves Additional Funding for the Street Light Match Program
- December 16, 2003 City Council Action – Resolution of Intention
- ROI to undertake proceedings for the formation and sale of bonds with mail ballot election
 - Preliminarily Approving the Engineer's Report and Set Public Hearing Date
 - Approving Agreement for Legal Services
- December 17, 2003 Begin the 45 day public noticing period
Mail Ballot to Property Owners
- February 3, 2004 City Council Meeting
- Conduct the Public Hearing – afternoon session
 - Declare Results of Election – protest votes prevailed

March 4, 2004

City Council Meeting –

- **Abandon Proceedings for proposed Tahoe Park 5 Street Lighting Assessment District #2003-007**



RESOLUTION NO. 2004-138

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SACRAMENTO ABANDONING PROCEEDINGS FOR THE PROPOSED TAHOE PARK 5 STREET LIGHTING ASSESSMENT DISTRICT NO. 2003-07

WHEREAS, under Resolution of Intention No. 2003-894 (the "Resolution of Intention") adopted by the City Council (the "City Council") of the City of Sacramento (the "City") on December 16, 2003, the City Council determined that it was necessary, convenient and desirable to undertake proceedings pursuant to the provisions of the Municipal Improvement Act of 1913 and to issue bonds in such proceedings under the provisions of the Improvement Bond Act of 1915 for the acquisition and construction of certain street lighting improvements in and for a proposed street lighting assessment district in the City designated the "Tahoe Park 5 Street Lighting Assessment District No. 2003-07" (the "Assessment District"), and the City Council declared that the territory shown on the map attached to the Resolution of Intention entitled "Boundary Map Tahoe Park 5 Street Lighting Assessment District No. 2003-07, City of Sacramento, County of Sacramento, State of California" indicated the boundaries of the Assessment District; and

WHEREAS, such boundary map was recorded in the office of the Sacramento County Recorder on December 19, 2003, in Book 97 at Page 14 of the Maps of Assessment and Community Facilities Districts; and

WHEREAS, at an election held in the Assessment District, the property owners in the Assessment District determined (by a vote of 53.7%) not to authorize the levy of the proposed assessments in the Assessment District, and the City Council has determined to abandon such assessment proceedings; and

WHEREAS, Section 3117 of the California Streets and Highways Code provides that, if any assessment proceedings are abandoned, the City Clerk shall record a certified copy of the resolution of abandonment with the Sacramento County Recorder, which resolution shall include a reference to the date of the resolution of abandonment, the date of adoption of the Resolution of Intention and the date on which the boundary map of the Assessment District was recorded with the County Recorder;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento, as follows:
Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Section 2. The City Council hereby determines to, and hereby abandons, the proposed street lighting assessment district proceedings known as "Tahoe Park 5 Street Lighting Assessment District No. 2003-07."

Section 3. The City Clerk is hereby authorized and directed to record a certified copy of this Resolution of Abandonment with the Sacramento County Recorder pursuant to Section 3117 of the California Streets and Highways Code.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____