RESOLUTION OF INTENTION TO ANNEX TERRITORY TO A MAINTENANCE ASSESSMENT DISRTICT, 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

DAMA ESTATES ANNEXATION TO CALAVERAS ESTATES UNIT 2 ZONE D-4 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 territory to be annexed are generally those maintained in Calaveras Estates Unit 2 Zone D-4 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, Manuel Sousa, Consulting Civil Engineer, of Modesto, 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 thereof, or both, may make written protests against the same by filing such written

City Atty: REVIEW DATE JUN 22 2005

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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  

JUN 28 2005

EDWARD J. CHAVEZ
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSE
City Clerk of the City of Stockton
EXHIBIT A

Dama Estates

DESCRIPTION OF IMPROVEMENTS/AREAS TO BE MAINTAINED

Zone D-4 of the Stockton Consolidated Landscape Maintenance Assessment District was formed to provide funding for the continued maintenance of the public areas which are described below. During the installation period for each phase, the developer will maintain the new improvement until the following June 30 or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in Zone D-4 upon their completion:

1. Description of Improvements

   A. A masonry wall and three (3) foot wide landscaping strip along the east side of the project site, three (3) feet west of the property line which is adjacent to the Union Pacific Railroad right-of-way.

   B. Masonry wall and landscaping along the north line of lots 8 and 9.

   C. Street lighting.