

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

In the Matter of Approving the Report)
prepared by the Engineer and Declaration)
of the Board's Intention to Levy and)
Collect Assessments and Ordering the) RESOLUTION NO. 2006-0705
Formation of Assessment District No.) Agreement 22880
05-764-CUTLER of the County of)
Tulare, State of California, in Fiscal Year)
2006/07 Pursuant to the Benefit)
Assessment Act of 1982.)

WHEREAS, the County of Tulare has conditionally approved the Tentative Map of Subdivision Tract No. 764; and

WHEREAS, this Board of Supervisors has 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 maintenance activities; and

WHEREAS, pursuant to Tulare County Ordinance Code Section 7-01-1375 et seq. and Condition No. 15, established by Planning Commission Resolution No. 8088 approving the Tentative Subdivision Map of Tract No. 764, an assessment district is required to pay for the continuing cost of the maintenance of the storm drainage system and ponding lot dedicated by the Final Map of Subdivision Tract No. 764 and the Subdivider of Tract No. 764 has filed an application for and consent to form such an assessment district; and

WHEREAS, the Board of Supervisors declares its intention to levy and collect assessments within Assessment District No. 05-764-CUTLER of the County of Tulare, State of California, for Fiscal Year 2006/07 pursuant to the Benefit Assessment Act of 1982, Section 54700 et seq. of the Government Code, for the purpose of providing for the continuing cost of administration of the District and maintenance of the storm drainage system improvements dedicated by the Final Map of Subdivision Tract Map No. 764; and

WHEREAS, by Board of Supervisors Resolution No. 2006-0262, the County Engineer of the County of Tulare has been designated the Engineer for the purpose of these proceedings. The Engineer has prepared and filed with the clerk of the Board of Supervisors a report in accordance with the Benefit Assessment Act of 1982, particularly Government Code Section 54700 et seq.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors hereby declares its intention to levy and collect assessments within an assessment district for Fiscal Year 2006/07 and each fiscal year thereafter pursuant to the Benefit Assessment Act of 1982, Section 54700 et seq. of the Government Code, for the purpose

1 of providing for the continuing cost of administration of the District and maintenance of the storm
2 drainage system improvements to be dedicated by the Final Map of Subdivision Tract No. 764,
3 which improvements are described as, and included but are not limited to, stormdrain pipes,
4 drainage inlets and a ponding basin.

5
6 2. Such assessment district shall be referred to by the designation "Assessment District No.
7 05-764-CUTLER of the County of Tulare: and shall include all of the properties and areas within
8 of Tulare County Subdivision Tract Map No. 764 located north of Avenue 404, east of Nancy
9 Road in the unincorporated community of Cutler.

10
11 3. The report by the Engineer filed with the Clerk of the Board of Supervisors in the matter
12 of levying assessments for Fiscal Year 2006/07 and each fiscal year thereafter in Assessment
13 District No. 05-764-CUTLER of the County of Tulare, State of California, is hereby accepted,
14 approved without modification and incorporated herein by reference as if set out in full.

15
16 4. The improvements to be maintained by assessment through Assessment District No. 05-
17 764-CUTLER of the County of Tulare, State of California, for Fiscal Year 2006/07, and each
18 fiscal year thereafter, the boundaries of the assessment district and the proposed assessments upon
19 assessable lots or parcels of land within the District are those described in the Engineer's report.

20
21 5. The Board of Supervisors accepts the "Assessment Ballot and Waiver of Public Meeting
22 and Hearing, including Notice thereof" submitted by John C. Hempel, General Partner, on behalf
23 of Property Owner Freedom Homes Real Estate IV.

24
25 6. The Board of Supervisors finds that there is currently only one Property Owner for all of
26 the properties included in the Assessment District and that the one Property Owner has waived any
27 and all requirements and rights, statutory and constitutional, for a public meeting and/or a public
28 hearing, including notice thereof, in front of this Board regarding this Board's intention to form
29 Tulare County Assessment District No. 05-764-CUTLER.

30
31 7. The Board of Supervisors tabulates the ballots submitted and finds that one ballot has
32 been submitted by the Property Owner owning all of the properties and parcels within the
33 proposed Tulare County Assessment District No. 05-764-CUTLER. The Board finds that one
34 ballot approves and affirms the formation of Tulare County Assessment District No. 05-764-
35 CUTLER and approves and affirms the imposition of annual assessments for the 2006/07 fiscal
36 year and each fiscal year thereafter; which assessments shall be increased by the application of the
37 inflationary adjustment factor currently known as the Consumer Price Index [Urban Wage Earners
38 and Clerical Workers for the Los Angeles-Anaheim-Riverside CSMA] published by the United
39 States Department of Labor, Bureau of Labor Statistics (the "Index") as set out in the final
40 Engineer's Report filed with the Clerk of the Board of Supervisors on September 12, 2006, and
41 that such ballot approval constitutes 100% consent to the formation of such district and the
42 imposition of such assessments. Further, the Board of Supervisors finds that no ballots or other
43 written statements objecting to the formation of such district or the imposition of such assessment
44 have been filed with it.

1 8. The assessment diagram labeled "Assessment Diagram, Assessment District No. 05-
2 764-CUTLER of the County of Tulare, State of California", filed with the Clerk of the Board is
3 hereby approved by this Board of Supervisors and provides the boundaries of Assessment District
4 No. 05-764-CUTLER and any zones therein.
5

6 9. The boundaries of the Assessment District No. 05-764-CUTLER of the County of
7 Tulare, State of California, shall be those set out in the map labeled "Proposed Boundaries of
8 Assessment District No. 05-764-CUTLER of the County of Tulare, State of California" filed by
9 the Tulare County Public Works Director with the Clerk of the Board of Supervisors which map is
10 hereby approved and confirmed without change.
11

12 10. The assessment to be levied during the 2006/07 fiscal year to pay for the continuing
13 cost of the maintenance of said improvements are those set out in the assessment diagram labeled
14 "Assessment Diagram, Assessment District No. 05-764-CUTLER of the County of Tulare, State of
15 California" filed by the Engineer with the Clerk of the Board hereby approved and confirmed
16 without change to levy an assessment of \$ 63.82 per parcel.
17

18 11. The assessment for the 2006-07 fiscal year as modified by the Formula for Inflation
19 Adjustment set out in the Engineer's Report filed with the clerk of the Board of Supervisors on
20 September 12, 2006, shall also be levied on each parcel within the boundaries of the Assessment
21 District for the 2007/08 fiscal year and each fiscal year thereafter. The Board may order the
22 assessments for the 2006/07 and each fiscal year thereafter placed and collected on the certified tax
23 rolls without further proceedings under Article XIID, §4 of the California Constitution.
24

25 12. The assessment to be levied for the 2006/07 fiscal year under Paragraph No. 10 above
26 shall be collected from the Owner/Subdivider of Subdivision Tract No. 764 pursuant to an
27 agreement in the form attached hereto. The Chairman of the Board is hereby authorized to execute
28 such agreement on behalf of the County.
29

30 13. The Clerk of the Board is hereby authorized and directed to file certified copies of the
31 map "Proposed Boundaries of Assessment District No. 05-764-CUTLER of the County of Tulare,
32 State of California" with the County Recorder and certified copies of the "Assessment Diagram,
33 Assessment District No. 05-764-CUTLER of the County of Tulare, State of California" with the
34 County Recorder. The Clerk of the Board of Supervisors is also authorized and directed to execute
35 and record in the office of the County Recorder a notice of assessment substantially in the form set
36 out in Streets and Highways Code Section 3114(f).
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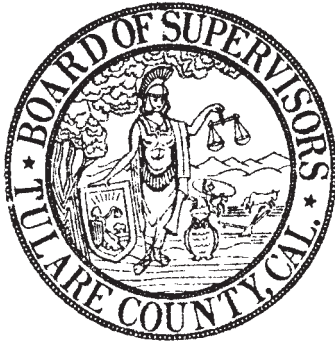
1 THE FOREGOING RESOLUTION was adopted upon motion of Supervisor Maples ,
2 seconded by Supervisor Conway , at a regular meeting of the Board of Supervisors held
3 on September 12, 2006, by the following vote:
4

5 AYES: Supervisors Ishida, Conway, Cox, Worthley and Maples
6

7 NOES: None
8

9 ABSTAIN: None
10

11 ABSENT: None
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14



15 ATTEST: C. BRIAN HADDIX
16 County Administrative Officer/Clerk
17 of the Board of Supervisors
18

19 By Wanda K. Bush
20 Deputy
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33 RMA
34 Co Couns
35 CAO
36 Auditor
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38 9/14/06
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40 WKB
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PROPOSED BOUNDARIES

ASSESSMENT DISTRICT NO. 05-764-CUTLER
OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

Legal Description

Being the West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 20, Township 16 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California according to the Official Plat thereof, Excepting therefrom the East 10 feet of the South 130 feet Thereof.

Filed in the office of the Clerk of the Board of Supervisors, this _____ day of _____ 2006.

C. BRIAN HADDIX, 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. 05-764-CUTLER, 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 _____ 2006, by its Resolution No. _____

C. BRIAN HADDIX, COUNTY ADMINISTRATIVE
OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY _____ Deputy

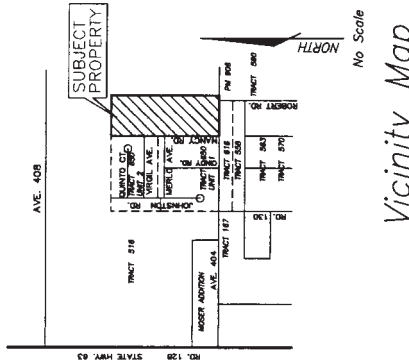
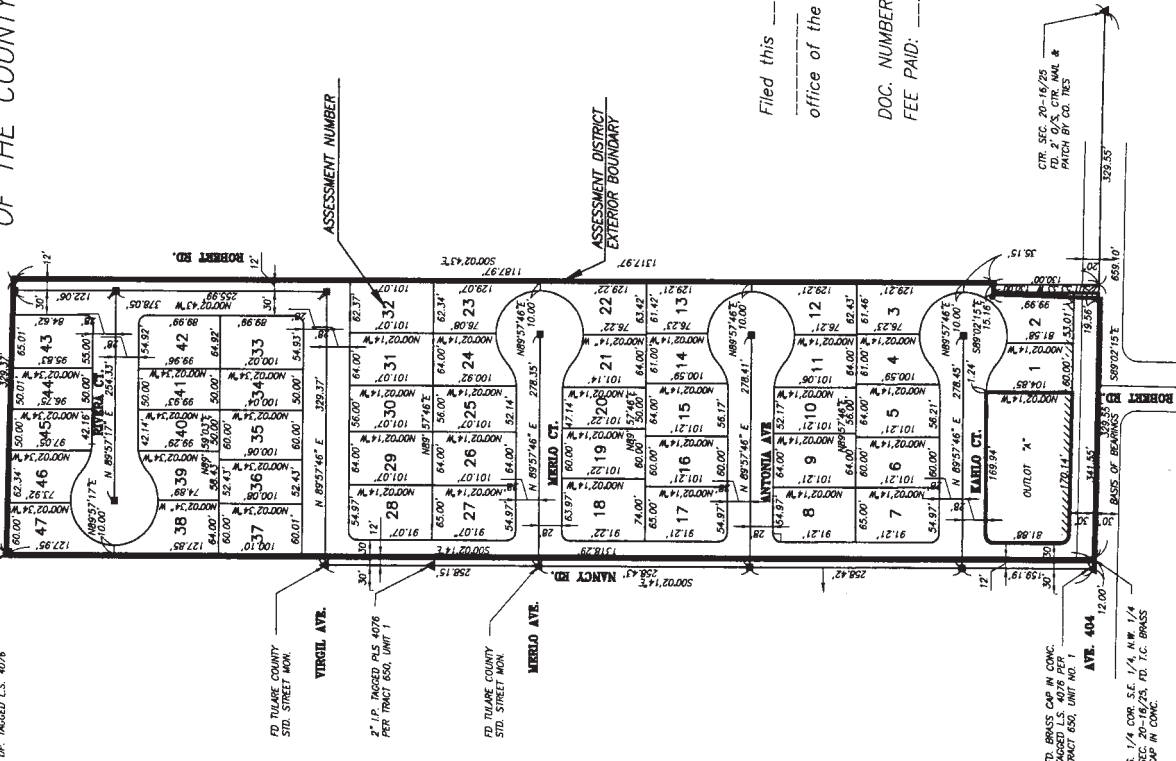
Filed this _____ day of _____ 2006, at the hour of _____ o'clock _____ m. in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder in the County of Tulare, State of California.

DOC. NUMBER: _____
FEE PAID: _____

GREGORY B. HARDCASTLE,
TULARE COUNTY ASSESSOR/CLERK-RECORDER

BY _____ Deputy

N 1/4 COR. SE 1/4, NW 1/4
SEC. 20-16/25, NE COR. TR.
650, UNIT NO. 1, FD. 2" L.P., 6"
DP. TAGGED L.S. 4076



Vicinity Map

SCALE: 1"=100'

ENGINEER'S REPORT
DRAINAGE SYSTEM MAINTENANCE
ASSESSMENT DISTRICT NO. 05-764-CUTLER

I. GENERAL

The Board of Supervisors has 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 maintenance activities. The Subdivider (Freedom Homes Real Estate IV of Subdivision Tract No. 764 has requested the County form an assessment district to pay for maintenance of the drainage system serving Subdivision Tract No. 764.

Subdivision Tract No. 764 contains 47 residential lots and one ponding lot located north of Avenue 404, east of Nancy Road in the community of Cutler. Planning Commission No. 8088 requires the subdivider to form the storm drainage assessment district as a condition precedent to recordation of the Final Map for Subdivision Tract No. 764.

Construction costs of the improvements described herein will be borne by the Subdivider of Subdivision Tract No. 764. The cost of maintaining these improvements and administering this Assessment District is proposed to be provided for by assessing the 47 residential lots in the subdivision.

The Benefit Assessment Act of 1982, Section 54700 et seq. of the Government Code, provides for formation of assessment districts to fund the maintenance of drainage systems.

II. IMPROVEMENTS

Drainage system improvements to be maintained under this assessment district include a storm drain system consisting of 1,038 L.F. of pipe, 6 drainage inlets and a ponding basin. The cost (to be paid for by Freedom Homes Real Estate IV) to construct the storm drainage improvements is estimated to be \$55,990.

III. FORMULA FOR INFLATION ADJUSTMENT

The annual assessments starting with assessments for the 2007/08 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 is published for the first six months of the 2006/07 fiscal year and 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 for inflation, 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 proceeding 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. 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, as opposed to a general benefit to the public at large, to the lots or parcels assessed provided by the landscaping improvements because such improvements provide traffic circulation benefits, crime prevention benefits, and visual enhancements. All lots or parcels within the assessment district receive such special benefit equally.

ENGINEER'S REPORT
DRAINAGE SYSTEM MAINTENANCE
ASSESSMENT DISTRICT NO. 05-764-CUTLER

V. ESTIMATE OF EXPENSES

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

<u>Costs</u>	<u>Amount (\$)</u>
1. Maintenance	
Stormdrain Pipe & DI's	\$ 350
Ponding Basin	<u>1,200</u>
Subtotal	\$ 1,550
2. Incidental Expenses	
Administer District	\$ 400
Assessment Engineering	350
RMA Administration	<u>100</u>
Subtotal	\$ 850
3. Future Replacement of Facilities	\$ 600
Estimated Total Annual Cost	\$ 3,000

Replacement costs are based on 100% replacement and a 50 year life.

The above estimated annual assessments for the 2006/07 fiscal year and the assessments for each fiscal year thereafter shall be revised according to the Formula for Inflation Adjustment set out in Section III for the 2007/08 fiscal year and each fiscal year thereafter.

ENGINEER'S REPORT

DRAINAGE SYSTEM MAINTENANCE

ASSESSMENT DISTRICT NO. 05-764-CUTLER

VI. GENERAL

It is recommended that each of the 47 single family residential lots be assessed equally an amount of \$63.82 for Fiscal Year 2006/07 as identified on the aforementioned Assessment Diagram and the following assessment roll:

ENGINEER'S REPORT OF COUNTY OF TULARE
DRAINAGE ASSESSMENT DISTRICT NO. 05-764-CUTLER
FISCAL YEAR 2006/07
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>Name</u>	<u>Assessment (\$)</u>
1	Freedom Homes Real Estate IV	63.82
2	Freedom Homes Real Estate IV	63.82
3	Freedom Homes Real Estate IV	63.82
4	Freedom Homes Real Estate IV	63.82
5	Freedom Homes Real Estate IV	63.82
6	Freedom Homes Real Estate IV	63.82
7	Freedom Homes Real Estate IV	63.82
8	Freedom Homes Real Estate IV	63.82
9	Freedom Homes Real Estate IV	63.82
10	Freedom Homes Real Estate IV	63.82
11	Freedom Homes Real Estate IV	63.82
12	Freedom Homes Real Estate IV	63.82
13	Freedom Homes Real Estate IV	63.82
14	Freedom Homes Real Estate IV	63.82
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28	Freedom Homes Real Estate IV	63.82
29	Freedom Homes Real Estate IV	63.82
30	Freedom Homes Real Estate IV	63.82
31	Freedom Homes Real Estate IV	63.82
32	Freedom Homes Real Estate IV	63.82
33	Freedom Homes Real Estate IV	63.82
34	Freedom Homes Real Estate IV	63.82
35	Freedom Homes Real Estate IV	63.82
36	Freedom Homes Real Estate IV	63.82
37	Freedom Homes Real Estate IV	63.82

<u>Assessment Number</u>	<u>Name</u>	<u>Assessment (\$)</u>
38	Freedom Homes Real Estate IV	63.82
39	Freedom Homes Real Estate IV	63.82
40	Freedom Homes Real Estate IV	63.82
41	Freedom Homes Real Estate IV	63.82
42	Freedom Homes Real Estate IV	63.82
43	Freedom Homes Real Estate IV	63.82
44	Freedom Homes Real Estate IV	63.82
45	Freedom Homes Real Estate IV	63.82
46	Freedom Homes Real Estate IV	63.82
47	Freedom Homes Real Estate IV	63.82

ASSESSMENT DIAGRAM

ASSESSMENT DISTRICT NO. 05-764-CUTLER
OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

Legal Description

Being the West 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 20, Township 16 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California according to the Official Plat thereof, Excepting therefrom the East 10 feet of the South 130 feet Thereof.

An assessment was levied by the Board of Supervisors on the lots, pieces, and parcel of land shown on this assessment diagram. The assessment was levied on the day of _____, 2006; the assessment diagram and the assessment roll were filed in the office of the Director of Transportation of that county on the _____ day of _____, 2006. Reference is made to the assessment roll filed in the office of the Director of Transportation for the exact amount of each assessment levied against each parcel of land shown on this assessment diagram.

C. BRIAN HADDIX, COUNTY ADMINISTRATIVE
OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY _____

Filed this _____ day of _____, 2006, 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: _____

Deputy

GREGORY B. HARDCASTLE,
TULARE COUNTY ASSESSOR/CLERK-RECORDER

BY: _____

Deputy

Filed in the office of the Clerk of the Board of Supervisors, this _____ day of _____, 2006.

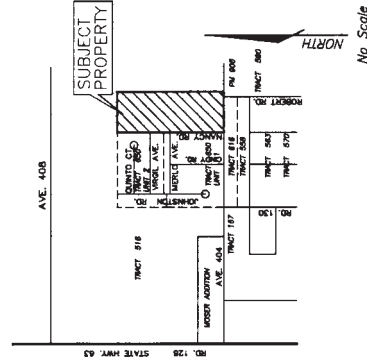
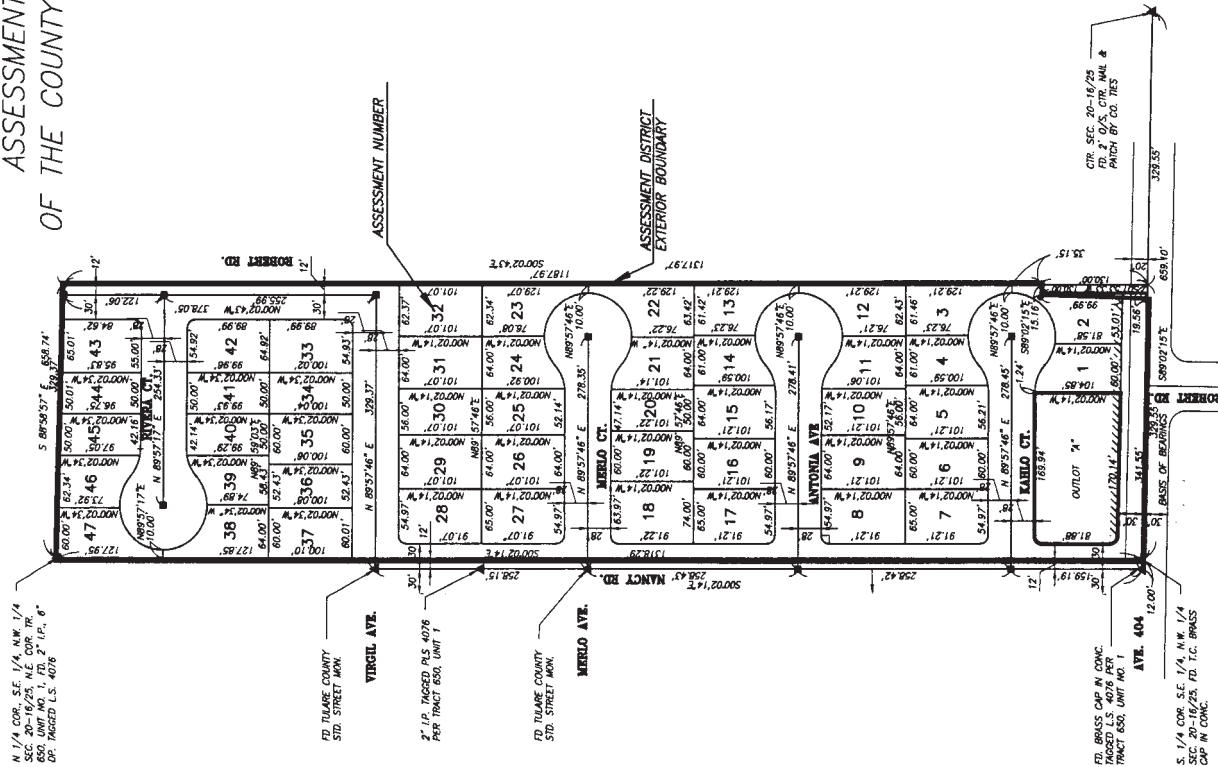
Director of Transportation

Filed in the office of the Clerk of the Board of Supervisors, this _____ day of _____, 2006.

C. BRIAN HADDIX, COUNTY ADMINISTRATIVE
OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY _____

Deputy



Vicinity Map

**TULARE COUNTY
ASSESSMENT DISTRICT NO. 05-764-CUTLER
STORM DRAINAGE SYSTEM ASSESSMENT**

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

Property Owner: Freedom Homes Real Estate IV
Mailing Address: 2680 W. Shaw Ln.
Fresno, CA 93711

Location of Parcels to be assessed: Tract Map 764 located north of Avenue 404, east of Nancy Road in the unincorporated community of Cutler.

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 Tulare County Subdivision Map No. 764; 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 Tulare County Subdivision Map No. 764, 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 system 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. 05-764-CUTLER and the imposition of assessments to cover the costs of maintaining the storm drainage system improvements as more fully described in the Tulare County Engineer's report on this matter filed with the Clerk of the Board of Supervisors on Sept. 13, 2006; and

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. 05-764-CUTLER, 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. 05-764-CUTLER 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 Sept. 12, 2006.

No, I object to the formation of Tulare County Assessment District No. 05-764-CUTLER 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 Tulare County Subdivision Map No. 764.

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.

Freedom Homes Real Estate IV

Signature: 
By: John C Hempel, General Partner

(Please sign and then print under the signature the name of each owner of record or, in the case of on 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

ENGINEER'S REPORT
DRAINAGE ASSESSMENT DISTRICT NO. 05-764-CUTLER
FISCAL YEAR 2006/07
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	Freedom Homes Real Estate IV	63.82
2	Freedom Homes Real Estate IV	63.82
3	Freedom Homes Real Estate IV	63.82
4	Freedom Homes Real Estate IV	63.82
5	Freedom Homes Real Estate IV	63.82
6	Freedom Homes Real Estate IV	63.82
7	Freedom Homes Real Estate IV	63.82
8	Freedom Homes Real Estate IV	63.82
9	Freedom Homes Real Estate IV	63.82
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11	Freedom Homes Real Estate IV	63.82
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<u>Assessment Number</u>	<u>Name</u>	<u>Assessment (\$)</u>
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44	Freedom Homes Real Estate IV	63.82
45	Freedom Homes Real Estate IV	63.82
46	Freedom Homes Real Estate IV	63.82
47	Freedom Homes Real Estate IV	63.82

*Assessment numbers shown correspond to Lot Numbers on the Final Map of Tract No. 764. These numbers will be replaced with corresponding Assessor's Parcel Numbers once issued after recordation of the final map.

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9 Recording Requested by
10 and Return to:
11 Public Works Department
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 Road Commissioner of the County of Tulare relating to the following described
20 real property:
21

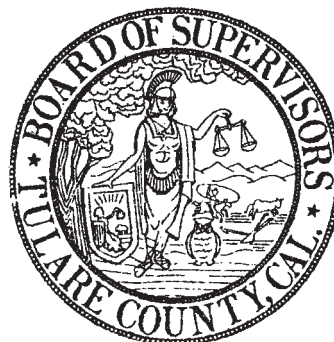
22 Assessment Diagram of Assessment District No. 05-764-CUTLER, of the County
23 of Tulare, State of California as recorded in Book 1 of ^{Assessment} ~~Diagram~~ Maps of
24 Assessment and Community Facilities Districts at Page 91, in the Office of the
25 County Recorder of the County of Tulare, State 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 Road Commissioner of Tulare County and entitled "Assessment Diagram", Assessment District
33 No. 05-764-CUTLER of the County of Tulare, State of California.
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35 ATTEST: C BRIAN HADDIX,
36 County Administrative Officer/Clerk of the
37 Board of Supervisors.
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40 By Wanna H. Bush
41 Deputy
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AGENDA DATE: September 12, 2006



RESOURCE MANAGEMENT AGENCY

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Deborah Kruse	Development Services
Jean P. Brou	Transportation
George Finney	Long Range Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

ASSOCIATE DIRECTOR

AGENDA ITEM

ITEM NO. _____
District 4

SUBJECT:

Proceedings to form Assessment District No. 05-764-Cutler to pay for the continuing cost of maintaining the storm drainage system improvements located within Subdivision Tract No. 764 in Cutler.

REQUEST(S):

1. Approve the Engineer's Report.
2. Declare the Board's intention to levy and collect assessments.
3. Accept the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner.
4. Approve the formation of the Assessment District and imposition of assessments.
5. Approve the agreement authorizing Freedom Homes Real Estate IV to collect the assessments for Fiscal Year 2006/07 upon first conveyance of each lot.

SUMMARY:

The Board of Supervisors has 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 maintenance activities. The Subdivider Subdivision Tract No. 764, Freedom Homes Real Estate IV, John C. Hempel, General Partner, has requested that the County form an assessment district to pay for maintenance of the drainage system serving Subdivision Tract No. 764.

Subdivision Tract No. 764 contains 47 residential lots and one ponding lot located north of Avenue 404, east of Nancy Road in the community of Cutler. Planning Commission Resolution No. 8088 requires the

subdivider to form the storm drainage assessment district as a condition precedent to recordation of the Final Map of Subdivision Tract No. 764.

Construction costs of the storm drainage system improvements will be borne by the Subdivider of Subdivision Tract No. 764. The cost of maintaining these improvements and administering this Assessment District is proposed to be provided for by assessing the 47 residential lots in the subdivision. The Benefit Assessment Act of 1982, Section 54700 et seq. of the Government Code, provides for formation of assessment districts to fund the maintenance of drainage systems.

Freedom Homes Real Estate IV is the sole owner of property encompassing Subdivision Tract No. 764. As such, the Subdivider requests that the formation of this assessment district proceed without the normal public meeting and public hearing and proceed directly with the immediate formation and imposition of assessments by waiving the Subdivider's rights to such public meetings, hearings and noticing requirements. County Counsel has prepared the ballot waiving the public meeting, hearing including notice thereof and the associated resolution forming the assessment district and imposition of assessments.

FINANCING:

All costs for storm drainage system maintenance, assessment engineering and administration are proposed to be funded by the Assessment District. Based on the cost of providing these services, each of the 47 assessable lots within Tract 764 would be assessed an equal amount. The subdivider has paid the \$1,606 fee for formation of this assessment district.

Annual assessments for fiscal year 2006/2007 will be collected by the Subdivider upon first conveyance of each lot in accordance with the terms of the agreement by the County and the Subdivider. The agreement will be in effect until June 30, 2007, at which time the County will incorporate the assessments into the tax rolls.

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

<u>Costs</u>	<u>Amount</u>
1. Maintenance	
Stormdrain Pipe & DI's	\$ 350
Ponding Basin	<u>\$ 1,200</u>
Subtotal	\$ 1,550
2. Future Replacement of Facilities	\$ 600
Replacement costs are based on 100% replacement and a 50 year life.	
3. Incidental Expenses	
Administer District	\$ 400
Assessment Engineering	\$ 350
RMA Administration	<u>\$ 100</u>
Subtotal	\$ 850

Estimated Total Annual Cost

\$ 3,000

Estimated Annual Assessment = $\frac{\$3,000}{47 \text{ Lots}}$ = \$63.82 per lot

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 yearly 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.

Alternatives to formation of an Assessment District to provide for storm drainage system maintenance may include:

1. Requiring the subdivider to form a homeowners association to provide for the maintenance of the storm drainage system. The subdivider has expressed concern regarding the viability of a homeowners association with this type of development.
2. The Oroshi Public Utilities District has the authority to provide for maintenance of the storm drainage system. However, the District has declined any involvement in this matter.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

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

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

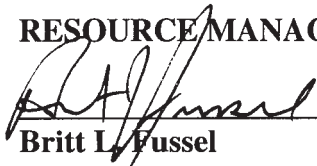
SIGNATURE REQUIREMENTS:

1. The Resolution to be attested to by the County Administrative Officer/Clerk of the Board of Supervisors or his authorized Deputy.
2. Five copies of the Agreement to be signed by the Chairman of the Board and attested by the County Administrative Officer/Clerk of the Board of Supervisors or his authorized Deputy.
3. The Notice of Assessment, Assessment Diagram and Proposed Boundaries Map to be signed by the County Administrative Officer/Clerk of the Board of Supervisors or his authorized Deputy.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY

CA



Britt L. Fussel
Assistant Director - Engineering



Henry Hash, Director