

AGENDA DATE: March 28, 2006



RESOURCE MANAGEMENT AGENCY

Engineering
5961 SOUTH MOONEY BLVD.

VISALIA, CA. 93277

PHONE (559) 733-6291

FAX (559) 730-2653

Britt L. Fussel

Deborah Kruse Development

Jean P. Brou Transportation

George Finney Long Range

Hal Cypert Support

Roger Hunt Administrative

Se

Planning

Services

Services

HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

AGENDA ITEM

ITEM NO. _____

District 1

SUBJECT:

Proceedings to form Assessment District No. 05-759-VISALIA, to pay for the continuing cost of maintenance of the public streets within Subdivision Tract No. 759, located north of the City of Visalia.

REQUEST(S):

Request the Board to adopt the Resolution to:

1. Approve the Engineer's Report.
2. Approve the Proposed Boundaries Map and direct the Clerk of the Board to file certified copies with the County Recorder.
3. Declare the Board's intention to levy and collect assessments.
4. Set the time for a public meeting on May 9, 2006 and a public hearing on May 16, 2006.
5. Approve the form of the notice of public meeting and hearing and ballot, and direct the County Engineer to mail the notice and ballot to each record owner within Subdivision Tract No. 759. Direct the County Engineer to post and publish the Notice of Public Meeting and Hearing and receipt of the Engineer's Report in accordance with law.

SUMMARY:

The Board of Supervisors has directed, in Board Resolution No. 2005-0519, that the County will require the formation of an assessment district for the maintenance of new public roadways resulting from land division and land development activities. Board Resolution No. 2005-0360 approving the Tentative Map for Subdivision Tract No. 759 required the formation of a road maintenance assessment district as a condition precedent to recordation of the Final Map for Subdivision Tract No. 759. The Subdivider (David Mitchell, et al) has requested the County form an assessment district to pay for maintenance of the public streets and roadways serving Subdivision Tract No. 759.

Subdivision Tract No. 759 is a division of 58.5 acres into 19 rural residential lots located on the west side of Road 132 (Ben Maddox Way), approximately ½ mile south of Avenue 320, north of the City of Visalia.

Construction cost of the streets and roadway improvements will be borne by the Subdivider of Subdivision Tract No. 759. The cost of maintaining these improvements and administering this assessment district is proposed to be provided for by assessing the 19 residential lots in the subdivision. 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 public streets and roadways.

On December 6, 2005, your Board adopted Resolution No. 2005-0787 initiating the proceedings to form Assessment District No. 05-759-VISALIA to pay for the maintenance costs of new public streets and roadways for Subdivision Tract No. 759.

The RMA Engineering Branch will provide for the required posting and publication of the Notice of Public Meeting and Hearing and filing of the Engineer's Report. The Notice will be posted in three conspicuous places within the County jurisdiction and published two times prior to the hearing as required by Government Code 6066. The first notice will be published at least two weeks in advance of the hearing and the second shall be published at least five days following the first.

FINANCING:

All costs for the maintenance of the new public streets and roadways, assessment engineering and administration is proposed to be funded by the assessment district. No direct cost to the County will be incurred in the formation of this assessment district as the Subdivider has paid the \$1,848 fee for formation of the district. Based on the cost of providing these services, each of the 19 assessable lots within Subdivision Tract No. 759 would be assessed an equal amount, as estimated below.

Estimated annual costs to maintain these improvements and administer the assessment district for Fiscal Year 2006/07 are as follows:

Type of Maintenance:	Unit	Quantity	Annual Unit Cost	Estimated Annual Maint. Cycle	Annual Cost
Rejuvenating Agent	Sq. Ft.	130,000	0.0161	5	\$418.60
Chip Seal	Sq. Ft.	130,000	0.0878	15	\$760.93
AC Overlay	Sq. Ft.	130,000	1.125	30	\$4,875.00
District Administration	LS	1	400	Annual	\$400.00
Total Annual Assessment For Road Maintenance:					\$6,454.53
# of lots in district:				19	
Per-Lot Annual Road Maintenance Assessment:					\$339.72

A Consumer Price Index (CPI) adjustment factor 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 recommended to be included in annual increases to each parcel's annual assessment and will not require an election and approval by the owners of the assessed lots.

ALTERNATIVES:

It is recommended that assessments be levied and collected at the full amount of the estimated costs; however, under Proposition 218 assessments could be levied at the full amount and collected at some lesser amount.

An alternative to formation of this assessment district to provide for public street and roadway maintenance may include requiring the Subdivider to form a homeowners association to provide for the maintenance of the public streets and roadways.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The Clerk of the Board is directed to file certified copies of the Proposed Boundaries Map with the County Recorder.

County Counsel assisted in preparing the various documents regarding these Assessment District formation procedures.

SIGNATURE REQUIREMENTS:

1. County Administrative Officer/Clerk of the Board of Supervisors or authorized Deputy to attest to the Resolution.
2. The Proposed Boundaries Map to be signed by the County Administrative Officer/Clerk of the Board of Supervisors or authorized Deputy and filed with the County Recorder within 15 days of the adoption of the Resolution.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY

MW

Britt L. Fussel
Assistant Director - Engineering

Henry Hash, Director

Submittal Date: March 15, 2006

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5 **BEFORE THE BOARD OF SUPERVISORS**

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7 **COUNTY OF TULARE, STATE OF CALIFORNIA**

8 In the Matter of Approving the Report)
9 Prepared by the Engineer and Declaration)
10 of the Board's Intention to Levy and)
11 Collect Assessments in Fiscal Year 2006/07) RESOLUTION NO.
12 for Assessment District No. 05-759-VISALIA)
13 of the County of Tulare, State of California,)
14 Pursuant to the Benefit Assessment Act of 1982.)
15

16 WHEREAS, the County of Tulare has conditionally approved the Tentative Map of
17 Subdivision Tract No. 759 located north of the City of Visalia; and
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19 WHEREAS, this Board of Supervisors has directed, in Resolution No. 2005-0519, that the
20 County will require the formation of an assessment district for the maintenance of new public
21 roadways resulting from land division and land development activities; and
22

23 WHEREAS, the Board of Supervisors declares its intention to levy and collect assessments
24 within Assessment District No. 05-759-VISALIA of the County of Tulare, State of California, for
25 Fiscal Year 2006/07 pursuant to the Benefit Assessment Act of 1982, Section 54703 et seq. of the
26 Government Code, for the purpose of providing for the continuing cost of administration of the
27 District and maintenance of new public roadways to be dedicated by the Final Map of Subdivision
28 Tract No. 759; and
29

30 WHEREAS, by Board of Supervisors Resolution No. 2005-0787, the County Engineer of
31 the County of Tulare has been designated the Engineer for the purpose of these proceedings. The
32 Engineer has prepared and filed with the Clerk of the Board of Supervisors a report in accordance
33 with the Benefit Assessment Act of 1982, particularly Government Code Section 54703 et seq.
34

35 NOW, THEREFORE, BE IT RESOLVED as follows:
36

37 1. The Board of Supervisors hereby declares its intention to levy and collect assessments
38 within an assessment district for Fiscal Year 2006/07 and each fiscal year thereafter pursuant to
39 the Benefit Assessment Act of 1982, Section 54703 et seq. of the Government Code, for the
40 purpose of providing for the continuing cost of administration of the District and maintenance of
41 new public roadways dedicated or to be dedicated by the Final Map of Subdivision Tract No. 759.
42

43 2. Such assessment district shall be referred to by the designation "Assessment District
44 No. 05-759-VISALIA" of the County of Tulare and shall include all of the properties and areas
45 within Subdivision Tract No. 759, which are generally located on the west side of Road 132 (Ben
46 Maddox Way), approximately ½ mile south of Avenue 320, north of the City of Visalia.

3. The Engineer's Report describes the improvements to be maintained by assessment
through Assessment District No. 05-759-VISALIA of the County of Tulare, State of California,

1 for Fiscal Year 2006/07, and each fiscal year thereafter, and presents the proposed assessments
2 upon assessable lots or parcels of land within the assessment district.
3

4 4. The Engineer's Report filed with the Clerk of the Board of Supervisors in the matter of
5 levying assessments for Fiscal Year 2006/07 and each fiscal year thereafter in Assessment District
6 No. 05-759-VISALIA of the County of Tulare, State of California, is hereby accepted, approved
7 without modification and incorporated herein by reference as if set out in full.
8

9 5. The boundaries of Assessment District No. 05-759-VISALIA of the County of Tulare,
10 State of California, shall be those set out in the map labeled "Proposed Boundaries of Assessment
11 District No. 05-759-VISALIA of the County of Tulare, State of California" filed by the County
12 Engineer with the Clerk of the Board of Supervisors which map is hereby approved and confirmed
13 without change.
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15 6. A public meeting and public hearing are hereby set respectively for May 9, 2006 at 9:30
16 a.m. or thereafter and May 16, 2006 at 9:30 a.m. or thereafter in the Board of Supervisors
17 Chambers, Administration Building, 2800 West Burrel, Visalia, California, to receive public
18 comment regarding the Board's intention declared herein and to levy the assessment for fiscal year
19 2006/07 for Assessment District No. 05-759-VISALIA of the County of Tulare, State of
20 California.
21

22 7. The Board of Supervisors hereby approves the form of the Notice and Ballot and
23 directs the County Engineer to mail the Notice and Ballot to each record owner within Subdivision
24 Tract No. 759 and directs the County Engineer to post and publish the Notice of Public Meeting
25 and Hearing and receipt of the Engineer's Report concerning the Assessment District formation in
26 accordance with law.
27

28 8. The Clerk of the Board is hereby authorized and directed to file certified copies of the
29 map "Proposed Boundaries, Assessment District No. 05-759-VISALIA of the County of Tulare,
30 State of California" with the County Recorder.
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44 THE FOREGOING RESOLUTION was adopted upon motion of Supervisor ,
45 seconded by Supervisor , at a regular meeting of the Board of Supervisors held
46 on March 28, 2006, by the following vote:

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AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: C. BRIAN HADDIX
County Administrative Officer/Clerk
of the Board of Supervisors

By _____
Deputy

**TULARE COUNTY
ASSESSMENT DISTRICT NO. 05-759-VISALIA
STORM DRAINAGE SYSTEM ASSESSMENT**

ASSESSMENT BALLOT

Property Owner: «OWNER»
Mailing Address: «OWNER_ADDRESS_1»
 «OWNER_ADDRESS_2»

Assessor's Parcel Number: «APN»

Parcel Address: «SITE_ADDRESS_1»

_____ **Yes**, I approve of and agree to the formation of Tulare County Assessment District No. 05-759-VISALIA and the imposition of an annual assessment of \$339.72 annually. I also approve of and agree to the imposition, for each fiscal year hereafter, of an assessment adjustment based on the Consumer Price Index (CPI) ⁽¹⁾.

_____ **No**, I object to the formation of Tulare County Assessment District No. 05-759-VISALIA and I do not approve of the imposition of an annual assessment with an annual adjustment factor.

Signature: _____
(Signature of Recorded Owner or Authorized Representative in the Case of Property Owned by a Non-Individual. If signed by 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

(1) 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.



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HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

March 8, 2006

RE: **Assessment District No. 05-759-VISALIA**

Subdivision Tract No. 759

Notice of Public Meeting May 9, 2006

Notice of Public Hearing May 16, 2006

Notice of Proposed Assessment

Dear Property Owner:

This is to inform you that the County is undertaking the formation of a new assessment district to maintain the new public roadways constructed by Subdivision Tract No. 759.

Subdivision Tract 759 contains 19 lots. An initial annual assessment of \$339.72 per lot is proposed for all lots. An annual adjustment factor based on the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the Los Angeles-Anaheim-Riverside CSMA, published by the U.S. Department of Labor, Bureau of Labor Statistics, is proposed for subsequent annual assessments. Revenues will be collected from assessments levied in assessment districts for road maintenance on an annual basis and will be held in reserve for each district until such time as maintenance is performed for that particular district. Maintenance will include regular preventative maintenance such as overlays, chip seals and application of rejuvenating agents to the local internal roadways. An Engineer's Report describing the basis for the proposed assessment is available at the office of the Clerk of the Tulare County Board of Supervisors, 2800 West Burrel, Visalia, California.

We have included a ballot with this letter. Please mark and sign your ballot and seal it in the accompanying self-addressed, stamped envelope and return it by mail. You may also bring the sealed ballot with you to the public hearing and submit it to the Clerk at that time. All ballots received by mail and at the Public Hearing will be opened and counted at the close of the May 16, 2006 Public Hearing on this matter.

A public meeting and a public hearing are scheduled on May 9, 2006 and May 16, 2006, respectively in the Tulare County Board of Supervisors Chambers, Administration Building, 2800 West Burrel, Visalia, California at 9:30 a.m. or as soon as possible thereafter on the same day, to discuss this proposed assessment district and assessment and to take public comment on this matter. If you have any questions before that time concerning this assessment district and assessment, please call me at (559) 733-6291.

Sincerely,

Mike Whitlock
Engineer IV, Subdivisions

MW:cc

NOTICE OF PUBLIC MEETING AND HEARING

Notice is hereby given that the Tulare County Board of Supervisors will hold a public meeting and hearing concerning assessments to be imposed in Tulare County Assessment District 05-759-VISALIA to pay the costs for maintaining public road improvements located in Subdivision Tract No. 759 in the City of Visalia. The public meeting will be held on May 9, 2006 at 9:30 a.m. and the hearing will be held on May 16, 2006 at 9:30 a.m., or as soon as possible thereafter on the same day, in the Tulare County Board of Supervisors Chambers, Administrative Building, 2800 West Burrel, Visalia, California. An assessment of \$339.66 per lot is proposed to be collected on tax rolls for the purpose of providing for the costs of administering the district and maintaining the public streets and roadways within the Subdivision. An Engineer's Report concerning this Assessment District has been filed with the Clerk of the Board of Supervisors. Additional information can be obtained from the Tulare County Resource Management Agency, contact Mike Whitlock, (559) 733-6291. If you challenge the decision of the Board of Supervisors in the above described matter in court you may be limited to only those issues raised in the hearing described in this notice or in written correspondence delivered to the Clerk of the Board of Supervisors at or prior to the hearing.