

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO A MUNICIPAL IMPROVEMENT DISTRICT AND THE FORMATION OF A ZONE FOR THE MAINTENANCE AND OPERATION OF STORM DRAINAGE IMPROVEMENTS, PROVIDING FOR ANNUAL ASSESSMENTS FOR THE COSTS AND EXPENSES THEREOF, APPROVING A PROPOSED BOUNDARY MAP AND APPOINTING ENGINEER OF WORK

**CITY OF STOCKTON
STOCKTON CONSOLIDATED STORM DRAINAGE MAINTENANCE ASSESSMENT
DISTRICT NO. 2005-1
BD HOMES - ZONE 15**

The City of Stockton purposes to annex territory to an existing municipal improvement district and to undertake proceedings pursuant to special assessment provisions for annexation to territory to a municipal improvement district and the formation of BD Homes, (Zone 15), and to assess the annual costs and expenses of the operation and maintenance of storm drainage improvements upon the parcels and properties benefited by the improvements in Zone 15; and

The storm drainage improvements to be maintained in Zone 15 by the district are described in Exhibit 1 attached hereto and by this reference incorporated herein are to serve the property within Zone 15 of the district in compliance with the conditions of the subdivision development agreement between the owner and the City; and

The public interest and conveniences will be served by the taking of said proceedings; and

The proceedings are for the financing of the ongoing maintenance, repair, replacement and operation of the storm drainage improvements in Zone 15 of the district installed or to be installed by the owner at no cost to the City of Stockton, with costs of such maintenance, repair, replacement and operation thereof to be annually assessed to the individual lots and parcels of the property receiving a special benefit from such improvements; the assessment to be levied on the basis of the adjusted drainage acres of each of such lots and/or parcels to be calculated annually by the engineer appointed to file an annual budget and assessment roll therefor to be filled with the City Clerk and submitted to this Council for approval, all accordance with the provisions of Article 5 of Division of the City of Stockton Improvement Procedure Code; and

Under the authority of the Municipal Improvement Act of 1913 ("1913 Act"), being Division 12 (commencing with §§ 10000 and following) of the Streets and Highway Code and the Stockton Improvement Procedure Code ("Stockton Code"), the City Council intends to order the annexation of territory to a municipal improvement district and the

formation of Zone 15 to provide the required vehicle and financing for the annual cost and expenses of the repair, replacement, maintenance and operation of storm drainage improvements to serve the property within Zone 15 by the levy of annual assessments on the lots, pieces and parcels receiving a special benefit there from; and

The City Council finds that the land specially benefited by the storm drainage improvements is shown within the boundaries of the map entitled, "Proposed Amended Boundaries (BD Homes Annexation) of Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1, City of Stockton, County of San Joaquin, State of California," a copy of which map is on file with the City Clerk and presented this meeting. The land within the exterior boundaries shown on the map shall be designated "BD Homes Annexation, Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1, City of Stockton, County of San Joaquin, State of California"; and

The City Council desires to designate an Engineer of Work; and

Pursuant to Article XIID, Section 4 of the California Constitution, publicly owned properties which receive special benefit from the improvements must be assessed a proportionate share of the costs thereof; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. **Recitals.** The above recitals are true and correct, and the City Council so finds and determines.

2. **Intention.** The public interest, convenience and necessity require, and the Council intends to order the annexation of territory to a municipal improvement district and the creation of Zone 15 to levy an annual assessment to cover the costs and expenses of maintaining and operation storm drainage improvements serving the property within Zone 15. Such costs and expenses may include rent, repairs, replacement, fuel, power, electrical current, care, supervision, and any other items necessary for the proper maintenance and operation thereof, may be expended for that purpose. Included in the costs may be the cost of replacements, improvements, and extensions to any public improvement necessary or convenient for the proper operation thereof.

3. **Division 4 Exception.** Pursuant to the provisions of section 2806 of the California Streets and Highways Code, Division 4 of that Code does not apply to these proceedings.

4. **Law Applicable.** The proceedings for the annexation of territory to the municipal improvement district and the formation of Zone 15 shall be had pursuant to the Municipal Improvement Act of 1913 (the "1913 Act"), being Division 12 (commencing with

§§ 10000 and following) of the California Streets and Highways Code and the Stockton Improvement Procedure Code (Stockton Code).

5. Consent. All of the owners of the property subject to assessment for the cost of the annual operation, repair, replacement and maintenance of the storm drain improvements have signed and filed with the City Clerk of this City written consents for the annexation of territory to the maintenance assessment district and the formation of Zone 15 pursuant to appropriate special assessment provisions, which consents are hereby accepted.

6. Special Benefit and Boundary Map. The contemplated maintenance and operation of storm drainage improvements, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon Zone 15 of the assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which reference is hereby made for further particulars. The map indicates by a boundary line the extent of the territory included in Zone 15 of the assessment district and shall govern for all details as to the extent of Zone 15 of the assessment district.

7. Engineer's Report. The cost of the annual operation and maintenance of the improvements are hereby referred to Conti & Associates, Inc., Eagle, Idaho, Engineer of Work for this district (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the City Clerk a report in writing, presenting among other items the following:

(a) A general description of the storm drainage improvements to be operated and maintained.

(b) A reasonable estimate of the cost sufficient to pay all costs and expenses of maintaining and operating the improvements.

(c) A diagram showing, as they existed at the time of the passage of this Resolution, all of the following:

(1) The exterior boundaries of the territory to be annex to the assessment district.

(2) The boundaries of Zone 15.

(3) The lines and dimensions of each parcel of land within Zone 15.

Each subdivision shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels; in which

case those maps shall govern all details concerning the lines and dimensions of the parcels.

(d) A proposed annual assessment of the total amount of the cost and expenses of the operation and maintenance of the improvements upon the several subdivisions of land in Zone 15 in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the operation and maintenance of the improvements. The assessment shall be apportioned among the properties based on the adjusted acreage drainage area of the real property. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (c).

(e) A proposed maximum assessment upon each of the several subdivisions of land in the district.

8. Public Hearing and Notice. Pursuant to the Act and Stockton Code, this Council hereby orders that a Public Hearing shall be held before this Council, in the regular meeting place and time thereof, at the City Council Chambers, 425 N. El Dorado Street, Stockton, California, 95202, on September 29, 2020, or as soon thereafter as the matter may be heard, for the purposes of this Council's determination whether the public interest, convenience and necessity require the annual costs and expenses of the storm drainage expenses and this City Council's final action upon the Engineer's Report, the annexation of territory to the District, Zone 15 and the assessments therein. The City Clerk is hereby authorized and directed to cause notice of the hearing ordered 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 land to be annexed as shown in the Engineer's Report and include a copy of the Engineer's Report. 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.

9. Contact Person. Alan Montanelli, City of Stockton, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein and may be contacted during regular office hours at 2500 S. Navy Dr., Stockton, California 95206. Telephone: (209) 937-8155.

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10. Effectiveness. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, and ADOPTED July 28, 2020.

MICHAEL D. TUBBS, Mayor
of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton