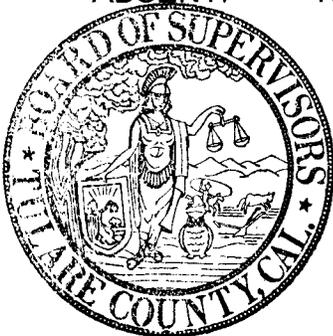


# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING PROCEEDINGS )  
 TO FORM ASSESSMENT DISTRICT NO. ) RESOLUTION NO. 2008-0259  
 07-792-VISALIA, TO PAY FOR THE CONTINUING ) AGREEMENT NO. 23511  
 COST OF MAINTAINING THE STORM DRAINAGE )  
 SYSTEM IMPROVEMENTS, LOCATED WITHIN )  
 SUBDIVISION TRACT NO. 792 LOCATED IN THE )  
 CITY OF VISALIA )

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR WORTHLEY, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 29, 2008, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND ENNIS  
 NOES: NONE  
 ABSTAIN: NONE  
 ABSENT: NONE



ATTEST: JEAN ROUSSEAU  
 County Administrative Officer/  
 Clerk of the Board of Supervisors

BY: *Dennis A. Ybana*  
 Deputy Clerk

1. Approved proceedings to form Assessment District No. 07-792-VISALIA, to pay for the continuing cost of maintaining the storm drainage system improvements, located within Subdivision Tract No. 792 located at the west of the intersection of Avenue 308 and Road 76, west of the City of Visalia.
2. Approved the Engineer's Report.
3. Approved the Proposed Boundaries Map and direct the Clerk of the Board to file certified copies with the County Recorder.
4. Declared the Board's intention to levy and collect assessments.
5. Accepted the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner.

6. Approved the formation of the Assessment District and imposition of assessments.
7. Approved the agreement authorizing Smee Builders to collect the assessments for Fiscal Years 2007/2008 and 2008/2009 upon first conveyance of each lot
8. Authorized the Chairman to sign agreement.

RMA  
Co. Counsel  
Auditor

DAY  
4/30/08

**SUBJECT:** Proceedings to form Assessment District No. 07-792-VISALIA  
**DATE:** April 29, 2008

development unless the developer provides a mechanism to fund future maintenance activities.

Planning Commission Resolution No. 8215 approving the Tentative Map for Subdivision Tract No. 792 required the formation of a storm drainage assessment district as a condition precedent to recordation of the Final Map for Subdivision Tract No. 792. The Subdivider (Smee Builders) has requested the County form an assessment district to pay for maintenance of the storm drainage system serving Subdivision Tract No. 792.

Subdivision Tract No. 792 is a division of 93.85 acres into 320 residential lots to be constructed in four phases with Phase One consisting of 136 lots and one ponding lot located west of the intersection of Avenue 308 and Road 76, west of the City of Visalia.

Construction cost of the streets and roadway improvements will be borne by the Subdivider of Subdivision Tract No. 792. The cost of maintaining these improvements and administering this assessment district is proposed to be provided for by assessing the 136 residential lots within Phase One of this subdivision. The Benefit Assessment Act of 1982, Section 54700 et seq. of the Government Code, provides for the formation of assessment districts to fund the maintenance of storm drainage systems.

On November 27, 2007, your Board adopted Resolution No. 2007-0792 initiating the proceedings to form Assessment District No. 07-792-VISALIA to pay for the maintenance costs of the storm drainage system for Subdivision Tract No. 792.

Smee Builders are the sole owners of property encompassing Subdivision Tract No. 792. 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.

**FISCAL IMPACT/FINANCING:**

All costs for the maintenance of the storm drainage system, assessment engineering and administration are 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 136 assessable lots within Subdivision Tract No. 792 would be assessed an equal amount, as estimated below.



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**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.

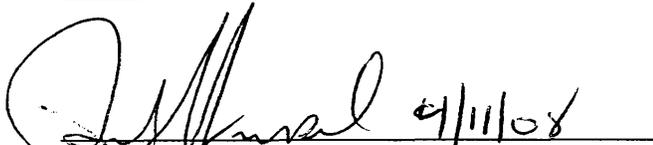
An alternative to formation of this assessment district to provide for the maintenance of the storm drainage system may include requiring the Subdivider to form a homeowners association to provide for the maintenance of the storm drainage system.

**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.

**ADMINISTRATIVE SIGN-OFF:**

  
Britt L. Fussel  
Assistant Director-Engineering

  
Henry Hash  
Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (3)

Attachment(s) Location Map  
Engineer's Report  
Assessment Ballot  
Notice of Assessment  
Agreement to Collect Assessments