June 28, 2005

TO: Mayor and City Council
FROM: Pamela Sloan, Parks and Recreation Director
SUBJECT: RESOLUTIONS: ANNEXATION OF SIMBAD ESTATES AND LINDA VISTA ESTATES TO RANCHO DEL SOL ZONE E-5 OF THE STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2 (ANNEXATION, BUDGET HEARING AND ELECTION)

RECOMMENDATION

It is recommended that the following two resolutions be adopted:

1. Resolution of Preliminary Determination to Annex Territory to a Maintenance Assessment District, to Levy an Annual Assessment for Costs Incurred and Preliminary Approval of Engineer’s Report.

2. Resolution of Intention to Annex Territory to a Maintenance Assessment District, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Setting Time and Place of Public Hearing (August 16, 2005) and Setting Forth Mailed Property Owner Ballot Procedure and Notice.

Summary
Adoption of the initial resolutions for the proposed annexation of the Simbad Estates (TM9-04) and Linda Vista Estates subdivisions into the existing Rancho Del Sol Zone E-5 of the Stockton Consolidated Landscape Maintenance Assessment District No. 96-2 (the District) and setting a Public Hearing for August 16, 2005.

DISCUSSION

Background
Rancho Del Sol Zone E-5 (Zone E-5) of the District was formed and an assessment approved on May 4, 2004, Resolution No. 04-0300. On January 25, 2005, by Resolution No. 05-0040, annexation of the Margie Jordan Estates subdivision into Zone E-5 was approved. The boundary of Zone E-5 is shown on Exhibit A. Zone E-5 was formed to provide a mechanism to fund maintenance of masonry walls, public landscaping between the walls and curb, graffiti abatement, bike/pedestrian path maintenance, and to pay the developments proportionate share of the costs to maintain parks within the service area of the subdivisions or serving the subdivisions.

Formation of new zones of the District and annexation of additional territory to existing zones is conducted pursuant to the Landscaping and Lighting Act of 1972 (Streets and AGENDA ITEM 6.10
Highways Code, Section 22500, et seq.) (the "Act"). The Act provides for forming maintenance assessment districts to provide for maintenance of various public improvements including but not limited to back-up walls, landscaping between the walls and curb, graffiti abatement, public open spaces, park maintenance, and street lighting.

Present Situation
Simbad Estates and Linda Vista Estates subdivisions are located west of B Street between Ralph Avenue and Carpenter Road (Exhibit A.)

The developer of Simbad Estates is Simbad Development LLC. The approved tentative map, TM 9-04, allows for 28 single family residential lots. The final subdivision map has not yet been recorded. Simbad Estates will be installing various public landscape improvements, masonry walls and street lights throughout the development. The tentative map requires that the subdivision annex to the District to provide for the subdivision's proportionate share of the costs to maintain any park(s) serving the subdivisions or within the service area of the subdivisions. The tentative map also requires that a maintenance entity, acceptable to the Community Development Director, Parks and Recreation Director and Public Works Director, be established to provide funding to maintain the common area landscaping and walls.

The property on which Linda Vista Estates is proposed in owned by Ricardo and Lidia Lopez. Linda Vista Estates is planned for 26 single family residential lots. A tentative map application has been submitted and is being processed. It is expected that the tentative map conditions for Linda Vista Estates will be similar to Simbad Estates and require that the development provide for maintenance of landscaping and parks. Various public landscape improvements and masonry walls will be installed along the periphery of the development.

This proceeding is to annex Simbad Estates and the proposed Linda Vista Estates to Zone E-5 in order to provide a mechanism for funding maintenance of the wall and landscape improvements, street lights, and to pay the developments' proportionate share of park maintenance costs. The annexation is recommended since the type and amount of improvements installed and required to be maintained with the developments are roughly proportional to the existing improvements being maintained through Zone E-5.

If the annexation to Zone E-5 is approved, the maximum 2006-2007 annual assessment will be $340.53 per single-family residence. The maximum annual assessment includes a yearly increase, which is not to exceed the larger of three percent (3.00%), or the yearly increase of the CPI if required by increased costs of maintenance. The actual
RESOLUTIONS: ANNEXATION OF SIMBAD ESTATES AND LINDA VISTA ESTATES TO RANCHO DEL SOL ZONE E-5 OF THE STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2 (ANNEXATION, BUDGET HEARING AND ELECTION), Page 3

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2006-2007 assessment for the annexed territory will be set with the annual District budget proceeding that is anticipated to be conducted in June 2006.

This annexation proceeding is being conducted pursuant to the Act. The Act permits changes of organization, such as annexation, to existing maintenance assessment districts. The Act requires that the annexation proceedings be initiated, conducted and completed in substantial accordance with the procedure for original formation of a maintenance assessment district. This includes the adoption of resolutions of intention and determination, notice and ballot process and conducting a Public Hearing at which the ballots are tabulated and results announced.

By adopting the resolutions tonight, the City Council will initiate the annexation proceedings and mailed ballot process and set a Public Hearing for August 16, 2005. The ballots are tabulated at the conclusion of the public hearing. If the ballots cast in favor of the annexation, calculated in terms of dollars of assessment, exceed those cast against, a resolution overruling all protests, annexing territory to Zone E-5, approving the budget, approving the Engineer's Report, and ordering a levy of a new annual assessment is then available for the City Council's consideration.

The developers engaged the services of Wong Engineers, Inc. to prepare the Engineer's Report and Timothy J. Hachman as Maintenance District Formation Attorney.

FINANCIAL SUMMARY

The developers are funding the construction of the landscape improvements that will be maintained by Zone E-5 and paying the engineer and legal counsel for their services.

Respectfully submitted,

PAMELA SLOAN, DIRECTOR
PARKS AND RECREATION
PS:DK

Approved by the City Manager

MARK LEWIS, ESQ., CITY MANAGER
SINBAD ESTATES AND LINDA VISTA ESTATES ANNEXATION TO RANCHO DEL SOL, ZONE E-5 STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT 96-2
RESOLUTION OF PRELIMINARY DETERMINATION TO ANNEX TERRITORY TO A MAINTENANCE ASSESSMENT DISTRICT, TO LEVY AN ANNUAL ASSESSMENT AND PRELIMINARY APPROVAL OF ENGINEER’S REPORT

SIMBAD ESTATES AND LINDA VISTA ESTATES ANNEXATION TO RANCHO DEL SOL ZONE E-5
STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2
(Landscaping and Lighting Act of 1972)

Resolved, by the City Council of the City of Stockton, California, that:

1. The City Council proposes to annex territory to an existing assessment district, and to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highway Code § 22500, et seq.) (the “Act”).

2. The improvements to be installed and/or maintained in the territories proposed to be annexed are generally those maintained in Rancho Del Sol Zone E-5 and those described in Exhibit A attached hereto and by this reference incorporated herein.

3. The territories to be annexed are two residential subdivisions known as Simbad Estates (TM9-04) and Linda Vista Estates both in the City of Stockton.

4. Wong Engineers, Inc., of Stockton, California, is directed to prepare and file a Report and proposed Boundary Map in accordance with Article 4, commencing with Section 22565 of Chapter 1 of Streets & Highway Code.

5. Wong Engineers, Inc., designated engineer, in accordance with the Council’s directive herein, has filed with the City Clerk the Report and proposed Boundary Map required by the Act which Report and proposed Boundary Map are hereby preliminarily approved.

PASSED, APPROVED and ADOPTED ________________________________

ATTEST: EDWARD J. CHAVEZ
Mayor of the City of Stockton

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

City Atty Review Date  JUN 22 2005
SINBAD ESTATES AND LINDA VISTA ESTATES ANNEXATION TO RANCHO DEL SOL, ZONE E-5 STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT 96-2
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION OF INTENTION TO ANNEX TERRITORY
TO A MAINTENANCE ASSESSMENT DISTRICT, TO LEVY AND COLLECT AN
ANNUAL ASSESSMENT FOR MAINTENANCE AND OPERATION OF
IMPROVEMENTS AND FOR COSTS AND EXPENSES AND SETTING TIME
AND PLACE OF PUBLIC HEARING AND SETTING FORTH MAILED
PROPERTY OWNER BALLOT PROCEDURE AND NOTICE

SIMBAD ESTATES AND LINDA VISTA ESTATES ANNEXATION TO
RANCHO DEL SOL ZONE E-5
STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 96-2
(Landscaping and Lighting Act of 1972)

Resolved, by the City Council of the City of Stockton, California, that:

1. The City Council proposes to annex territory to an existing assessment
district and to levy and collect assessments pursuant to the Landscaping and Lighting
Act of 1972 (Streets & Highway code, section 22500, et seq.) (the "Act").

2. The improvements to be installed and/or maintained in the territories to be
annexed are generally those maintained in Rancho Del Sol Zone E-5 and those
described in Exhibit A attached hereto and by this reference incorporated herein.

3. In accordance with the City Council's resolution initiating proceedings,
Wong Engineers, Inc., of Stockton, California, designated engineer, has filed with the
City Clerk the Report and proposed Boundary Map required by the Act, which Report
and proposed Boundary Map have been preliminarily approved by this Council. All
interested persons are referred to that Report for a full and detailed description of the
improvements, the boundaries of the territory proposed to be annexed, the proposed
assessments upon assessable lots and parcels of land within the territory to be
annexed and the proposed budget for the fiscal year 2006/2007, the estimated cost of
annual operation and maintenance of the improvements and the maximum annual
assessments.

4. On Tuesday, August 16, 2005, at the hour of 5:30 p.m., at the regular
meeting place of the Council, Council Chambers, City Hall, 425 North El Dorado Street,
Stockton, California, the City Council will conduct a public hearing when the Council will:
(a) hear and consider any objections and protests to the proposed annexation and
assessment; (b) consider and finally determine whether the public interest and
convenience require the improvements and/or maintenance thereof; (c) hear any and
all persons objecting thereto or protesting the annexation of territory or the extent
City Atty:  
Review Date  

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thereof, or both, may make written protests against the same by filing such written protests with the City Clerk at any time not later than the hour herein set forth for hearing such protests; (d) the City Clerk shall tabulate the assessment ballots received and report the same to the City Council; and (e) consider and finally act upon the Engineer’s Report and this Resolution.

5. Notice is further given that David Kroll of the Parks and Recreation Department, telephone number (209) 937-8676, is the person and the department designated by this Council to answer inquiries regarding the protest proceedings.

6. The City Clerk is hereby authorized and directed to cause notice of the hearing ordered under Section 4 hereof to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed notice shall be given to all property owners within the territory proposed to be annexed as shown in the Engineer’s Report by such mailing by name to those persons whose name and addresses appear on the last equalized assessment roll of the County of San Joaquin or the State Board of Equalization assessment roll, as the case may be. The notice shall include, but not be limited to, the total amount of the assessment proposed to be levied in the territory proposed to be annexed, the assessment proposed for the owner’s particular parcel(s) and the duration thereof, the reason for the assessment and the basis upon which the amount of the assessment was calculated. Each notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots and a statement that the existence of a majority protest will result in the assessment not being imposed. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

PASSED, APPROVED and ADOPTED ____________________________

EDWARD J. CHAVEZ
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
SINBAD ESTATES AND LINDA VISTA ESTATES ANNEXATION TO RANCHO DEL SOL, ZONE E-5 STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT 96-2