



RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: February 26, 2019 - REVISED

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Proceedings to Form Assessment District No. 18-789-GOSHEN

REQUEST(S):

That the Board of Supervisors:

1. Approve proceedings to form Assessment District No. 18-789-GOSHEN, to pay for storm drainage system maintenance within Phase 1 of Subdivision Tract No. 789, located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen; and
2. Approve the proposed Boundary Map and direct the Clerk of the Board to file certified copies with the County Recorder; and
3. Approve the proposed Assessment Diagram and direct the Clerk of the Board to file certified copies with the County Recorder; and
4. Approve the Engineer's Report; and
5. Declare the Board's intention to levy and collect assessments; and
6. Accept the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner; and
7. Approve the formation of the Assessment District and imposition of assessments; and
8. Approve the agreement authorizing TRD 2 – Goshen Village, LLC to collect the assessments for Fiscal Year 2018/2019 and 2019/2020 upon first conveyance of each lot; and
9. Authorize the Chairman to sign the agreement; and
10. Approve the AUD 308 form establishing a budget for the Assessment District. (4/5ths vote required)

SUMMARY:

On December 7, 1993, the Board of Supervisors adopted Resolution No. 93-1375 requiring the formation of an assessment district for the maintenance of drainage

SUBJECT: Proceedings to Form Assessment District No. 18-789-GOSHEN
DATE: February 26, 2019

systems resulting from land division and/or development activities. Planning Commission Resolution No. 8191, approving the tentative map for Subdivision Tract No. 789, required the formation of a storm drainage maintenance assessment district as a condition precedent to the recordation of the Final Map for Subdivision Tract No. 789. The Benefit Assessment Act of 1982, Section 54703 et seq. of the Government Code, provides for the formation of assessment districts to fund the maintenance of the storm drainage system. The subdivider, TRD 2 – Goshen Village, LLC, a Delaware limited liability company, has requested the County form an assessment district to pay for maintenance of the storm drainage system serving Subdivision Tract No. 789.

Subdivision Tract No. 789 consists of 17.06 acres divided into 76 residential lots with three lots designated as a stormdrain basin. The subdivision is scheduled to be constructed in three phases with Phase 1 consisting of 25 lots.

Construction cost of the drainage system improvements will be borne by the subdivider of Subdivision Tract No. 789. The cost of maintaining these improvements and administering this assessment district is proposed to be provided by assessing the 25 residential lots in Phase 1. The budget for the first year is reflected in the AUD 308 form (Attachment H). Based on the cost of providing these services, each of the 25 assessable lots within Phase 1 of Subdivision Tract No. 789, will be assessed an annual fee of \$55.00. A Consumer Price Index adjustment to cover inflationary costs, based on the increase in cost of goods and services as determined by the U.S. Department of Labor, Bureau of Labor Statistics, is included in the annual increases to each parcel and will not require an election or approval by the owners of the assessed lots.

TRD 2 – Goshen Village, LLC is the sole owner of all properties and parcels within Phase 1 of the Tulare County Subdivision Map No. 789. The property owner has executed the Assessment Ballot and Waiver of Public Meeting and Hearing requesting that the Tulare County Board of Supervisors proceed, without further meeting or hearing, with the immediate formation of the proposed Tulare County Assessment District No. 18-789-GOSHEN and the imposition of assessments to cover the costs of maintaining the storm drainage system. County Counsel prepared the ballot waiving the public meeting, hearing, including notice of the associated resolution forming the assessment district and imposition of assessments.

FISCAL IMPACT/FINANCING:

No Net County Cost.

All costs for engineering, district supervision and maintenance of the new storm drainage system are funded by the assessment district.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes a Safety and Security initiative to provide for the safety and security of the public. The formation of this assessment district helps fulfill this initiative by ensuring and maintaining adequate storm drainage

SUBJECT: Proceedings to Form Assessment District No. 18-789-GOSHEN
DATE: February 26, 2019

systems for the safety and protection of the public.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Attachment A - Vicinity Map
Attachment B - Proposed Boundary Map
Attachment C - Assessment Diagram
Attachment D - Engineer's Report
Attachment E - Assessment Ballot Waiver
Attachment F - Notice of Assessment
Attachment G - Agreement to Collect Assessments
Attachment H - AUD 308

BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF PROCEEDINGS TO
FORM ASSESSMENT DISTRICT NO.
18-789-GOSHEN

) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 26, 2019, BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

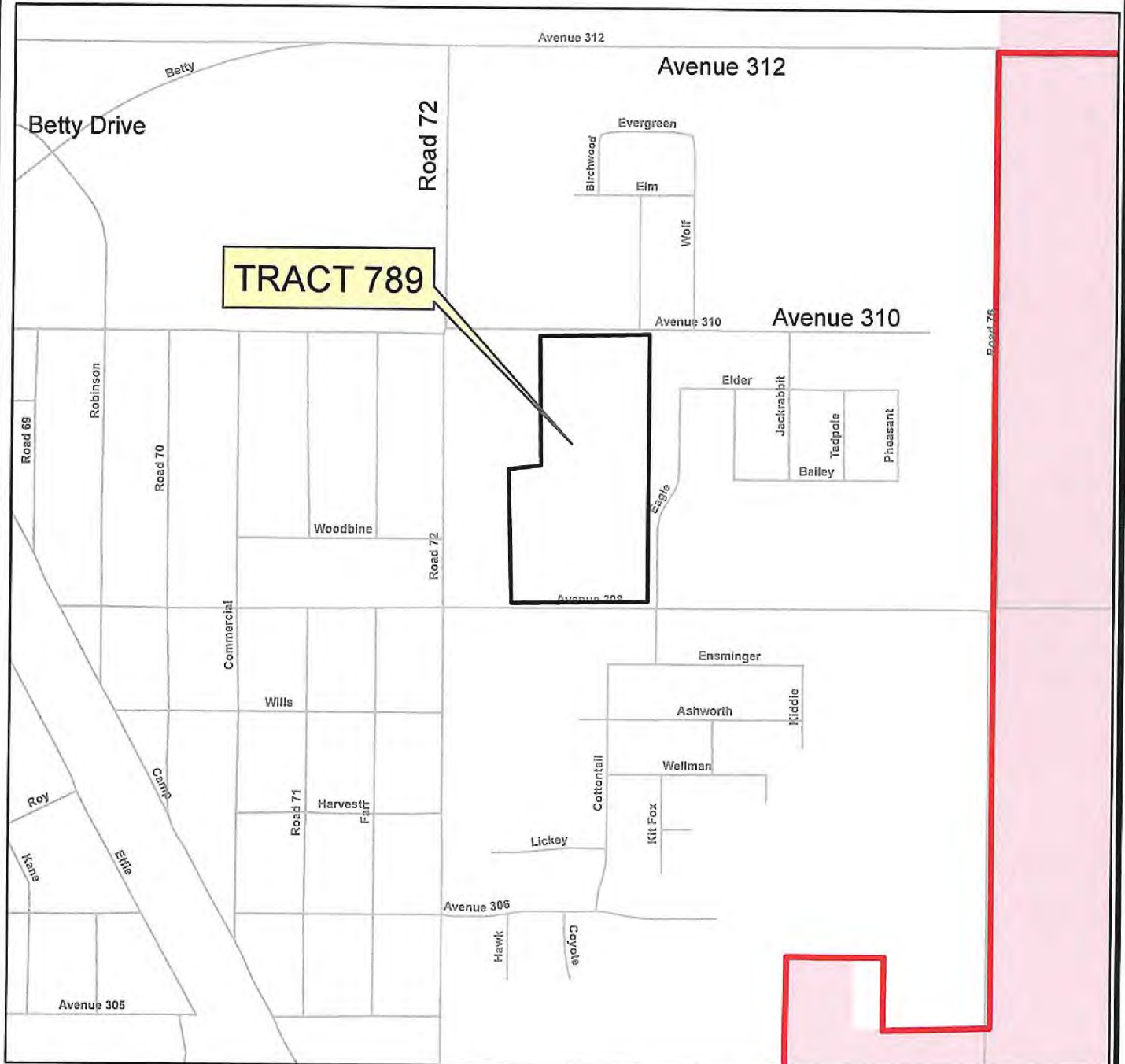
1. Approved proceedings to form Assessment District No. 18-789-GOSHEN, to pay for storm drainage system maintenance within Phase 1 of Subdivision Tract No. 789, located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen; and
2. Approved the proposed Boundary Map and direct the Clerk of the Board to file certified copies with the County Recorder; and
3. Approved the proposed Assessment Diagram and direct the Clerk of the Board to file certified copies with the County Recorder; and
4. Approved the Engineer's Report; and
5. Declared the Board's intention to levy and collect assessments; and
6. Accepted the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner; and
7. Approved the formation of the Assessment District and imposition of assessments; and
8. Approved the agreement authorizing TRD 2 – Goshen Village, LLC to collect the assessments for Fiscal Year 2018/2019 and 2019/2020 upon first conveyance of each lot; and
9. Authorized the Chairman to sign the agreement; and
10. Approved the AUD 308 form establishing a budget for the Assessment District. (4/5ths vote required)

Attachment A

Vicinity Map



Vicinity Map For Tract 789



Supervisorial District: 3

- Site
- Supervisorial Districts

PHOTOGRAPH BY: [illegible]

Attachment B

Proposed Boundary Map

PROPOSED BOUNDARIES

ASSESSMENT DISTRICT NO. 18-789 GOSHEN OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 24 EAST,
MOUNT DIABLO BASE & MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA



VICINITY MAP

NOT TO SCALE

ROAD 72

Filed in the office of the Clerk of the Board of Supervisors,
this _____ day of _____, 2019.

JASON T. BRITT, COUNTY ADMINISTRATIVE
OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY _____
DEPUTY

I hereby certify that the within map showing proposed boundaries of Assessment District
No. 18-789-Goshen, of the County of Tulare, State of California, was approved
by the Board of Supervisors of the County of Tulare at a regular meeting thereof, held on
the _____ day of _____, 2019, by its Resolution No. _____.

JASON T. BRITT, COUNTY ADMINISTRATIVE
OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY _____
DEPUTY

Filed this _____ day of _____, 2019, at the hour of _____ o'clock _____ m.
in book _____ of Maps of Assessment and Community Facilities Districts
at page _____ in the office of the county recorder in the County of Tulare,
State of California.

DOC. NUMBER: _____ FEE PAID: _____

ROLAND P. HILL,
TULARE COUNTY ASSESSOR/CLERK-RECORDER

BY _____
DEPUTY

1 SHEET ONLY

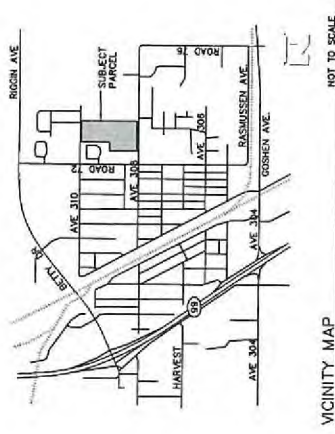
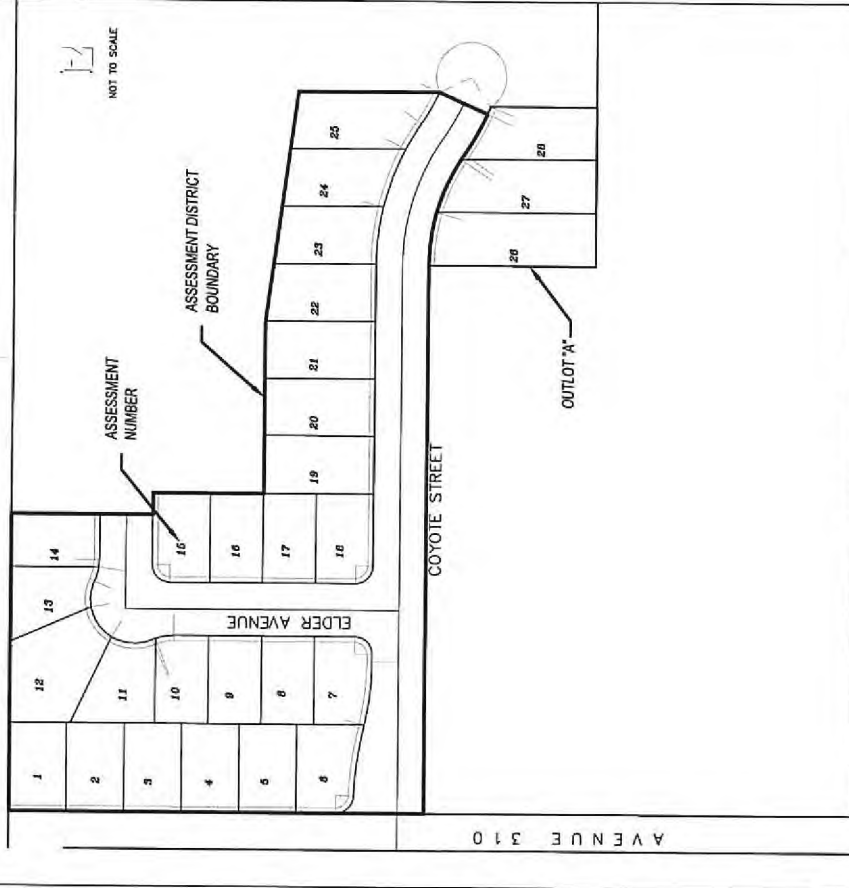
Attachment C

Assessment Diagram

ASSESSMENT DIAGRAM

ASSESSMENT DISTRICT NO. 18-789 GOSHEN OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 24 EAST,
MOUNT DIABLO BASE & MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA



Recorded in the office of the Clerk of the Director of Transportation, this _____ day
of _____, 20____.

Director of Transportation

Filed in the office of the Clerk of the Board of Supervisors, this _____ day of _____, 2019, at the hour of _____ o'clock _____ m.
in book _____ of Maps of Assessment and Community Facilities Districts
at page _____, in the office of the County Recorder in the County of Tulare, State of
California.

DOC. NUMBER: _____ FEE PAID: _____
ROLAND P. HILL
TULARE COUNTY ASSESSOR / CLERK-RECORDER

BY _____ DEPUTY

BY _____ DEPUTY

1 SHEET ONLY

Attachment D

Engineer's Report

ENGINEER'S REPORT



IN THE MATTER OF FORMATION OF COUNTY OF TULARE ASSESSMENT DISTRICT NO. 18-789-GOSHEN

Reed Schenke, P.E.
Public Works Director

Tulare County, Resource Management Agency

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 18-789-GOSHEN

I. GENERAL

The Tulare County Board of Supervisors directed, in Board Resolution No. 93-1375, that the County will accept no new drainage systems in any new land division or development unless the developer provides a mechanism to fund future operation and maintenance of the drainage system. The Subdivider, TRD 2 – Goshen Village, LLC, a Delaware limited liability company, of Subdivision Tract No. 789 is requesting that the County form an assessment district to pay for maintenance of the drainage system serving Subdivision Tract No. 789. The Benefit Assessment Act of 1982, Section 54703 et seq. of the Government Code provides for formation of assessment districts to fund the maintenance of drainage systems. Subdivision Tract No. 789 is a division of 17.06 acres into 76 residential lots to be divided into three phases with Phase 1 consisting of 25 residential lots. The subdivision is located between Avenue 308 and Avenue 310 east of Road 72, located the community of Goshen.

Construction costs of the storm drainage improvements will be borne by the subdivider of Subdivision Tract No. 789. The cost of maintaining these improvements and administering this assessment district is to be provided by assessing the six residential lots within the subdivision.

II. IMPROVEMENTS

Drainage system improvements to be maintained under this assessment district include a storm drain system consisting of approximately 963 L.F. of pipe, 5 drainage inlets, 4 manholes and one ponding basin.

III. FORMULA FOR INFLATION ADJUSTMENT

The annual assessments beginning in the 2018/2019 fiscal year, and each fiscal year thereafter, shall be adjusted for inflation according to the following formula: The Consumer Price Index [Urban Wage Earners and Clerical Workers for the Los Angeles-Anaheim-Riverside CSMA] published by the United States Department of Labor, Bureau of Labor Statistics (the "Index"), which will be published for the first six months of the 2018/2019 fiscal year. Each fiscal year thereafter shall be compared to the Index published for the same period in the prior fiscal year. If the Index of the last fiscal year has increased over the Index of the prior fiscal year, the assessment for the coming fiscal year shall be set by multiplying the assessment amount, as previously adjusted by this formula, imposed in the last fiscal year by a fraction, the numerator of which is the Index of the last fiscal year and the denominator of which is the Index of the prior fiscal year.

If the Index is changed so that base year differs from that used for Index period of the prior fiscal year most immediately preceding the Index period for the last fiscal year, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 18-789-GOSHEN

If the Index is discontinued or revised during the Index period of any fiscal year, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

This formula for inflation adjustment shall provide a progressive adjustment resulting in increased maximum annual assessments to cover increased costs due to inflation.

IV. BENEFIT ANALYSIS

There is special benefit to the lots, or parcels, assessed as opposed to a general benefit to the public at large. Each lot within this assessment district receives the special benefit of a storm water drainage system providing storage for excess water runoff which may also prevent flooding within the subdivision boundary. The services described above will only serve the lots within the proposed assessment district and only those properties within subdivision Tract No. 789 will receive benefits. All lots or parcels within the assessment district receive this special benefit equally.

V. ESTIMATE OF EXPENSES

The proposed assessment is to provide a method for all parcels benefiting from the storm drainage services to pay their proportional share of the cost of providing those services. The County, as the tax levying and collecting agency, will fix the assessments each fiscal year on the tax rolls on parcels within the proposed storm drainage assessment district receiving the special benefit. Penalties will be assessed for delinquent payments as well as non-payment. Operation and maintenance expenses, as well as the expense to administer the district are included in the annual assessment.

A detailed breakdown of estimated costs to maintain these improvements and administer the assessment district is attached to this report.

The estimated annual assessment of \$55.00 is for the 2018/2019 fiscal year. The assessments for each fiscal year thereafter may be revised according to the formula for inflation adjustment set out in Section III for the 2019/2020 fiscal year and each fiscal year thereafter.

VI. ASSESSMENT

It is recommended that each of the 25 lots be assessed equally an amount of \$150.00 for fiscal year 2018/2019 as identified on the following assessment roll.

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 18-789-GOSHEN

Assessment District No. 18-789-GOSHEN Property Owner Listing

Assessment Number*	Owner's Name	Assessment (\$)
1	TRD 2 – Goshen Village, LLC	55.00
2	TRD 2 – Goshen Village, LLC	55.00
3	TRD 2 – Goshen Village, LLC	55.00
4	TRD 2 – Goshen Village, LLC	55.00
5	TRD 2 – Goshen Village, LLC	55.00
6	TRD 2 – Goshen Village, LLC	55.00
7	TRD 2 – Goshen Village, LLC	55.00
8	TRD 2 – Goshen Village, LLC	55.00
9	TRD 2 – Goshen Village, LLC	55.00
10	TRD 2 – Goshen Village, LLC	55.00
11	TRD 2 – Goshen Village, LLC	55.00
12	TRD 2 – Goshen Village, LLC	55.00
13	TRD 2 – Goshen Village, LLC	55.00
14	TRD 2 – Goshen Village, LLC	55.00
15	TRD 2 – Goshen Village, LLC	55.00
16	TRD 2 – Goshen Village, LLC	55.00
17	TRD 2 – Goshen Village, LLC	55.00
18	TRD 2 – Goshen Village, LLC	55.00
19	TRD 2 – Goshen Village, LLC	55.00
20	TRD 2 – Goshen Village, LLC	55.00
21	TRD 2 – Goshen Village, LLC	55.00
22	TRD 2 – Goshen Village, LLC	55.00
23	TRD 2 – Goshen Village, LLC	55.00
24	TRD 2 – Goshen Village, LLC	55.00
25	TRD 2 – Goshen Village, LLC	55.00

*Assessment numbers shown, refer to Proposed Boundaries Diagram, correspond to lot numbers on the final map Subdivision Tract No. 789.

Attachment E

Assessment Ballot Waiver

**TULARE COUNTY
ASSESSMENT DISTRICT NO. 18-789-GOSHEN
STORM DRAINAGE ASSESSMENT**

**ASSESSMENT BALLOT
and
Waiver of Public Meeting and Hearing Including Notice Thereof**

Property Owner: TRD 2 – Goshen Village, LLC
Mailing Address: 1969 Hillman Street
Tulare, CA 93274

Location of Parcels to be assessed: Phase 1 of Tract Map 789 located between Avenue 308 and Avenue 310 east of Road 72, in the community of Goshen

Assessor's Parcel Numbers: See attached Schedule
Assessment Amounts: See attached Schedule

Whereas, the Property Owner declares and acknowledges that it is the sole owner of all properties and parcels within Phase 1 of Tulare County Subdivision Map No. 789; and

Whereas, the Property Owner declares and acknowledges that, as the Owner of the parcels to be established upon the recordation of the Final Map for Phase 1 of Tulare County Subdivision Map No. 789, the Property Owner is entitled, pursuant to Article XIID, §4 of the California Constitution and Government Code Sections 53753 and 54954.6, to a public meeting and a public hearing, including mailed notice thereof, before the Tulare County Board of Supervisors establishes an assessment district and imposes annual assessments pursuant to the benefit Assessment Act of 1982, Government Code section 54700 et seq., for the purpose of recovering the County of Tulare's costs to maintain storm drainage improvements dedicated or deeded to the County of Tulare to serve all of the properties within such subdivision;

NOW, THEREFORE, THE PROPERTY OWNER declares as follows:

1. For its own purposes, good cause and consideration to the Property Owner and its successors-in-interest, the Property Owner hereby waives its rights and entitlements to the public meetings, public hearings and the notice therefore described above; and

2. The Property Owner requests that the Tulare County Board of Supervisors proceed, without further meeting or hearing, with the immediate formation of the proposed Tulare County Assessment District No. 18-789-GOSHEN and the imposition of to pay for the continuing cost of the maintenance of the storm drainage system and ponding lot as more fully described in the Tulare County Engineer's report on this matter filed with the Clerk of the Board of Supervisors on _____;

3. The Property Owner hereby waives its rights and the rights of any of its successors-in-interest to challenge, on any grounds now known or unknown or which may become known in the future, the formation of Tulare County Assessment District No. 18-789-GOSHEN, the

imposition of the assessments as set out in the Engineer's Report filed on this matter with the Clerk of the Board of Supervisors on _____, or any proceedings connected therewith and the Property Owner will advise any and all of its successors-in-interest of this waiver.

4. The Property Owner, pursuant to Article XIID, §4 of the California Constitution, hereby vote by ballot on the formation of the assessment district and the imposition of the assessment as follows (please check one):

☒ Yes, I approve of and agree to the formation of Tulare County Assessment District No. 18-789-GOSHEN and the imposition of the annual assessments as set out in the schedules attached hereto on each of the above referenced parcels. I also approve of and agree to the imposition, for each fiscal year hereafter, of the following annual adjustment factor on the annual assessment: Adjustment in accordance with the Consumer Price Index [Urban Wage Earners and Clerical Workers for the Los Angeles-Anaheim-Riverside CSMA] or any successor index published by the United States Department of Labor, Bureau of Labor Statistics as set out in the Engineer's Report for this Assessment District filed with the Tulare County Clerk of the Board on _____.

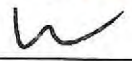
☐ No, I object to the formation of Tulare County Assessment District No. 18-789-GOSHEN and I do not approve of the imposition of an annual assessment with an annual adjustment factor.

5. The Property Owner hereby agree that this document may be recorded by the County of Tulare as a document effecting property interests in the properties and parcels established upon the recordation of the final map for Phase 1 of Tulare County Subdivision Map No. 789.

Under penalty of perjury, the undersigned declares that he is acting on behalf of the Property Owner first listed above, that he is authorized to make the statements, declarations, commitments and waivers set out above on behalf of the Property Owner and its successors-in-interest, and that such statements, declarations, commitments and waivers are true and correct.

TRD 2 – GOSHEN VILLAGE, LLC, a Delaware limited liability company

Signature 
James G. Nunley, General Partner

Signature 
Kent J. McNiece, General Partner

(Please sign and then print under the signature the name of each owner of record or, in the case of a property owned by non-individual, the authorized representative of the property owner. In the case of authorized representative, please attach proof of authorization.)

Return this Ballot to:

Tulare County Board of Supervisors
County Administration Building
2800 West Burrel Avenue
County Civic Center
Visalia, CA 93291

STORM DRAINAGE ASSESSMENT DISTRICT NO. 18-789-GOSHEN
FISCAL YEAR 2018/2019
AND EACH FISCAL YEAR THEREAFTER AS ADJUSTED
BY THE FORMULA FOR INFLATION ADJUSTMENT
SET OUT IN THE ENGINEER'S REPORT

<u>Assessment Number*</u>	<u>Owners Name</u>	<u>Assessment (\$)</u>
1	TRD 2 – GOSHEN VILLAGE, LLC	55.00
2	TRD 2 – GOSHEN VILLAGE, LLC	55.00
3	TRD 2 – GOSHEN VILLAGE, LLC	55.00
4	TRD 2 – GOSHEN VILLAGE, LLC	55.00
5	TRD 2 – GOSHEN VILLAGE, LLC	55.00
6	TRD 2 – GOSHEN VILLAGE, LLC	55.00
7	TRD 2 – GOSHEN VILLAGE, LLC	55.00
8	TRD 2 – GOSHEN VILLAGE, LLC	55.00
9	TRD 2 – GOSHEN VILLAGE, LLC	55.00
10	TRD 2 – GOSHEN VILLAGE, LLC	55.00
11	TRD 2 – GOSHEN VILLAGE, LLC	55.00
12	TRD 2 – GOSHEN VILLAGE, LLC	55.00
13	TRD 2 – GOSHEN VILLAGE, LLC	55.00
14	TRD 2 – GOSHEN VILLAGE, LLC	55.00
15	TRD 2 – GOSHEN VILLAGE, LLC	55.00
16	TRD 2 – GOSHEN VILLAGE, LLC	55.00
17	TRD 2 – GOSHEN VILLAGE, LLC	55.00
18	TRD 2 – GOSHEN VILLAGE, LLC	55.00
19	TRD 2 – GOSHEN VILLAGE, LLC	55.00
20	TRD 2 – GOSHEN VILLAGE, LLC	55.00
21	TRD 2 – GOSHEN VILLAGE, LLC	55.00
22	TRD 2 – GOSHEN VILLAGE, LLC	55.00
23	TRD 2 – GOSHEN VILLAGE, LLC	55.00
24	TRD 2 – GOSHEN VILLAGE, LLC	55.00
25	TRD 2 – GOSHEN VILLAGE, LLC	55.00

* Assessment numbers shown correspond to lot numbers on the final map of Phase 1 of Tract No. 789. These numbers will be replaced with corresponding assessor's parcel numbers once issued after recordation of the final map.

Attachment F

Notice of Assessment

1
2
3
4
5
6
7
8
9 Recording Requested by
10 And return to:
11 Resource Management Agency
12 Attention: Craig Anderson
13

14 NOTICE OF ASSESSMENT
15

16 Pursuant to the Benefit Assessment Act of 1982, Section 54700 et seq., of the
17 Government Code, the undersigned Clerk of the Board of Supervisors of the County of Tulare,
18 State of California, hereby gives notice that an assessment diagram and assessment were filed in
19 the office of the Director of Transportation of the County of Tulare relating to the following
20 described real property:
21

22 Assessment Diagram of Assessment District No. 18-789-GOSHEN, of the
23 County of Tulare, State of California as recorded in Book _____ of _____ Maps
24 of Assessment and Community Facilities Districts at Page _____, in the Office
25 of the County Recorder of the County of Tulare, State of California.
26

27 Notice is further given that upon the recording of this notice in the Office of the County
28 Recorder, the several assessments assessed on the lots, pieces, and parcels shown on the filed
29 assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.
30

31 Reference is made to the assessment diagram and assessment roll filed in the Office of the
32 Director of Transportation of Tulare County and entitled "Assessment Diagram", Assessment
33 District No. 18-789-GOSHEN of the County of Tulare, State of California.
34

35
36 ATTEST: JASON T. BRITT
37 County Administrative Officer/Clerk
38 of the Board of Supervisors
39

40
41 By _____
42 Deputy Clerk
43
44
45

Attachment G

Agreement to Collect
Assessments

1
2
3
4 AGREEMENT

5 THE AGREEMENT, is made and entered into this _____ day of _____, 2019
6 between the COUNTY OF TULARE, hereinafter referred to as COUNTY, and TRD 2 –
7 GOSHEN VILLAGE, LLC., a Delaware limited liability company, hereinafter collectively
8 referred to as OWNER/SUBDIVIDER, with reference to the following:

9 A. The COUNTY has conditionally approved the Vesting Tentative Map of
10 Subdivision Tract No. 789; and

11
12 B. The OWNER/SUBDIVIDER currently owns the property described as Subdivision
13 Tract No. 789; and

14
15 C. The COUNTY Board of Supervisors has directed, in Board Resolution No. 93-1375,
16 that the COUNTY will accept no new drainage systems in any new land division or development
17 unless the developer provides a mechanism to fund future maintenance activities; and
18

19 D. Pursuant to COUNTY Ordinance Code Section 7-01-1375 et seq. and Condition No.
20 21 established by COUNTY Planning Commission Resolution No. 8191, approving the Tentative
21 Subdivision Map for Tract No. 789, an assessment district is required to pay for the continuing
22 cost of the maintenance of the storm drainage system and ponding lot dedicated by the Final Map
23 of Subdivision Tract No. 789 and the OWNER/SUBDIVIDER of Tract No. 789 has filed an
24 application for and consent to form such an assessment district; and
25

26 E. The OWNER/SUBDIVIDER has consented to pay the continuing cost to maintain
27 these storm drainage system improvements through an assessment district and the COUNTY
28 Board of Supervisors has by Resolution No. _____ formed an assessment district known as
29 Assessment District No. 18-789-GOSHEN of the County of Tulare, State of California for that
30 purpose.
31

32 ACCORDINGLY, IT IS AGREED:

33
34 1. OWNER/SUBDIVIDER agrees to pay in full the assessments approved and levied
35 by the COUNTY Board of Supervisors Resolution No. _____ upon first conveyance of each
36 lot or parcel subject to such assessments or by June 30, 2020, whichever first occurs.
37

38 2. To secure such payment of such assessments, the COUNTY has or will cause to be
39 recorded a Notice of Assessment, imposing a lien for such assessments, and an assessment
40 diagram to be filed in accordance with Streets and Highways Code Section 3114. Upon payment
41 in full of each assessment, the COUNTY shall cause the County Treasurer to record pursuant to
42 Streets and Highways Code Section 3114.3 an addendum to such Notice of Assessment stating
43 that the assessment has been paid and the associated lien discharge as to that particular lot or
44 parcel.
45

46 TULARE COUNTY AGREEMENT NO. _____

1
2 3. OWNER/SUBDIVIDER shall maintain complete and accurate records with respect
3 to the conveyance of lots or parcels subject to the Agreement and with respect to the assessments
4 due under this Agreement. All such records shall be prepared in accordance with generally
5 accepted accounting procedures, shall be clearly identified, and shall be kept readily accessible.
6 Upon request, OWNER/SUBDIVIDER shall make such records available to the COUNTY
7 Auditor and to his agents and representatives within the COUNTY, for the purpose of auditing
8 and/or copying such records, until final payment is made under this Agreement.
9

10 4. Nothing in the Agreement shall be construed to constitute the
11 OWNER/SUBDIVIDER or any of its agents, employees or officers as an agent, employee or
12 officer of COUNTY.
13

14 5. This Agreement represents the entire agreement between OWNER/SUBDIVIDER
15 and COUNTY as to its subject matter and no prior oral or written understanding shall be of any
16 force or effect. No part of this Agreement may be modified, waived or repealed without the
17 written consent of both parties.
18

19 6. Except as may be otherwise required by law, any notice to be given shall be written
20 and shall be either personally delivered, sent by facsimile transmission or sent by first class mail,
21 postage prepaid and addressed as follows:
22

23
24 COUNTY: Reed Schenke, Director
25 Tulare County Resource Management Agency
26 5961 S. Mooney Blvd.
27 Visalia, Ca 93277
28
29 (FAX No.: (559) 730-2653 / Confirming No.: (559) 624-7000)
30
31

32 OWNER/SUBDIVIDER: TRD 2 – Goshen Village, LLC
33 1969 Hillman Street
34 Tulare, CA 93274
35 (Confirming No.: (559) 799-6993)
36
37

38 Notice delivered personally or sent by facsimile transmission is deemed to be received
39 upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the
40 date of mailing. Either party may change the above address or fax number by giving written
41 notice pursuant to this paragraph.
42

43 7. The Agreement is binding on all heirs, assigns and successors in interest. No
44 assignment of this Agreement may be made without the express written consent of the COUNTY.
45

1 8. This Agreement reflects the contributions of both parties and accordingly the
2 provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.
3

4 9. Unless specifically set forth, the parties to this Agreement do not intend to provide
5 any other party with any benefit or enforceable legal or equitable right or remedy.
6

7 10. This Agreement shall be interpreted and governed under the laws of the State of
8 California without reference to California conflict of law principles. Any litigation arising out of
9 this Agreement shall be brought in Tulare County California. OWNER/SUBDIVIDER waives the
10 removal provisions of California Code of Civil Procedure Section 394.
11

12 11. The failure of either party to insist on strict compliance with any provision of this
13 Agreement shall not be considered a waiver of any right to do so, whether for that breach or any
14 subsequent breach. The acceptance by either party of either performance or payment shall not be
15 considered to be a waiver of any preceding breach of the Agreement by the other party.
16

17 12. The recitals to this Agreement are fully incorporated into and are integral parts of
18 this Agreement.
19

20 13. This Agreement is subject to all applicable laws and regulations. If any provision
21 of the Agreement is found by any court or other legal authority, or is agreed by the parties, to be in
22 conflict with any code or regulation governing its subject, the conflicting provision shall be
23 considered null and void. If the effect of nullifying and conflicting provision is such that a
24 material benefit of the Agreement to the COUNTY is lost, the parties shall comply with paragraph
25 No. 14 below to ensure payment in full to the COUNTY by the OWNER/SUBDIVIDER of the
26 subject assessments. If all other cases the remainder of the Agreement shall continue in full force
27 and effect.
28

29 14. Each party agrees to execute any additional documents and to perform any further
30 acts which may be reasonably required to affect the purposes of this Agreement.
31

32 15. Unless otherwise provided in the Agreement, no part of this Agreement may be
33 assigned or subcontracted by OWNER/SUBDIVIDER without the prior written consent of
34 COUNTY.
35

36 16. This Agreement shall become effective upon execution of both parties hereto and
37 shall terminate upon issuance by COUNTY of a receipt for payment in full of the assessments
38 imposed by COUNTY Board of Supervisors Resolution No. _____.
39 /

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THE PARTIES, having read and considered the above provision, indicate their agreement by their authorized signatures below.


COUNTY OF TULARE


By _____
Chairman, Board of Supervisors
"County"

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk
of the Board of Supervisors

By _____
Deputy

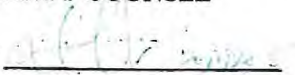
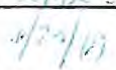
TRD 2 – GOSHEN VILLAGE, LLC,
a Delaware limited liability company


James G. Nunley, General Partner


Kent J. McNiece, General Partner

"Owner/Subdivider"


APPROVED AS TO FORM:
COUNTY COUNSEL

By 
Deputy 

Attachment H

Form AUD 308

10:16 AM

12/13/18				06		2019				
Date			Document ID Number	Accounting Period		Budget Fiscal Year				
			RMA	Vanessa Quintero	624-7064					
			Agency Name	Contact Person	Phone	Extension				
Action** A,C,D	Fund	Dept	Appr #	LEVEL 1 Finish Here		Current Amount	Revised Amount	Inc / Dec Amt		
A	L92	L92	L92SSUP				1,490	1,490		
A	L92	L92	L92INTRA				600	600		
								-		
								-		
								-		
								-		
								-		
								-		
								-		
Appropriations Total				<i>Need Not Equal Zero</i>		-	2,090	2,090		
Action** A,C,D	Fund	Dept	Appr #	Unit	Object	Rev	LEVEL 2 Start Here	Current Amt	Revised Amount	Inc / Dec Amt
A	L92	L92	L92SSUP	2000	7066			1,490	1,490	
A	L92	L92	L92INTRA	2000	9306			200	200	
A	L92	L92	L92INTRA	2000	9316			200	200	
A	L92	L92	L92INTRA	2000	9327			200	200	
A	L92	L92		2000		5401		2,090	(2,090)	
										-
										-
										-
										-
										-
										-
										-
										-
										-
										-
Line Total							<i>Must Equal Zero</i>	\$ -	\$ 4,180	\$ -
Reason for Adjustment (To Avoid Correspondence, State Reason in Detail)										
New fund setup for Assessment District No. 18-789 Goshen (Storm Drainage L92)										
 Affected Dept Head Signature						Other Affected Dept Head Signature _____				
Checked By: _____ County Executive Office Action: No. _____ Date: _____ () Approved () Disapproved						Entered By: _____ Date: _____ Distribution: 1: BOS/CAO/Auditor				
By: _____										
Board of Supervisors Action: No. _____ Date: _____										
* Action Codes: A=Add, C=Change, D=Deactivate Whenever a 93XX account budget is adjusted, a corresponding 94XX account budget must be adjusted in the billing agency, except for ISFs Whenever a 95XX account budget is adjusted, a corresponding 96XX account budget must be adjusted in the billing agency, and vice versa Whenever a 97XX account budget is adjusted, a corresponding 98XX account budget must be adjusted in the billing agency, and vice versa										