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

IN THE MATTER OF APPROVING THE PROCEEDINGS TO FORM ASSESSMENT DISTRICT NO. 12-804R-GOSHEN

) Resolution No. 2012-0742) Agreement No. 25698

UPON MOTION OF <u>SUPERVISOR ENNIS</u>, SECONDED BY <u>SUPERVISOR</u>

<u>COX</u>, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT

AN OFFICIAL MEETING HELD <u>SEPTEMBER 18, 2012</u>, BY THE FOLLOWING VOTE:

\ AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS

NOES: NONE ABSTAIN: NONE ABSENT: NONE

ATTEST: J

JEAN M. ROUSSEAU

COUNTY ADMINISTRATIVE OFFICER/

CLERK, BOARD OF SUPERVISORS

BY:

Deputy Clerk

Approved proceedings to form Assessment District No. 12-804R-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 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 Self Help Enterprises to collect the assessments for fiscal year 2012/2013 upon first conveyance of each lot; and
- 8. Authorized the chairman to sign agreement.

RMA Co Counsel Auditor

DAY 9/19/12



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: September 18, 2012

Public Hearing Required	Yes		N/A 🗵	
Scheduled Public Hearing w/Clerk	Yes		N/A ⊠	
Published Notice Required	Yes		N/A 🛛	
Advertised Published Notice	Yes		N/A 🖂	
Meet & Confer Required	Yes		N/A 🖂	
Electronic file(s) has been sent	Yes	\boxtimes	N/A	
Budget Transfer (Aud 308) attached	Yes		N/A 🖂	
Personnel Resolution attached	Yes		N/A 🖂	
Agreements are attached and signature I	ine Yes	\boxtimes	N/A 🗌	
for Chairman is marked with tab(s)/flag(s)			
CONTACT PERSON: Celeste Perez PH	IONE: (5	59) 624	-7010	

SUBJECT: Proceedings to form Assessment District No. 12-804R-GOSHEN

REQUEST(S):

That the Board of Supervisors:

- 1. Approve proceedings to form Assessment District No. 12-804R-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 year 2012/2013 upon first conveyance of each lot; and
- 8. Authorize the chairman to sign agreement.

SUBJECT: Proceedings to form Assessment District No. 12-804R-GOSHEN

DATE: September 18, 2012

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 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 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 Unit 2 of Tract No. 804.

Unit 2 of Subdivision Tract No. 804 is a division of 6.5 acres into 36 residential lots at 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 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 36 lots within 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.

Self Help Enterprises is the sole owner of property encompassing Unit 2 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. Staff 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. Based on the cost of providing these services, each of the 36 assessable lots Unit 2 of Subdivision Tract No 804 would be assessed an equal amount, as estimated below.

Estimated annual costs to maintain these improvements and administer the assessment district for fiscal year 2012/2013 are as follows:

SUBJECT: Proceedings to form Assessment District No. 12-804R-GOSHEN

DATE: September 18, 2012

			Estimated		
			Annual	Annual	Annual
Type of Maintenance	Unit	Quantity	Unit Cost (\$)	Maint. Cycle	Cost (\$)
		-			
Rejuvenating Agent	SF	29,120	0.0165	5	96.10
Chip Seal	SF	29,120	0.09008	15	174.72
AC Overlay	SF	29,120	1.153	30	1,119.18
District Administration	LS	1	400	Annual	400.00

Total annual assessment for road maintenance: \$1,790.00

Number of lots in district: 36

Per-lot annual road maintenance assessment: \$49.72

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.

There is no net county cost to the general fund.

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.

ADMINISTRATIVE SIGN-OFF:

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

County Surveyor

BLF:km/ca

Cc: Auditor-Controller

County Counsel

County Administrative Office (2)

SUBJECT: Proceedings to form Assessment District No. 12-804R-GOSHEN

DATE: September 18, 2012

Attachment(s)

Attachment A - Assessment Ballot and Waiver of Public Meeting and Hearing Including Notice

Attachment B - Engineer's Report

Attachment C - Notice of Assessment

Attachment D - Boundary and District Map

Attachment E - Location Map

Attachment F – Assessment Agreement

Attachment A

TULARE COUNTY ASSESSMENT DISTRICT NO. 12-804R-GOSHEN ROAD MAINTENANCE ASSESSMENT

ASSESSMENT BALLOT

Waiver of Public Meeting and Hearing Including Notice Thereof

Property Owner:

Self Help Enterprises, a California non-profit corporation

Mailing Address:

P. O. Box 6520

Visalia, CA 93290

Location of Parcels to be assessed: Unit No. 2 of Tract Map 804 located at the northeast corner

of Road 72 and Avenue 310, in the community of Goshen

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 Unit No. 2 of Tulare County Subdivision Map No. 804; 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 Unit No. 2 of Tulare County Subdivision Map No. 804, the Property Owner is entitled, pursuant to Article XIIID, §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 the public streets and roadways to be 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
- 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. 12-804R-GOSHEN and the imposition of assessments to cover the costs of maintaining the public streets and roadways as more fully described in the Tulare County Engineer's report on this matter filed with the Clerk of the Board of Supervisors on _____; and
- 3. The Property Owner hereby waives its rights and the rights of any of its successorsin-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. 12-804R-GOSHEN, the

	The Property Owner, pursuant to Article XIIID, §4 of the California Constitution, on the by ballot on the formation of the assessment district and the imposition of the not as follows (please check one):
<u>X</u>	Yes, I approve of and agree to the formation of Tulare County Assessment District No. 12-804R-GOSHEN 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
	No, I object to the formation of Tulare County Assessment District No. 12-804R-GOSHEN and I do not approve of the imposition of an annual assessment with an annual adjustment factor.

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

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 Unit No. 2 of Tulare County Subdivision Map No. 804.

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-ininterest, and that such statements, declarations, commitments and waivers are true and correct.

Self Help Enterprises, a California non-profit corporation

Clerk of the Board of Supervisors on

waiver.

Signature (

Signature =

Kathryn Long-Pence /Asst. Secretary

(Please signs and then print under the signature the name of each owner of record or, in the case of a property owned by nonindividual, the authorized representative of the property owner. In the case of authorized representative, please attach proof of authorization.)

ENGINEER'S REPORT ROAD MAINTENANCE ASSESSMENT DISTRICT NO. 12-804R-GOSHEN FISCAL YEAR 2012/2013

AND EACH FISCAL YEAR THEREAFTER AS ADJUSTED BY THE FORMULA FOR INFLATION ADJUSTMENT SET OUT IN THE ENGINEER'S REPORT

Assessment Number*	Owners Name	Assessment (\$)
1	Self Help Enterprises, a California non-profit corporation	49.72
2	Self Help Enterprises, a California non-profit corporation	49.72
3	Self Help Enterprises, a California non-profit corporation	49.72
4	Self Help Enterprises, a California non-profit corporation	49.72
5	Self Help Enterprises, a California non-profit corporation	49.72
6	Self Help Enterprises, a California non-profit corporation	49.72
7	Self Help Enterprises, a California non-profit corporation	49.72
8	Self Help Enterprises, a California non-profit corporation	49.72
9	Self Help Enterprises, a California non-profit corporation	49.72
10	Self Help Enterprises, a California non-profit corporation	49.72
11	Self Help Enterprises, a California non-profit corporation	49.72
12	Self Help Enterprises, a California non-profit corporation	49.72
13	Self Help Enterprises, a California non-profit corporation	49.72
14	Self Help Enterprises, a California non-profit corporation	49.72
15	Self Help Enterprises, a California non-profit corporation	49.72
16	Self Help Enterprises, a California non-profit corporation	49.72
17	Self Help Enterprises, a California non-profit corporation	49.72
18	Self Help Enterprises, a California non-profit corporation	49.72
19	Self Help Enterprises, a California non-profit corporation	49.72
20	Self Help Enterprises, a California non-profit corporation	49.72
21	Self Help Enterprises, a California non-profit corporation	49.72
22	Self Help Enterprises, a California non-profit corporation	49.72
23	Self Help Enterprises, a California non-profit corporation	49.72
24	Self Help Enterprises, a California non-profit corporation	49.72
25	Self Help Enterprises, a California non-profit corporation	49.72
26	Self Help Enterprises, a California non-profit corporation	49.72
27	Self Help Enterprises, a California non-profit corporation	49.72
28	Self Help Enterprises, a California non-profit corporation	49.72
29	Self Help Enterprises, a California non-profit corporation	49.72
30	Self Help Enterprises, a California non-profit corporation	49.72
31	Self Help Enterprises, a California non-profit corporation	49.72
32	Self Help Enterprises, a California non-profit corporation	49.72
33	Self Help Enterprises, a California non-profit corporation	49.72
34	Self Help Enterprises, a California non-profit corporation	49.72
35	Self Help Enterprises, a California non-profit corporation	49.72
36	Self Help Enterprises, a California non-profit corporation	49.72

^{*} Assessment numbers shown correspond to lot numbers on the final map of Unit No. 2 of Tract No. 804. These numbers will be replaced with corresponding assessor's parcel numbers once issued after recordation of the final map.

ATTACHMENT B

ENGINEER'S REPORT

IN THE MATTER OF FORMATION OF COUNTY OF TULARE ASSESSMENT DISTRICT NO. 12-804R-GOSHEN

RESOURCE MANAGEMENT AGENCY

BRITT L. FUSSEL, COUNTY ENGINEER

ASSESSMENT DISTRICT NO. 12-804R-GOSHEN

I. GENERAL

This report has been prepared in accordance with applicable sections of Streets and Highways Code Sections 22565 through 22574. The Benefit Assessment Act of 1982, Section 54703 et seq. of the Government Code, provides authority for formation of this Assessment District.

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. Planning Commission Resolution No. 8440 approving the tentative map for Subdivision Tract No. 804 required the formation of a road assessment district as a condition precedent to recordation of the final map for Subdivision Tract No. 804. The subdivider (Self Help Enterprises) has requested the county form an assessment district to pay for maintenance of the public streets and roadways serving Unit 2 of Subdivision Tract No. 804.

Unit 2 of Subdivision Tract No. 804 is a division of approximately 6.5 acres into 36 residential lots located on the northeast corner of Road 72 and Avenue 310 located in the community of Goshen.

Construction costs of the streets and roadway improvements will be borne by the subdivider of Subdivision Tract No. 804. The cost of maintaining these improvements and administering this assessment district is proposed to be provided for by assessing the 36 residential lots within the subdivision.

II. IMPROVEMENTS

Improvements to be maintained under this assessment district include the construction of approximately 29,120 square feet of public roadway. The estimated cost of the roadway improvements for Subdivision Tract No. 804 is \$166,000. This cost will be or has been borne by the subdivider of this development.

III. FORMULA FOR INFLACTION ADJUSTMENT

The annual assessments starting with assessments for the 2013/2014 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 will be published for the first six months of the 2013/2014 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 my multiplying the assessment amount, as previously adjusted by this formula, imposed in the last fiscal year by a

ASSESSMENT DISTRICT NO. 12-804R-GOSHEN

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 public roadway improvements because such improvements provide access to each lot within the subdivision boundary. All lots or parcels within the assessment district receive such special benefit equally.

V. ESTIMATE OF EXPENSES

Estimated annual costs to maintain these improvements and administer the assessment district for Fiscal Year 2012/2013 are as follows:

			Annual	Estimated Annual	Annual
Type of Maintenance	Unit	Quantity	Unit Cost (\$)	Maint. Cycle	Cost (\$)
Rejuvenating Agent ¹	SF	29,120	0.0165	5	96.10
Chip Seal ¹	SF	29,120	0.0900	15	174.72
AC Overlay ²	SF	29,120	1.153	30	1,119.18
District Administration	LS	1	400	Annual	400.00
Total	annual	assessment fo	or road maintenanc	e:	\$1,790.00
Numl	er of lo	ts in district:		36	
Per-lo	ot annua	l road mainte	nance assessment:		\$49.72

¹ County forces

The above estimated annual assessment is for the 2012/2013 fiscal year. The assessments for each fiscal year thereafter shall be revised according to the formula for inflation adjustment set out in Section III for the 2012/2013 fiscal year and each fiscal year thereafter.

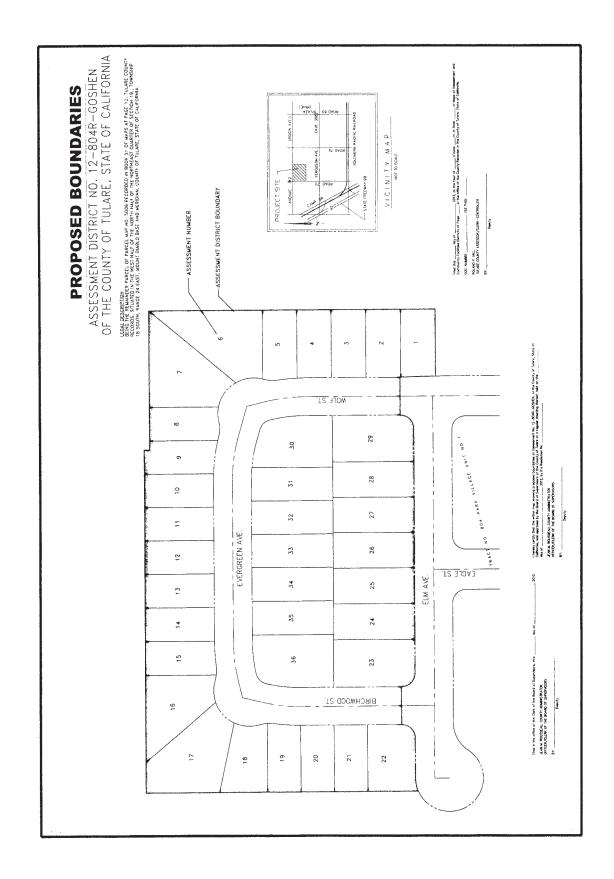
ASSESSMENT DISTRICT NO. 12-804R-GOSHEN

VI. <u>ASSESSMENT</u>

It is recommended that each of the 36 lots be assessed equally an amount of \$49.72 for fiscal year 2012/2013 as identified on the following assessment roll.

Assessment		
Number	Name	Assessment (\$)
1	Self Help Enterprises	49.72
2	Self Help Enterprises	49.72
3	Self Help Enterprises	49.72
4	Self Help Enterprises	49.72
5	Self Help Enterprises	49.72
6	Self Help Enterprises	49.72
7	Self Help Enterprises	49.72
8	Self Help Enterprises	49.72
9	Self Help Enterprises	49.72
10	Self Help Enterprises	49.72
11	Self Help Enterprises	49.72
12	Self Help Enterprises	49.72
13	Self Help Enterprises	49.72
14	Self Help Enterprises	49.72
15	Self Help Enterprises	49.72
16	Self Help Enterprises	49.72
17	Self Help Enterprises	49.72
18	Self Help Enterprises	49.72
19	Self Help Enterprises	49.72
20	Self Help Enterprises	49.72
21	Self Help Enterprises	49.72
22	Self Help Enterprises	49.72
23	Self Help Enterprises	49.72
24	Self Help Enterprises	49.72
25	Self Help Enterprises	49.72
26	Self Help Enterprises	49.72
27	Self Help Enterprises	49.72
28	Self Help Enterprises	49.72
29	Self Help Enterprises	49.72
30	Self Help Enterprises	49.72
31	Self Help Enterprises	49.72
32	Self Help Enterprises	49.72
33	Self Help Enterprises	49.72
34	Self Help Enterprises	49.72
35	Self Help Enterprises	49.72
36	Self Help Enterprises	49.72

ASSESSMENT DISTRICT NO. 12-804R-GOSHEN



Attachment C

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3	
4	
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6	
7	
8	
9	Recording Requested by
10	And return to:
11	Resource Management Agency
12	Attention: Craig Anderson
13	Attention. Claig Anderson
14	NOTICE OF ASSESSMENT
15	NOTICE OF ASSESSMENT
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	
19	State of California, hereby gives notice that an assessment diagram and assessment were filed in the office of the Director of Transportation of the County of Tulare relating to the following
20	described real property:
- 1	described real property.
21	Assessment Diagram of Assessment District No. 12-804R-GOSHEN, of the
22 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.
$\frac{23}{26}$	of the County Recorder of the County of Tulare, State of Camornia.
27	Notice is further given that upon the recording of this notice in the Office of the County
$\frac{27}{28}$	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.
$\frac{2}{30}$	assessment diagram shan become a nen upon the lots of portions of lots assessed, respectively.
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. 12-804R-GOSHEN of the County of Tulare, State of California.
34	District 1vo. 12 00 in Goother of the country of fundic, state of camorina.
35	
36	ATTEST: JEAN M. ROUSSEAU
37	County Administrative Officer/Clerk
38	of the Board of Supervisors
39	or me some or oupervisors
40	
41	By
42	Deputy Clerk
43	
44	
15	

Attachment D

