

RESOLUTION NO. 2003-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING ITS INTENTION TO LEVY
STREET MAINTENANCE ASSESSMENTS**

WHEREAS, in order to finance the costs of maintaining streets and roads and to equitably distribute the costs among benefited landowners whose property is located within the boundaries of the City of Elk Grove Street Maintenance District No. 1 (the "District"), 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 such costs; and

WHEREAS, as directed by Resolution No. 2003-9, adopted January 15, 2003, MuniFinancial has prepared and filed with the City Clerk a report for fiscal year 2003-2004 (the "Engineer's Report") in accordance with the Act;

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 Engineer's Report.** The City Council hereby approves the Engineer's Report as filed. The Engineer's Report 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 land within the District. 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 is on file in the City Clerk's office, 8400 Laguna Palms Way, Elk Grove, California, and is available for review by any interested member of the public during normal business hours.
3. **Public Hearing.** On Wednesday, April 16, 2003, 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 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 for two successive weeks in The Elk Grove Citizen. The first publication shall be no later than April 2, and publication shall be completed by April 9, 2003;

- b. posting a notice in the form attached hereto as Exhibit A in at least three public places within the District; 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 District. Mailing shall be completed by February 28, 2003.

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 19th day February 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper
Scherman, Leary
NOES: None
ABSTAIN: None
ABSENT: None

Exhibit A

[Form of Published and Posted Notice]

CITY OF ELK GROVE

**NOTICE OF HEARING ON
ENGINEER'S REPORT
CONCERNING STREET MAINTENANCE ASSESSMENTS**

Notice is hereby given that on Wednesday, April 16, 2003, 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 prepared and filed in connection with proposed street maintenance assessments within the territory located within the boundaries of Community Facilities District No. 2003-1 (Poppy Ridge), which is referred to in the engineer's report as City of Elk Grove Street Maintenance District No. 1 (the "District"). The District comprises a portion of the area bounded by Poppy Ridge Road, Bruceville Road, Bilby Road, and Franklin Boulevard.

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: _____

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: City of Elk Grove Street Maintenance District No. 1: 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 16, 2003, 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 located within the boundaries of the City of Elk Grove Street Maintenance District No. 1 (the "District").
- The proposed annual assessment is \$125 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 2003-2004 based upon the increase in the Engineering News Record Construction Cost Index for the Sacramento 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 the entire assessment district at buildout would be \$480,000 (plus inflation adjustments).
- Assessment duration: in perpetuity.
- How the assessment was calculated: The assessment is apportioned on all assessable lots or parcels located in the District 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 District is allocable among all parcels in proportion to each parcel's expected EDUs. For additional detail, see the Engineer's Report.

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

Assessor's Parcel Number(s):

Name(s) of Property Owner(s):

Property Owner's Address:

Proposed Annual Assessable Amount
(2003-2004 base year) (assessable
after building permit applied for)

Proposed Inflation Adjustment
Formula:

Assessable amount may be increased each year following the 2003-2004 fiscal year based on the percentage change in the Engineering News Record Construction Cost Index for the Sacramento 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 8400 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 inflation adjustment limit set for April 16, 2003, 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