

# **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 )  
FORMATION OF ASSESSMENT DISTRICT NO. )  
06-772R-VISALIA OF THE COUNTY OF )  
TULARE, STATE OF CALIFORNIA, IN FISCAL YEAR ) RESOLUTION NO. 2007-0146  
2007/2008 PURSUANT TO THE BENEFIT ) AGREEMENT NO. 23073  
ASSESSMENT ACT OF 1982 )**

WHEREAS, the County of Tulare has conditionally approved the Tentative Map of Subdivision Tract No. 772; and

WHEREAS, this 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 from land division and land development activities; and

WHEREAS, pursuant to Tulare County Ordinance Code Section 7-01-1375 et seq. and Condition No. 22, established by Planning Commission Resolution No. 8182 approving the Tentative Subdivision Map of Tract No. 772, an assessment district is required to pay for the continuing cost of the maintenance of the new public roadways to be dedicated by the Final Map of Subdivision Tract No. 772 and the Subdivider of Tract No. 772 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. 06-772R-VISALIA of the County of Tulare, State of California, for Fiscal Year 2007/2008 pursuant to the Benefit Assessment Act of 1982, Section 54703 et seq. of the Government Code, for the purpose of providing for the continuing cost of administration of the District and maintenance of new public roadways to be dedicated by the Final Map of Subdivision Tract Map No. 772; and

WHEREAS, by Board of Supervisors Resolution No. 2006-0961, 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 54703 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 2007/2008 and each fiscal year thereafter 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 new public roadways to be dedicated by the Final Map of Subdivision Tract No. 772, which improvements are described as, and included but are not limited to, rejuvenating agents, chip seals, and asphalt concrete overlays.

2. Such assessment district shall be referred to by the designation "Assessment District No. 06-772R-VISALIA of the County of Tulare: and shall include all of the properties and areas within of Tulare County Subdivision Tract Map No. 772 located at the southwest corner of Road 122 and Avenue 322, north of the City of Visalia.

3. The report by the Engineer filed with the Clerk of the Board of Supervisors in the matter of levying assessments for Fiscal Year 2007/2008 and each fiscal year thereafter in Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California, is hereby accepted, approved without modification and incorporated herein by reference as if set out in full.

4. The improvements to be maintained by assessment through Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California, for Fiscal Year 2007/2008, and each fiscal year thereafter, the boundaries of the assessment district and the proposed assessments upon assessable lots or parcels of land within the District are those described in the Engineer's report.

5. The Board of Supervisors accepts the "Assessment Ballot and Waiver of Public Meeting and Hearing, including Notice thereof" submitted by Smee Builders, General Partner, on behalf of Property Owner Melmike, LP.

6. The Board of Supervisors finds that there is currently only one Property Owner for all of the properties included in the Assessment District and that the one Property Owner has waived any and all requirements and rights, statutory and constitutional, for a public meeting and/or a public hearing, including notice thereof, in front of this Board regarding this Board's intention to form Tulare County Assessment District No. 06-772R-VISALIA.

7. The Board of Supervisors tabulates the ballots submitted and finds that one ballot has been submitted by the Property Owner owning all of the properties and parcels within the proposed Tulare County Assessment District No. 06-772R-VISALIA. The Board finds that one ballot approves and affirms the formation of Tulare County Assessment District No. 06-772R-VISALIA and approves and affirms the imposition of annual assessments for the 2007/2008 fiscal year and each fiscal year thereafter, which assessments shall be increased by the application of the inflationary adjustment

factor currently known as 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") as set out in the final Engineer's Report filed with the Clerk of the Board of Supervisors on March 20, 2007 and that such ballot approval constitutes 100% consent to the formation of such district and the imposition of such assessments. Further, the Board of Supervisors finds that no ballots or other written statements objecting to the formation of such district or the imposition of such assessment have been filed with it.

8. The assessment diagram labeled "Assessment Diagram, Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California", filed with the Clerk of the Board is hereby approved by this Board of Supervisors and provides the boundaries of Assessment District No. 06-772R-VISALIA and any zones therein.

9. The boundaries of the Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California, shall be those set out in the map labeled "Proposed Boundaries of Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California" filed by the County Engineer with the Clerk of the Board of Supervisors which map is hereby approved and confirmed without change.

10. The assessment to be levied during the 2007/2008 fiscal year to pay for the continuing cost of the maintenance of said improvements are those set out in the assessment diagram labeled "Assessment Diagram, Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California" filed by the Engineer with the Clerk of the Board hereby approved and confirmed without change to levy an assessment of \$ 327.92 per parcel.

11. The assessment for the 2007-2008 fiscal year as modified by the Formula for Inflation Adjustment set out in the Engineer's Report filed with the clerk of the Board of Supervisors on January 23, 2007, shall also be levied on each parcel within the boundaries of the Assessment District for the 2008/2009 fiscal year and each fiscal year thereafter. The Board may order the assessments for the 2008/2009 and each fiscal year thereafter placed and collected on the certified tax rolls without further proceedings under Article XIID, §4 of the California Constitution.

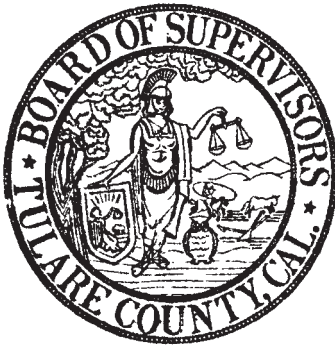
12. The assessment to be levied for the 2007/2008 fiscal year under Paragraph No. 10 above shall be collected from the Owner/Subdivider of Subdivision Tract No. 772 pursuant to an agreement in the form attached hereto. The Chairman of the Board is hereby authorized to execute such agreement on behalf of the County.

13. The Clerk of the Board is hereby authorized and directed to file certified copies of the map "Proposed Boundaries of Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California" with the County Recorder and certified copies of the "Assessment Diagram, Assessment District No. 06-772R-VISALIA of the County of Tulare, State of California" with the County Recorder. The Clerk of the Board of Supervisors is also authorized and directed to execute and record in the office of the

County Recorder a notice of assessment substantially in the form set out in Streets and Highways Code Section 3114(f).

THE FOREGOING RESOLUTION was adopted upon motion of Supervisor Worthley, seconded by Supervisor Ennis, at a regular meeting of the Board of Supervisors held on March 20, 2007, by the following vote:

AYES:	Supervisors Ishida, Conway, Cox, Worthley and Ennis
NOES:	None
ABSTAIN:	None
ABSENT:	None



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

By Wanna K. Bush  
Deputy

RMA  
Co Counsel  
CAO  
Auditor

3/21/07  
WKB



**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:** March 20, 2007

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. 06-772R-VISALIA to pay for the continuing cost of maintenance of the public streets with Subdivision Tract No. 772, located north of Visalia.

**REQUEST(S):**

That the Board of Supervisors:

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. Accept the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner.
5. Approve the formation of the Assessment District and imposition of assessments.
6. Approve the agreement authorizing Smea Builders to collect the assessments for Fiscal Year 2007/2008 upon first conveyance of each lot.

**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.



**SUBJECT:** Assessment District No. 06-772R-VISALIA

**DATE:** March 20, 2007

Planning Commission Resolution No. 8182 approving the Tentative Map for Subdivision Tract No. 772 required the formation of a road maintenance assessment district as a condition precedent to recordation of the Final Map for Subdivision Tract No. 772. The Subdivider (Melmike, LP, Gary Smee, President) has requested the County form an assessment district to pay for maintenance of the public streets and roadways serving Subdivision Tract No. 772.

Subdivision Tract No. 772 is a division of 19.34 acres into 20 rural residential lots located on the southwest corner of Road 122 and Avenue 322, north of the City of Visalia.

Construction cost of the streets and roadway improvements will be borne by the Subdivider of Subdivision Tract No. 772. The cost of maintaining these improvements and administering this assessment district is proposed to be provided for by assessing the 20 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 19, 2006, your Board adopted Resolution No. 2006-0961 initiating the proceedings to form Assessment District No. 06-772R-VISALIA to pay for the maintenance costs of new public streets and roadways for Subdivision Tract No. 772.

Melmike, LP, a California Limited partnership is the sole owner of property encompassing Subdivision Tract No. 772. 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 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 20 assessable lots within Subdivision Tract No. 772 would be assessed an equal amount, as estimated below.

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

**SUBJECT:** Assessment District No. 06-772R-VISALIA  
**DATE:** March 20, 2007

Type of Maintenance	Unit	Quantity	Annual Unit Cost	Estimated Annual Maint. Cycle	Annual Cost
Rejuvenating Agent:	Sq. Ft.	120,200	0.0180	5	\$432.72
Chip Seal	Sq. Ft.	120,200	0.1180	15	\$945.57
AC Overlay	Sq. Ft.	120,200	1.1930	30	\$4,779.95
District Administration	LS	1	400	Annual	\$400.00
Total Annual Assessment for Road Purposes					\$6,558.24
# of lots in district: 20					
Per Lot Annual Road Maintenance Assessment					\$327.92

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 promote the safety and security of the public. The formation of this road maintenance assessment district helps fulfill this initiative by ensuring that the roads within the subdivision are improved and maintained in a safe condition for residents of this development

**SUBJECT:** Assessment District No. 06-772R-VISALIA

**DATE:** March 20, 2007

**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.

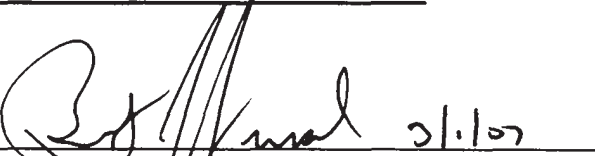
An alternative to formation of this assessment district to provide for public street and roadway maintenance may include requiring the Subdivider to form a homeowners association to provide for the maintenance of the public streets and roadways.

**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.

**ADMINISTRATIVE SIGN-OFF:**

  
Britt L. Fussel, P.E.  
Assistant Director, Engineering

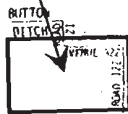
  
Henry Hash  
Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

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



TRACT 772



VERMAY

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RIVERWAY DR

SR 63

AV 322

BERMUOA AV

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AV

LINCOLN

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