



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: February 5, 2008

SUBJECT: Annexation No. 1 to Gibson Ranch Landscaping and Lighting
District – Public Hearing

Report in Brief

In 1995 the City Council formed the Gibson Ranch Landscaping and Lighting District (“District”) to collect annual assessments from properties generally located in the southeast portion of the City to provide a funding source for the installation, maintenance and servicing of public landscaping and park facilities, public lighting facilities and other appurtenant facilities. The City now desires to annex additional property located in Subdivision Tract 4837, also known as the Hansen Ranch subdivision (“Annexed Property”), into the District. On December 18, 2007 City Council took the initial steps to annex the property into the District by approving resolutions that called for a public hearing to be held on February 5, 2008 and to hold a property owner protest ballot proceeding . At the conclusion of the public hearing, the ballots will be tallied to determine if there is a majority protest against the annexation.

Staff recommends that the City Council approve and adopt resolutions that 1) Declare the results of the property owner protest ballot proceeding to annex property into the Gibson Ranch Landscaping and Lighting District; and assuming no majority protest 2) Amending and/or approving the Final Annexation No. 1 Engineer’s Report, and; 3) Ordering the annexation of additional territory into the District and the levy of annual assessments on the Annexed Property.

Background

The Hansen Ranch subdivision is located on the western edge of the existing District and was not included within the original District boundaries. The Hansen Ranch project consists of twenty-four single family residential lots located on Oliver Court and generally bounded by Pioneer Avenue in the west, Lusk Drive in the east, Garcia Drive in the north, and Anderson Circle and Losoya Drive to the south. All but one of the lots are still owned by the developer of the Hansen Ranch project, DAS Homes Inc.

As part of the project approval, the subdivision was conditioned to join the existing District. The 1972 act allows areas to be annexed into an existing district if and when the area to be annexed

receives substantially the same degree of benefit from the improvements that the other District properties receive. Koppel & Gruber Public Finance was retained to prepare the Annexation Engineer's Report that indicates how the Annexed Property benefits from the existing District improvements, provides an estimate of the total costs to the Annexed Property and the method of apportioning these costs to the twenty-four individual lots, and provides a diagram of the area to be annexed. In summary, the maximum assessment for each of the lots in the annexed area will not exceed \$235.12 for fiscal year 2008/2009.

Based on the requirements California State Constitution Article XIII C and XIII D and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) a property owner ballot protest procedure was held in order to annex property into the District and to levy an assessment on the Annexed Property. A notice of public hearing and property owner ballots were mailed to property owners located within the Annexed Property on December 20, 2007 and were required to be returned to the City Clerk prior to the conclusion of the public hearing in order to be counted. The ballot mailing date meets the minimum 45 day period required between the mailing of the ballots and the date for holding the public hearing.

The City will hold a public hearing on the matter of annexing the property and assessing a levy on the Annexed Property. Following the conclusion of the public hearing, the ballots will be tallied. The results will be recorded in the Resolutions declaring the results. If there is not a majority protest (the dollar amount of ballots opposed to the annexation exceed the dollar amount of ballots in support) the ballot procedure is successful, the City Council will take action on the other two resolutions that amend and or approve the Final Fiscal Year 2008/2009 Annexation No. 1 Engineer's Report and order the annexation of additional property into the District and the levy and collection of assessments starting in fiscal year 2008/2009.

Discussion

Annexing the Hansen Ranch property into the District will provide an additional revenue source to help offset the maintenance and servicing of costs which include Park and Recreation Improvements, Open Space and Related Appurtenant Improvements, Street Related Public Landscaping and Appurtenant Improvements and Street Lighting and Appurtenant Improvements. Additionally, the annexation will provide equity among property owners throughout the District since these parcels were originally excluded from the District.

As part of the annexation and public hearing process, City Council is presented with three resolutions for consideration which are titled as follows:

Resolution No. _____ Declaring the Results of a Property Owner Protest Ballot Proceeding to Annex and Include Additional Territory in the City of Woodland Gibson Ranch Landscaping and Lighting District

Resolution No. _____ Amending and/or Approving the City of Woodland Annexation No. 1 to Gibson Ranch Landscaping and Lighting District Engineer's Report, and the Levy and Collection of Assessments for Fiscal Year 2008/2009

Resolution No. _____ Ordering the Annexation of Additional Territory to the City of Woodland Gibson Ranch Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto Commencing with Fiscal Year 2008/2009

Fiscal Impact

If approved, the annexation property will generate approximately \$5,642.88 per year to help offset the costs of maintaining and servicing the improvements in the existing District.

Public Contact

Posting of the City Council agenda and appropriate public notice published in the Daily Democrat.

Recommendation for Action

Staff recommends that the City Council approve and adopt resolutions that 1) Declare the results of the property owner protest ballot proceeding to annex property into the Gibson Ranch Landscaping and Lighting District; and assuming no majority protest 2) Amending and/or approving the Final Annexation No. 1 Engineer's Report, and; 3) Ordering the annexation of additional territory into the District and the levy of annual assessments on the Annexed Property.

Prepared by: Kimberly McKinney
Senior Accountant

Reviewed by: Joan Drayton
Finance Director

Mark G. Deven
City Manager

Attachments

RESOLUTION: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST BALLOT PROCEEDING TO ANNEX AND INCLUDE ADDITIONAL TERRITORY IN THE CITY OF WOODLAND GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT

WHEREAS, the City Council called and duly held a public hearing for the annexation of additional territory (“Annexation No. 1”) to the City of Woodland Gibson Ranch Landscaping and Lighting District (“District”); and the levy of annual assessments related thereto pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (“Act”), and there has been presented to the City Council an Engineer’s Report as required by *Chapter 2, Article 1, Section 22585* of said Act; and,

WHEREAS, the City Council has conducted a property owner protest ballot proceeding relating to the improvements and services described in the Engineer’s Report for the purpose of presenting to the Annexation No. 1 property owners a proposition of the levy and collection of annual assessments and an assessment range formula related thereto in accordance with the provisions of the *California Constitution Article XIID*; and,

WHEREAS, the landowners of record within Annexation No. 1 as of the close of the Public Hearing held on February 5, 2008 did cast their ballots, the results of which are illustrated below:

Yes: \$ _____

No: \$ _____

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, FOR THE ANNEXATION OF ADDITIONAL TERRITORY INTO THE CITY OF WOODLAND GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1 The above recitals are all true and correct.

Section 2 The protest proceedings for the District assessments were conducted, with ballots presented to Annexation No. 1 property owners of the District for receipt by the City Clerk prior to the conclusion of the Public Hearing held on February 5, 2008, with each ballot weighted according to the proportional maximum financial obligation of the affected property.

Section 3 The tabulation of the property owner protest ballots returned by the property owners within Annexation No. 1 is hereby confirmed and made public record.

Section 4 The City Clerk is hereby directed to enter this Resolution on the minutes of the City Council, which shall constitute the official declaration of the result of such property owner protest proceeding.

RESOLUTION: _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, AMENDING AND/OR APPROVING THE CITY OF WOODLAND ANNEXATION NO. 1 TO GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT ENGINEER'S REPORT, AND THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008/2009

WHEREAS, the City Council, pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* ("Act"), did by previous Resolution order the Assessment Engineer, Koppel & Gruber Public Finance, to prepare and file an Engineer's Report in connection with the annexation of additional territory ("Annexation No. 1") into the City of Woodland Gibson Ranch Landscaping and Lighting District ("District"), and the proposed levy and collection of annual assessments against parcels of land within the District for the fiscal year commencing July 1, 2008 and ending June 30, 2009; and,

WHEREAS, the Assessment Engineer has prepared and filed with the City Clerk and the City Clerk has now presented to the City Council the Engineer's report entitled "City of Woodland Annexation No. 1 to Gibson Ranch Landscaping and Lighting District Fiscal Year 2008/2009 Engineer's Report" (the "Engineer's Report") including the proposed boundaries of Annexation No. 1 to the District; and,

WHEREAS, the City Council pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act may approve the report, as filed, or may modify the Engineer's Report in any particular and approve it as modified; and

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report as presented, considered all oral and written comments presented with respect to the Annexation No. 1 and the Engineer's Report at a noticed Public Hearing and has discussed any necessary or desired modifications to the Engineer's Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, FOR THE ANNEXATION OF ADDITIONAL TERRITORY INTO THE CITY OF WOODLAND GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1 The above recitals are all true and correct.

Section 2 The Engineer's Report, as presented or as modified, consists of the following for Annexation No. 1 into the District:

- a. A Description of Improvements.
- b. The Annual Budget (Costs and Expenses of Services, Operations and Maintenance);
- c. The Method of Apportionment and the proposed amount to be levied and collected against each Assessor Parcel within Annexation No. 1 for Fiscal Year 2008/2009; and

RESOLUTION: _____

- d. An exhibit showing the boundaries of the Annexation No. 1 to the District.

Section 3 The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Engineer's Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Engineer's Report.

Section 4 The City Council is satisfied with the Engineer's Report as presented or modified, each and all of the budget items and documents as set forth therein, and is satisfied that the maximum annual assessments contained therein are consistent with the assessments approved by the property owners and spread in accordance with the special benefits received from the improvements pursuant to the provisions of the California Constitution Article XIID.

Section 5 The Engineer's Report is hereby approved as submitted or modified and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 6 The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation and approval of the Report as submitted or modified.

RESOLUTION: _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA ORDERING THE ANNEXATION OF ADDITIONAL TERRITORY TO THE CITY OF WOODLAND GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008/2009

WHEREAS, the City Council, desires to order the annexation of additional territory (“Annexation No. 1”) to the City of Woodland Gibson Ranch Landscaping and Lighting District (“District”), and to levy and collected annual assessments against parcels of land within said territory commencing with fiscal year 2008/2009 to pay the costs and expenses of operating, maintaining and servicing the improvements and appurtenant facilities related thereto, pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (“Act”); and,

WHEREAS, the City Council did by previous resolutions initiate proceedings and declare its intention to annex additional property into the District; and to levy and collect annual assessments for the purpose of operating, maintaining and servicing the improvements related thereto, pursuant to the Act; and,

WHEREAS, the Assessment Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council an Engineer’s Report that describes the District and maximum assessments against parcels of land within the Annexation No. 1 of the District for the Fiscal Year commencing July 1, 2008, and ending June 30, 2009, pursuant to the provisions of the Act; and,

WHEREAS, the City Council has caused notices and property owner assessment ballots to be mailed to all property owners of record for the Annexation No. 1 affected properties pursuant to the Act and in accordance with the provisions of the California Constitution Article XIID; and

WHEREAS, the City Council following notice duly given, has held a full and fair Public Hearing on February 5, 2008, regarding the Annexation No. 1 into the District, the Engineer’s Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters, pursuant to the Act; and has conducted property owner protest proceedings relating to Annexation No. 1 assessments and assessment range formula described in the Engineer’s Report related thereto in accordance with the provisions of the California Constitution Article XIID.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, FOR THE ANNEXATION OF ADDITIONAL TERRITORY INTO THE CITY OF WOODLAND GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1 The above recitals are all true and correct.

RESOLUTION: _____

Section 2 The City Council upon the conclusion of the noticed Public Hearing has ordered the tabulation of the property owner protest ballots returned, and received weighted according to the proportional financial obligation of each affected property (“Weighted Assessment Ballots”). Based on this tabulation, the City Council finds the record owners of property within Annexation No. 1 of the District, or others authorized to submit assessment ballots, have approved the proposed maximum assessments, the assessment range formula connected therewith, and the levy and collection of annual assessments as described in the Engineer’s Report.

Section 3 Furthermore, the City Council finds that a written majority protest does not exist, pursuant to the provisions of the Act (Chapter 2, Article 1, Sections 22593 and 22594).

Section 4 The City Council desires to levy and collect assessments against parcels of land within Annexation No. of the District for the fiscal year commencing July 1, 2008 and ending June 30, 2009, to pay the costs and expenses of operating, maintaining and servicing the landscaping, lighting, and appurtenant facilities located within public places in the District.

Section 5 The City Council has carefully reviewed and examined the Engineer’s Report in connection with Annexation No. 1 into the District, and the levy and collection of assessments. Based upon its review (and amendments, as applicable) of the Engineer’s Report, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- a. The territory of land within Annexation No. 1 will receive special benefits from the maintenance and operation of public landscaping services including parks and recreation improvements, open space, streets and appurtenant facilities and maintenance and operation of street lighting and appurtenant facilities related thereto.
- b. Annexation No. 1 and the District includes all of the lands so benefited; and
- c. The maximum amount to be assessed upon the lands within Annexation No. 1 of the District, in accordance with the proposed budget for the fiscal year commencing July 1, 2008 and ending June 30, 2009 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits to be received by each parcel from the improvements and services and is satisfied that the assessments are levied without regard to property valuation.

Section 6 The Engineer’s Report, assessments and assessment range formula as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 7 The City Council hereby orders the annexation of additional property, Annexation No. 1 of the District, the proposed improvements to be made, which improvements are briefly described as the maintenance and operation of public landscaping services including parks and recreation improvements, open space, streets and appurtenant facilities and maintenance and operation of street lighting and appurtenant facilities related thereto and expenses associated with the District and that will be maintained by the City of Woodland or their designee and all such maintenance, operation and servicing of the landscaping and lighting, and all appurtenant facilities

