

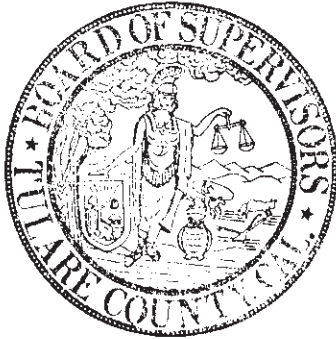
BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF ASSESSMENT
DISTRICT NO. 09-804R-GOSHEN

) RESOLUTION NO. 2010-0368
) AGREEMENT NO. 24539

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR COX,
THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN
OFFICIAL MEETING HELD MAY 4, 2010, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: SUPERVISOR ISHIDA



ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY:


Deputy Clerk

1. Approved proceedings to form Assessment District No. 09-804R-GOSHEN to pay for the continuing cost of maintenance of the public streets within Subdivision Tract No. 804, located at the northeast corner of Road 72 and Avenue 310, in the community of Goshen.
2. Approved the Engineer's Report.
3. Approved the Proposed Boundaries Map and directed 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 Self Help Enterprises to collect the assessments for Fiscal Years 2009/2010 and 2010/2011 upon first conveyance of each lot.
8. Authorized the Chairman to sign agreement.

RMA
Co. Counsel

DAY
5/5/10



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: May 4, 2010

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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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) 624-7000

SUBJECT: Assessment District No. 09-804R-GOSHEN

REQUEST(S):

That the Board of Supervisors:

1. Approve proceedings to form Assessment District No. 09-804R-GOSHEN to pay for the continuing cost of maintenance of the public streets within Subdivision Tract No. 804, located at the northeast corner of Road 72 and Avenue 310, in the community of Goshen;
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 Self Help Enterprises to collect the assessments for Fiscal Years 2009/2010 and 2010/2011 upon first conveyance of each lot; and
8. Authorize the Chairman to sign agreement.

SUMMARY:

The Board has directed, in 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. The Planning

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Commission approved the vesting tentative map for Subdivision Tract No. 804 by Resolution No. 8440 on May 27, 2009 and the Board of Supervisors approved the vesting tentative map on June 30, 2009 by Resolution No. 2009-0496, requiring the formation of a road maintenance assessment district as a condition precedent to recordation of the final map for Phase I of Subdivision Tract No. 804. The subdivider (Self Help Enterprises) of Tract No. 804 has requested the County to form an assessment district to pay for maintenance of the public streets and roadways serving Tract No. 804.

Subdivision Tract No. 804 is a division of 31.41 acres into 77 residential lots to be divided into two phases, with Phase I consisting of 41 lots and a ponding lot located to the west of the proposed subdivision on the northeast corner of Road 72 and Avenue 310 located in the community of Goshen.

Construction costs of the road improvements will be borne by the subdivider of Phase I of Subdivision Tract No. 804. The cost of maintaining these improvements and administering this assessment district is proposed to be provided for by assessing equally the 41 lots within Phase I of this subdivision. The Benefit Assessment Act of 1982, section 54703 et seq. of the Government Code, provides for formation of assessment districts to fund the maintenance of public streets and roadways.

On February 2, 2010, your Board adopted Resolution No. 2010-0088 initiating the proceedings to form Assessment District No. 09-804R-GOSHEN to pay for the maintenance costs of new public streets and roadways for Phase I of Subdivision Tract No. 804.

Self Help Enterprises is the sole owner of property encompassing Phase I of Subdivision Tract No. 804. 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 are proposed to be funded by the assessment district. No direct costs to the County will be incurred in the formation of this assessment district as the Subdivider has paid the \$2,090 fee for the formation of the district. Based on the cost of providing these services, each of the 41 assessable lots within Phase I of Subdivision Tract No 804 would be assessed an equal amount, as estimated below.

Estimated annual costs to maintain these improvements and administer the

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assessment district for Fiscal Year 2010/2011 are as follows:

Type of Maintenance	Unit	Quantity	Annual Unit Cost (\$)	Estimated Annual Maint. Cycle	Annual Cost (\$)
Rejuvenating Agent	SF	67,000	0.0161	5	215.74
Chip Seal	SF	67,000	0.0878	15	392.17
AC Overlay	SF	67,000	1.125	30	2,512.50
District Administration	LS	1	400	Annual	400.00

Total annual assessment for road maintenance: \$3,520.41

Number of lots in district: 41

Per-lot annual road maintenance assessment: \$85.86

A Consumer Price Index 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 roadways for the safety and protection of the public using the roadways in this subdivision.

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 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.

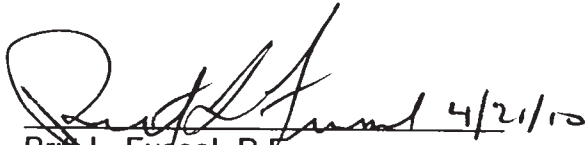
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

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.

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ADMINISTRATIVE SIGN-OFF:

A handwritten signature in black ink, appearing to read 'Britt L. Fussel', with the date '4/21/10' written to the right of the signature.

Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

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

Attachment(s) Location Map
Proposed Boundaries Map
Assessment Diagram
Engineer's Report
Assessment Ballot and Waiver of Public Meeting and Hearing
Including Notice
Notice of Assessment
Agreement

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9 Recording Requested by
10 And return to:
11 Resource Management Agency
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 Director of Transportation of the County of Tulare relating to the following
20 described real property:
21

22 Assessment Diagram of Assessment District No. 09-804R-GOSHEN, of the
23 County of Tulare, State of California as recorded in Book _____ of _____ Maps
24 of Assessment and Community Facilities Districts at Page _____, in the Office
25 of the 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 Director of Transportation of Tulare County and entitled "Assessment Diagram", Assessment
33 District No. 09-804R-GOSHEN of the County of Tulare, State of California.
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35
36 ATTEST: JEAN M. ROUSSEAU
37 County Administrative Officer/Clerk
38 of the Board of Supervisors
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40
41 By

42 Deputy Clerk
43
44
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