

RESOLUTION NO. 2023-059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DECLARING ITS INTENTION TO LEVY STREET MAINTENANCE ASSESSMENTS [ZONE 3-AL (EASTERN AREA), ANNEXATION NO. 49]

WHEREAS, the City Council (the “City Council”) of the City of Elk Grove (the “City”) has determined to undertake proceedings pursuant to the Benefit Assessment Act of 1982, being California Government Code sections 54703 *et seq.* (the “Act”), to levy assessments to finance the costs of maintaining streets and roads and to equitably distribute the costs among benefited landowners in developing areas; and

WHEREAS, the City Council by its Resolution No. 2003-82, adopted April 16, 2003, levied such assessments on property located within the boundaries of an area referred to therein as City of Elk Grove Street Maintenance District No. 1 (the “District”); and

WHEREAS, City staff have prepared and filed with the City Clerk a Supplemental Engineer’s Report (Supplement No. 49), which supplements the Engineer’s Report for Zone 3 of the District originally submitted on March 17, 2004, and supplemented by:

1. Supplement No. 1 on May 19, 2004;
2. Supplement No. 2 on August 4, 2004;
3. Supplement No. 3 on November 3, 2004;
4. Supplement No. 4 on March 9, 2005;
5. Supplement No. 5 on May 11, 2005;
6. Supplement No. 6 on August 10, 2005;
7. Supplement No. 7 on October 26, 2005;
8. Supplement No. 8 on February 8, 2006;
9. Supplement No. 9 on May 10, 2006;
10. Supplement No. 10 on August 9, 2006;
11. Supplement No. 11 on October 10, 2007;
12. Supplement No. 12 on February 25, 2009;
13. Supplement No. 13 on November 10, 2010;
14. Supplement No. 14 on March 23, 2011;
15. Supplement No. 15 on April 27, 2011;
16. Supplement No. 16 on August 24, 2011;
17. Supplement No. 17 on October 26, 2011;
18. Supplement No. 18 on September 26, 2012;
19. Supplement No. 19 on April 24, 2013;
20. Supplement No. 20 on August 28, 2013;
21. Supplement No. 21 on December 11, 2013;

22. Supplement No. 22 on January 22, 2014;
 23. Supplement No. 23 on May 28, 2014;
 24. Supplement No. 24 on October 8, 2014;
 25. Supplement No. 25 on April 8, 2015;
 26. Supplement No. 26 on May 13, 2015;
 27. Supplement No. 27 on July 22, 2015;
 28. Supplement No. 28 on September 23, 2015;
 29. Supplement No. 29 on March 9, 2016;
 30. Supplement No. 30 on October 26, 2016;
 31. Supplement No. 31 on December 14, 2016;
 32. Supplement No. 32 on January 11, 2017;
 33. Supplement No. 33 on August 23, 2017;
 34. Supplement No. 34 on January 10, 2018;
 35. Supplement No. 35 on February 14, 2018;
 36. Supplement No. 36 on April 25, 2018;
 37. Supplement No. 37 on December 19, 2019;
 38. Supplement No. 38 on January 22, 2020;
 39. Supplement No. 39 on June 24, 2020;
 40. Supplement No. 40 on July 22, 2020;
 41. Supplement No. 41 on January 13, 2021;
 42. Supplement No. 42 on July 28, 2021;
 43. Supplement No. 43 on December 8, 2021;
 44. Supplement No. 44 on April 27, 2022;
 45. Supplement No. 45 on June 8, 2022;
 46. Supplement No. 46 on July 27, 2022;
 47. Supplement No. 47 on October 26, 2022;
 48. Supplement No. 48 on December 14, 2022
- (collectively, the “Engineer’s Report”); and

WHEREAS, in accordance with the Act, the Engineer’s Report as supplemented by Supplement No. 49 proposes the amount of assessments to be levied on certain additional property described therein (referred to herein as the “annexed property”), which would be deemed a part of the District if the assessments are levied; and

WHEREAS, the annexed property is located within a zone of benefit referred to as “Zone 3-AL (Eastern Area)”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

1. **Recitals.** The above recitals are true and correct.

2. **Approval of Supplement No. 49.** The City Council hereby approves Supplement No. 49, which incorporates by reference the Engineer's Report. The Engineer's Report as supplemented by Supplement No. 49 sets forth a full and detailed description of the costs financed by the assessments, the parcels to be assessed, and the proposed assessments upon assessable lots and parcels of the annexed property. Pursuant to Government Code section 54711(a)(2), the City Council hereby determines that the estimated cost of certain of the services to be funded from the assessments is more than can be conveniently raised from a single annual assessment and intends to order that such costs be collected in installments over periods of up to five years, as proposed in the Engineer's Report. The Engineer's Report and Supplement No. 49 are on file in the office of the City Clerk, 8401 Laguna Palms Way, Elk Grove, California, and are available for review by any interested member of the public during normal business hours.

3. **Public Hearing.** On Wednesday, May 10, 2023, at 6:00 p.m., or as soon thereafter as the matter may be heard, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council shall hold a public hearing on the Engineer's Report as supplemented by Supplement No. 49 and the question of the levy of the proposed assessments.

4. **Notice of Public Hearing.** The City Clerk is directed to give notice of the public hearing by:


- a. publishing a notice in the form attached hereto as Exhibit A once a week for two successive weeks in *The Elk Grove Citizen*. The first publication shall be no later than March 31, 2023, and publication shall be completed by April 14, 2023; and
- b. posting a notice in the form attached hereto as Exhibit A in at least three public places within the City; and
- c. mailing a notice and ballot in substantially the form attached hereto as Exhibit B to the record owners of each identified parcel within the annexed property. Mailing shall be completed by March 24, 2023.

5. **Effective Date.** This resolution shall take effect from and after the date of its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of March 2023


BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A

[Form of Published and Posted Notice]

CITY OF ELK GROVE

**NOTICE OF HEARING ON
ENGINEER'S REPORT AND SUPPLEMENT NO. 49
CONCERNING STREET MAINTENANCE ASSESSMENTS**

Notice is hereby given that on Wednesday, **May 10, 2023**, at **6:00 p.m.**, or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council of the City of Elk Grove shall hold a public hearing on the engineer's report and a supplement thereto prepared and filed in connection with proposed street maintenance assessments on property identified in the report as supplemented. The City has mailed a notice to each affected property owner specifying the amount of the proposed assessment on the owner's property. At the public hearing, the City Council shall hear and consider all protests.

Dated: _____

Jason Lindgren, City Clerk, City of Elk Grove

Exhibit B-1

[Form of mailed Notice]

Notice of Public Hearing

TO: T & D Investment Holdings LLC
(APN: 115-0161-005-0000, 115-0161-021-0000)

FROM: City Clerk
City of Elk Grove

DATE: March 22, 2023

SUBJECT: Street Maintenance Assessments (additions to City of Elk Grove Street Maintenance District No. 1, Zone 3-AL (Eastern Area)) Ballot Proceeding

The purpose of this notice is to provide you with information about the assessment ballot proceeding being conducted by the City of Elk Grove and its effect on real property that you own. Please be advised of the following:

- A hearing will be held on May 10, 2023, at 6:00 p.m., or as soon thereafter as the matter may be heard at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.
- The reason for the assessment is to fund the maintenance and operation of streets serving property proposed to be added to the City of Elk Grove Street Maintenance District No. 1 (the "District").
- The proposed annual assessment at maximum levy is \$209.55 per single family residential unit, \$146.68 per multi family residential unit, and \$3,268.98 per non-residential acre for each parcel with respect to which an application for a building permit has been filed. For fiscal year 2022-23, the assessment is \$192.10 per single family residential unit, \$134.47 per multi family residential unit, and \$2,996.80 per non-residential acre. Such assessment may be increased each year after Fiscal Year 2022-23 based upon the increase in the Engineering News Record Construction Cost Index (ENR-CCI) for the San Francisco Bay Area over the prior year. Your property is expected to have 144 multi-family residential units at buildout, which would result in a total assessment of \$19,363.68 (plus inflation adjustments) at that time.
- The total amount chargeable to all the property proposed for assessment in this proceeding at buildout would be \$19,363.68 (plus inflation adjustments).
- Assessment duration: in perpetuity.
- How the assessment was calculated: The assessment is apportioned on all assessable lots or parcels proposed for assessment in proportion to the estimated benefits to be received by each lot or parcel. Benefit to any parcel is in proportion

to its number of EDUs when developed. The total estimated costs for operation and maintenance of streets that serve the property is allocable among all parcels in proportion to each parcel's expected EDUs. For additional detail, see the Engineer's Report and relevant supplements.

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the assessment ballot to express your view on the proposed assessment.

1. Ballots may be mailed or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing described above. At any time prior to the conclusion of the public hearing, you may withdraw your ballot and submit a changed or new ballot in place of the ballot previously submitted.

2. At the conclusion of the public hearing, the City Clerk will tabulate the ballots received, including those received during the public hearing.

3. The City will not impose the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proportional financial obligation of the affected property.

Exhibit B-2

[Form of mailed Notice]

Notice of Public Hearing

TO: L Street Winn LP
(APN: 116-1600-001-0000, 116-1600-002-0000, 116-1600-004-0000)

FROM: City Clerk
City of Elk Grove

DATE: March 22, 2023

SUBJECT: Street Maintenance Assessments (additions to City of Elk Grove Street Maintenance District No. 1, Zone 3-AL (Eastern Area)) Ballot Proceeding

The purpose of this notice is to provide you with information about the assessment ballot proceeding being conducted by the City of Elk Grove and its effect on real property that you own. Please be advised of the following:

- A hearing will be held on May 10, 2023, at 6:00 p.m., or as soon thereafter as the matter may be heard at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.
- The reason for the assessment is to fund the maintenance and operation of streets serving property proposed to be added to the City of Elk Grove Street Maintenance District No. 1 (the "District").
- The proposed annual assessment at maximum levy is \$209.55 per single family residential unit, \$146.68 per multi family residential unit, and \$3,268.98 per non-residential acre for each parcel with respect to which an application for a building permit has been filed. For fiscal year 2022-23, the assessment is \$192.10 per single family residential unit, \$134.47 per multi family residential unit, and \$2,996.80 per non-residential acre. Such assessment may be increased each year after Fiscal Year 2022-23 based upon the increase in the Engineering News Record Construction Cost Index (ENR-CCI) for the San Francisco Bay Area over the prior year. Your property is expected to have 3.66 non-residential acres at buildout, which would result in a total assessment of \$10,968.29 (plus inflation adjustments) at that time.
- The total amount chargeable to all the property proposed for assessment in this proceeding at buildout would be \$10,968.29 (plus inflation adjustments).
- Assessment duration: in perpetuity.
- How the assessment was calculated: The assessment is apportioned on all assessable lots or parcels proposed for assessment in proportion to the estimated benefits to be received by each lot or parcel. Benefit to any parcel is in proportion

to its number of EDUs when developed. The total estimated costs for operation and maintenance of streets that serve the property is allocable among all parcels in proportion to each parcel's expected EDUs. For additional detail, see the Engineer's Report and relevant supplements.

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the assessment ballot to express your view on the proposed assessment.

1. Ballots may be mailed or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing described above. At any time prior to the conclusion of the public hearing, you may withdraw your ballot and submit a changed or new ballot in place of the ballot previously submitted.

2. At the conclusion of the public hearing, the City Clerk will tabulate the ballots received, including those received during the public hearing.

3. The City will not impose the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proportional financial obligation of the affected property.

Exhibit C-1

**Official Ballot
City of Elk Grove Street Maintenance District No. 1
Zone 3-AL**

Assessor's Parcel Number(s): 115-0161-005-0000, 115-0161-021-0000
Name(s) of Property Owner(s): T & D Investment Holdings LLC
Property Owner's Address: Attn: Thong Lu
8841 Williamson Drive, Ste. 10
Elk Grove, CA 95624
Proposed Annual Assessable Amount (2022-23 base year) (assessable after building permit applied for): \$19,363.68
Proposed Inflation Adjustment Formula: Assessable amount may be increased each year following the 2022-23 fiscal year based on the percentage change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment and the proposed inflation adjustment, place a check mark in the space before the word "YES" or "NO," then sign and date the ballot.
- After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8401 Laguna Palms Way, Elk Grove, California, 95758.
- Ballots may be sent or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing on the proposed assessment and inflation adjustment limit set for May 10, 2023, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

Yes, I/we approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

No, I/we do not approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel listed above.

Signature of Record Owner

Date

Exhibit C-2

**Official Ballot
City of Elk Grove Street Maintenance District No. 1
Zone 3-AL**

Assessor's Parcel Number(s): 116-1600-001-0000, 116-1600-002-0000,
116-1600-004-0000

Name(s) of Property Owner(s): L Street Winn LP

Property Owner's Address: Attn: George Carpenter, Jr.
555 University Avenue, Ste. 180
Sacramento, CA 95825

Proposed Annual Assessable Amount (2022-23 base year)
(assessable after building permit applied for): \$10,968.29

Proposed Inflation Adjustment Formula: Assessable amount may be increased each year following the 2022-23 fiscal year based on the percentage change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment and the proposed inflation adjustment, place a check mark in the space before the word "YES" or "NO," then sign and date the ballot.
- After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8401 Laguna Palms Way, Elk Grove, California, 95758.
- Ballots may be sent or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing on the proposed assessment and inflation adjustment limit set for May 10, 2023, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

___ **Yes**, I/we approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

___ **No**, I/we do not approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel listed above.

Signature of Record Owner

Date

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-059**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 22, 2023 by the following vote:

AYES: COUNCILMEMBERS: *Singh-Allen, Spease, Brewer, Robles, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Jason Lindgren, City Clerk
City of Elk Grove, California**