

RESOLUTION NO. 2005-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING ITS INTENTION TO LEVY
STREET MAINTENANCE ASSESSMENTS
(ZONE 3 – Annexation No. 4)**

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. 4”), which supplements the Engineer’s Report for Zone 3 of the District for fiscal year 2004-2005 originally submitted on March 17, 2004 and supplemented by Supplement No.1 on May 19, 2004, Supplement No. 2 on August 4, 2004, and Supplement No. 3 on November 3, 2004 (collectively, the “Engineer’s Report”); and

WHEREAS, in accordance with the Act, the Engineer’s Report as supplemented by Supplement No. 4 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”.

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. 4.** The City Council hereby approves Supplement No. 4, which incorporates by reference the Engineer’s Report. The Engineer’s Report as supplemented by Supplement No. 4 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. 4 are on file in the City Clerk's office, 8380 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, April 27, 2005, at 6:30 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. 4 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:

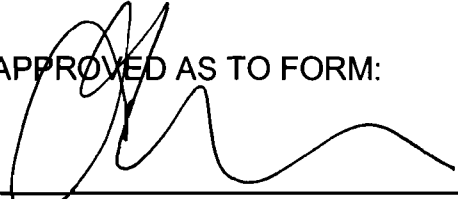
- a. publishing a notice in the form attached hereto as Exhibit A once a week for two successive weeks in The Elk Grove Citizen. The first publication shall be no later than March 23, 2005, and publication shall be completed by March 30, 2005;
- b. posting a notice in the form attached hereto as Exhibit A in at least three public places within the City; and
- c. mailing a notice and ballot in the form attached hereto as Exhibit B to the record owners of each identified parcel within the annexed property. Mailing shall be completed by February 18, 2005.

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 16th day of February 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

ATTEST:



PEGGY E. JACKSON, CITY CLERK

Exhibit A

[Form of Published and Posted Notice]

CITY OF ELK GROVE

**NOTICE OF HEARING ON
ENGINEER'S REPORT AND SUPPLEMENT NO. 4
CONCERNING STREET MAINTENANCE ASSESSMENTS**

Notice is hereby given that on Wednesday, April 27, 2005, at 6:30 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: _____

Peggy E. Jackson, City Clerk
City of Elk Grove

Exhibit B

[Form of mailed Notice]

Notice of Public Hearing

TO: Property Owner(s) of Record
Assessor's Parcel No. [insert]

FROM: City Clerk
City of Elk Grove

DATE: [date]

SUBJECT: Street Maintenance Assessments (additions to City of Elk Grove Street Maintenance District No. 1, Zone 3) 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 April 27, 2005, at 6:30 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 is \$_____.00 per Equivalent Dwelling Unit ("EDU") for each parcel with respect to which an application for a building permit has been filed. Such assessment may be increased each year after fiscal year 2004-2005 based upon the increase in the Engineering News Record Construction Cost for the San Francisco Bay Area over the prior year. Your property is expected to have _____ EDUs at buildout, which would result in a total assessment of \$_____ (plus inflation adjustments) at that time.
- The total amount chargeable to all the property proposed for assessment in this proceeding at buildout would be \$_____ (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.

Official Ballot
City of Elk Grove Street Maintenance District No. 1 , Zone 3

Assessor's Parcel Number(s):

Name(s) of Property Owner(s):

Property Owner's Address:

Proposed Annual Assessable Amount \$
(2004-2005 base year) (assessable
after building permit applied for)

Proposed Inflation Adjustment
Formula:

Assessable amount may be increased each
year following the 2004-2005 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 8380 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 April 27, 2005, at 6:30 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

CITY OF ELK GROVE
SUPPLEMENT No. 4 TO ENGINEER'S REPORT
STREET MAINTENANCE DISTRICT No. 1

ZONE 3 (EASTERN AREA)
First Fiscal Year: 2004-2005



INTENT MEETING: February 16, 2005

PUBLIC HEARING: April 6, 2005

SUPPLEMENTAL ENGINEER'S REPORT AFFIDAVIT

City of Elk Grove
Sacramento County, State of California

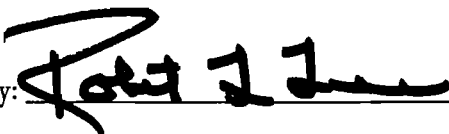
STREET MAINTENANCE DISTRICT NO. 1, ZONE 3 (EASTERN AREA)

This Supplemental Report No. 4 describes the addition of certain parcels within Zone 3 (Eastern Area) to Street Maintenance District No. 1 and describes the maximum assessments to be levied for the first fiscal year 2004-2005 as they existed at the time of the passage of the resolution of intention, and annually thereafter as Assessor Parcel Numbers are issued for new land development. Reference is hereby made to the Sacramento County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Zone.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this 2 day of Feb., 2005.

By: _____



Robert L. Lee
R. C. E. # 23076
Assessment Engineer
City Engineer
City of Elk Grove, California

[This Supplemental Engineer's Report ("Supplement No. 4"), which supplements the Engineer's Report for Zone 3 of the District for fiscal year 2004-2005 originally submitted on March 17, 2004 and supplemented by Supplement No. 1 on May 19, 2004, Supplement No. 2 on August 4, 2004, and Supplement No. 3 on November 3, 2004 (collectively, the "Engineer's Report");

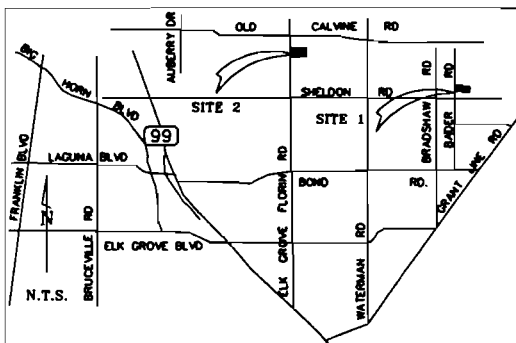
Appendix B, entitled "2004/2005 Assessment Roll," is supplemented by the addition of the following:]

**City of Elk Grove
 "Street Maintenance District No. 1, Zone 3 (Eastern Area)"
 Assessment Roll**

	DEVELOPMENT	OWNER	APN	SF	MF
				UNITS	UNITS
1	ERMANDEROLD ESTATES	M7 Investment Group LLC	122-0230-001 122-0230-003 122-0230-004 122-0230-005 122-0230-006	35	
2	THE CROSSINGS	UHC Elk Grove, L.P.	121-0150-011 121-0150-012		116

**City of Elk Grove
 "Street Maintenance District No. 1, Zone 3 (Eastern Area)"
 Build-out EDU Calculations and Total Assessment in 2003 Dollars**

	DEVELOPMENT	TITLE	APN	TOTAL EDUs	TOTAL ASSESSMENT
1	ERMANDEROLD ESTATES	M7 Investment Group LLC	122-0230-001 122-0230-003 122-0230-004 122-0230-005 122-0230-006	35	\$3,885.00
2	THE CROSSINGS	UHC Elk Grove, L.P.	121-0150-011 121-0150-012	81.2	\$9,013.20
TOTAL				116.2	\$12,898.20



VICINITY MAP

ANNEXATION MAP NO. 4 STREET MAINTENANCE DISTRICT NO. 1, ZONE NO. 3

CITY OF ELK GROVE
COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

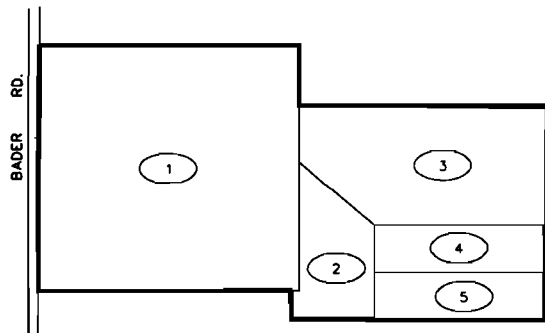
FILED AND RECORDED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ELK GROVE THIS _____ DAY OF _____ 2005

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED ON THE _____ DAY OF _____ 2005, THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ELK GROVE ON THE _____ DAY OF _____ 2005. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE CITY CLERK FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

CITY CLERK
CITY OF ELK GROVE

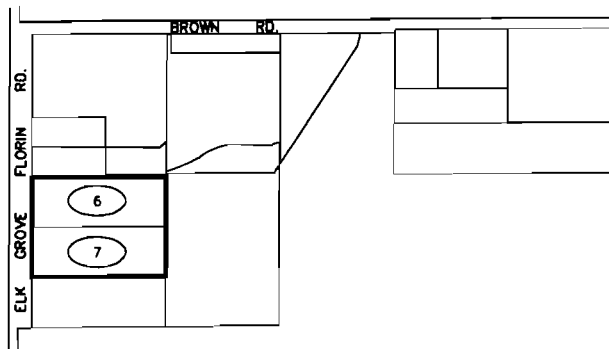
FILED THIS _____ DAY OF _____, 2005, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF SACRAMENTO



Ermanderald Estates

MAP REF. NO.	ASSESSOR'S PARCEL NO.	VICINITY MAP
1	122-0230-001	SITE 1
2	122-0230-003	
3	122-0230-004	
4	122-0230-005	
5	122-0230-006	



The Crossings

MAP REF. NO.	ASSESSOR'S PARCEL NO.	VICINITY MAP
6	121-0150-011	SITE 2
7	121-0150-012	



MuniFinancial

27368 Via Industria
Suite 110
Temecula, California 92590-3681
Phone (909) 587-3500 Fax (909) 587-3510

LEGEND

———— ANNEXATION BOUNDARY

○ 1 MAP REFERENCE NUMBER



400' 200' 0' 400'
SCALE · 1" = 400'

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-42

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

I, Peggy E. Jackson, 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 the 16th day of February 2005 by the following vote:

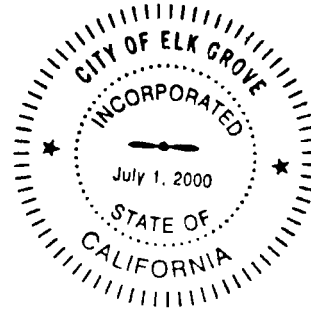
AYES 5 : COUNCILMEMBERS: Briggs, Cooper, Leary, Scherman, Soares

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:

RECUSAL 0: COUNCILMEMBER:



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**