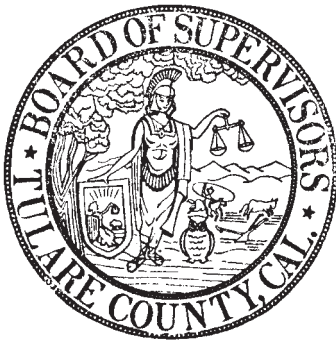


BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING PROCEEDINGS)
TO FORM ASSESSMENT DISTRICT NO.) RESOLUTION NO. 2008-0257
07-767-VISALIA, TO PAY FOR THE CONTINUING) AGREEMENT NO. 23509
COST OF MAINTAINING THE STORM DRAINAGE)
SYSTEM IMPROVEMENTS, LOCATED WITHIN)
SUBDIVISION TRACT NO. 767 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: Debbie A. Ybarra
Deputy Clerk

1. Approved proceedings to form Assessment District No. 07-767-VISALIA, to pay for the continuing cost of maintaining the storm drainage system improvements, located within Subdivision Tract No. 767 located north of Avenue 320, east of Road 124, north 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 Kap Su Davis 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



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: April 29, 2008

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						
CONTACT PERSON: Celeste Perez PHONE: 559-733-6291						

SUBJECT: Proceedings to form Assessment District No. 07-767-VISALIA

REQUEST(S):

That the Board of Supervisors:

1. Approve proceedings to form Assessment District No. 07-767-VISALIA, to pay for the continuing cost of maintaining the storm drainage system improvements, located within Subdivision Tract No. 767 located north of Avenue 320, east of Road 124, north of the City of Visalia.
2. Approve the Engineer's Report.
3. Approve the Proposed Boundaries Map and direct the Clerk of the Board to file certified copies with the County Recorder.
4. Declare the Board's intention to levy and collect assessments.
5. Accept the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner.
6. Approve the formation of the Assessment District and imposition of assessments.
7. Approve the agreement authorizing Kap Su Davis to collect the assessments for Fiscal Years 2007/2008 and 2008/2009 upon first conveyance of each lot.
8. Authorize the Chairman to sign agreement.

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

SUBJECT: Proceedings to form Assessment District No. 07-767-VISALIA
DATE: April 29, 2008

maintenance activities.

Planning Commission Resolution No. 8160 approving the Tentative Map for Subdivision Tract No. 767 required the formation of a storm drainage assessment district as a condition precedent to recordation of the Final Map for Subdivision Tract No. 767. The Subdivider (Kap Su Davis) has requested the County form an assessment district to pay for maintenance of the storm drainage system serving Subdivision Tract No. 767.

Subdivision Tract No. 767 is a division of 16.7 acres into 56 residential lots to be constructed in three phases with Phase One consisting of 22 lots and one ponding lot located north of Avenue 320 east of Road 124, north of the City of Visalia.

Construction cost of the storm drainage system improvements will be borne by the Subdivider of Subdivision Tract No. 767. The cost of maintaining these improvements following the first year warranty maintenance period and administering this assessment district is proposed to be provided for by assessing the 22 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. 2007-0793 initiating the proceedings to form Assessment District No. 07-767-VISALIA to pay for the maintenance costs of the storm drainage system for Subdivision Tract No. 767.

Kap Su Davis is the sole owner of property encompassing Subdivision Tract No. 767. 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 22 assessable lots within Subdivision Tract No. 767 would be assessed an equal amount, as estimated below. Future annexations to this assessment district by subsequent phases of Tract 767 will reduce the projected individual lot assessments on all lots.

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Estimated annual costs to maintain these improvements and administer the assessment district for Fiscal Year 2007/2008 are as follows:

<u>Costs</u>	<u>Amount</u>
1. Maintenance	
Stormdrain Pipe & DI's	\$ 500
Ponding Basin	<u>\$1,500</u>
Subtotal	\$2,000
2. Incidental Expenses	
Administer District	\$ 400
Assessment Engineering	\$ 350
RMA Administration	<u>\$ 100</u>
Subtotal	\$ 850
3. Future Replacement of Facilities	\$1,900

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

Estimated Total Annual Cost \$4,750

Estimated Annual Assessment = $\frac{\$4,750}{22 \text{ Lots}} = \underline{\$215.90}$ 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 annual assessment and will not require an election and approval by the owners of the assessed lots.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the 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 facilities for the safety and protection of the public in this subdivision.

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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