

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

IN THE MATTER OF PROCEEDINGS TO
FORM ASSESSMENT DISTRICT NO.
13-792R-VISALIA

)
) Resolution No. 2014-0064
) Agreement No. 26421

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY
SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 28, 2014, BY THE
FOLLOWING VOTE:

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



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



BY: *Danisa A. Ybana*
Deputy Clerk

1. Approved proceedings to form Assessment District No. 13-792R-VISALIA, to pay for public street maintenance within Subdivision Tract No. 792-2, located southwest of the intersection of Avenue 308 and Road 76, in the community of Goshen;
2. Approved the proposed Boundary Map and directed the Clerk of the Board to file a certified copy with the County Recorder;
3. Approved the proposed Assessment Diagram and directed the Clerk of the Board to file a certified copy with the County Recorder;
4. Approved the Engineer's Report;
5. Declared the Board's intention to levy and collect assessments;
6. Accepted the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner;
7. Approved the formation of the Assessment District and imposition of assessments;

8. Approved the agreement authorizing Smee Builders to collect the assessments for Fiscal Years 2013/2014 and 2014/2015 upon first conveyance of each lot;
9. Authorized the Chairman to sign the agreement; and
10. Approved the AUD 308 form establishing a budget for the Assessment District (4/5ths vote required).

RMA
Co Counsel
Auditor

DAY
1/29/14

County of Tulare Budget Adjustment Form										9:48 AM			
01/11/14						6/14		2014					
Date				Doc ID		APRD fm fm fy fy		Budget F/Y yy					
						RMA		Melody Manning (559) 624-7043					
						Agency Name		Contact Person	Phone	Ext			
Action* * A,C,D	Fund	Dept	APPR #					Current Amount	Revised Amount	Inc / Dec Amt			
A	M90	M90	M90SSUP			LEVEL 1 Finish Here			1,715	1,715			
A	M90	M90	M90INTRA			Appropriation Totals			5,067	5,067			
A	M90	M90	M90GS			This level may not balance due to revenue lines posted in level 2 below.			20	20			
Appropriations Total									6,802	6,802			
Action* * A,C,D	Fund	Dept	Appr #	Unit	Object	Rev	LEVEL 2 Start Here	Current Amt	Revised Amount	Inc / Dec Amt			
A	M90	M90	M90SSUP	2000	7043		Line Totals		1,705	1705			
A	M90	M90	M90SSUP	2000	7059		Line Totals		10	10			
A	M90	M90	M90INTRA	2000	9327				4,357	4357			
A	M90	M90	M90INTRA	2000	9306				200	200			
A	M90	M90	M90INTRA	2000	9316				510	510			
A	M90	M90	M90GS	2000	9321				10	10			
A	M90	M90	M90GS	2000	9322				10	10			
A	M90	M90		2000		5401			6,792	(6792)			
A	M90	M90		2000		4801			10	(10)			
Each fund must balance						Total Inc/Dec must be zero		\$	-	\$	13,604	\$	-
Reason for Adjustment (To Avoid Correspondence, State Reason in Detail)										Perform a SMART BUDGET ROLL-UP before VALIDATING			
To provide funds to pay new public roadway expenses for new land division or development (M-90).													
 Affected Dept Head Signature						Other Affected Dept Head Signature							
Checked By: _____ County Executive Office Action: No _____ Date: _____ (X) Approved () Disapproved By:  Board of Supervisors Action: No 2014-0064 Date: 1/28/14						Entered By: _____ Date: _____ Distribution: 1 BOS/CAO/Auditor							
** Action Codes: A=Add, C=Change, D=Deactivate * Whenever a 93XX account budget is adjusted, a corresponding 94XX account budget must be adjusted in the billing agency, and vice versa * Whenever a 95XX account budget is adjusted, a corresponding 96XX account budget must be adjusted in the billing agency, and vice versa													



**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: January 28, 2014

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Proceedings to Form Assessment District No. 13-792R-VISALIA

REQUEST(S):

That the Board of Supervisors:

1. Approve proceedings to form Assessment District No. 13-792R-VISALIA, to pay for public street maintenance within Subdivision Tract No. 792-2, located southwest of the intersection of Avenue 308 and Road 76, in the community of Goshen;
2. Approve the proposed Boundary Map and direct the Clerk of the Board to file a certified copy with the County Recorder;
3. Approve the proposed Assessment Diagram and direct the Clerk of the Board to file a certified copy with the County Recorder;
4. Approve the Engineer's Report;
5. Declare the Board's intention to levy and collect assessments;
6. Accept the ballot and waiver of public meetings and hearings, including notice thereof, provided by the property owner;
7. Approve the formation of the Assessment District and imposition of assessments;
8. Approve the agreement authorizing Sme Builders to collect the assessments for Fiscal Years 2013/2014 and 2014/2015 upon first conveyance of each lot;
9. Authorize the Chairman to sign the agreement; and
10. Approve the AUD 308 form establishing a budget for the Assessment District (4/5ths vote required).

SUMMARY:

On August 16, 2005, the Board of Supervisors adopted Resolution No. 2005-0519 requiring the formation of an assessment district for the maintenance of new public

SUBJECT: Proceedings to Form Assessment District No. 13-792R-VISALIA

DATE: January 28, 2014

roadways resulting from land division and/or development activities. Planning Commission Resolution No. 8215, approving the tentative map for Subdivision Tract No. 792, required the formation of a road maintenance assessment district as a condition precedent to the recordation of the Final Map for Subdivision Tract No. 792. 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. The subdivider, Smee Builders, has requested the County form an assessment district to pay for maintenance of the public streets and roadways serving Subdivision Tract No. 792.

Subdivision Tract No. 792 consists of 93.85 acres divided into 320 residential lots. The subdivision is scheduled to be constructed in four (4) phases with Phase 2 (792-2) consisting of 69 lots.

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 by assessing the 69 residential lots in Phase 2. The budget for the first year is reflected in the AUD 308 form (Attachment H). Based on the cost of providing these services, each of the 69 assessable lots within Subdivision Tract No. 792-2, will be assessed an annual fee of \$289. A Consumer Price Index adjustment 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 included in the annual increases to each parcel and will not require an election or approval by the owners of the assessed lots.

Smee Builders is the sole owner of all properties and parcels within Phase 2 of Tulare County Subdivision Map No. 792. The property owner has executed the Assessment Ballot and Waiver of Public Meeting and Hearing requesting 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. 13-792R-VISALIA and the imposition of assessments to cover the expense of maintaining the public streets and roadways. County Counsel has prepared the ballot waiving the public meeting, hearing, including notice of the associated resolution forming the assessment district and imposition of assessments.

FISCAL IMPACT/FINANCING:

There are no additional net County costs to the General Fund. All costs for engineering, district supervision and maintenance of the new public streets and roadways are funded by the assessment district. No direct cost to the County is incurred as the Subdivider has paid a fee of \$2,090 for the formation of this assessment district.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes a 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

SUBJECT: Proceedings to Form Assessment District No. 13-792R-VISALIA

DATE: January 28, 2014

the safety and protection of the public.

ADMINISTRATIVE SIGN-OFF:

Britt L. Fussel

Digitally signed by Britt L. Fussel
DN: cn=Britt L. Fussel, o=RMA,
email=bfussel@co.tulare.ca.us, c=US
Date: 2014.01.15 07:58:55 -08'00'

1/12/14

Britt L. Fussel, P.E.

Date

Assistant Director—Public Works

County Surveyor

BLF:MB:cm

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

Attachment(s) Attachment A - Vicinity Map
Attachment B - Proposed Boundary Map
Attachment C - Assessment Diagram
Attachment D - Engineer's Report
Attachment E - Assessment Ballot
Attachment F - Notice of Assessment
Attachment G - Agreement to Collect Assessments
Attachment H - AUD 308

ATTACHMENT A

VICINITY MAP

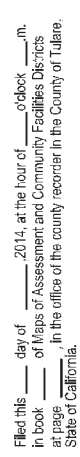
ATTACHMENT B
PROPOSED BOUNDARY MAP

ASSESSMENT DISTRICT NO. 13-792R VISALIA
OF THE COUNTY OF TULARE,
STATE OF CALIFORNIA

The map displays the following lot numbers and street layout:

- Top Row (West of Kilroe St.):** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
- Second Row (West of Kilroe St.):** 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
- Third Row (West of Kilroe St.):** 25, 26, 27, 28, 29, 30, 31
- Fourth Row (West of Kilroe St.):** 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42
- Fifth Row (West of Kilroe St.):** 43, 44, 45, 46, 47, 48, 49, 50, 51
- Sixth Row (West of Kilroe St.):** 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62
- Seventh Row (West of Kilroe St.):** 63, 64, 65, 66, 67, 68, 69

Streets shown include Ave. 30B, Ensinger Ave., Kilroe St., Ashworth Ave., and Wellman Ave. A north arrow is located in the upper right corner.



DOC. NUMBER: _____ FEE PAID: _____

ROLAND P. HILL,
TULARE COUNTY ASSESSOR/CLERK-RECORDER

BY _____ DEPUTY

the ____ day of _____, 2014, by its Resolution No. _____

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

Filed in the office of the Clerk of the Board of Supervisors,
this _____ day of _____, 2014.

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

BY _____ DEPUTY

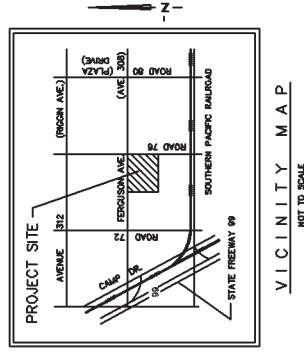
ATTACHMENT C

PROPOSED ASSESSMENT DIAGRAM

ASSESSMENT DIAGRAM

ASSESSMENT DISTRICT NO. 13-792R VISALIA OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 19, TOWNSHIP 18 SOUTH, RANGE 24 EAST,
MOUNT DIABLO BASE & MERIDIAN IN THE COUNTY OF TULARE, STATE OF CALIFORNIA



Filed in the office of the Clerk of the Director of Transportation, this ____ day
of ____, 2014,

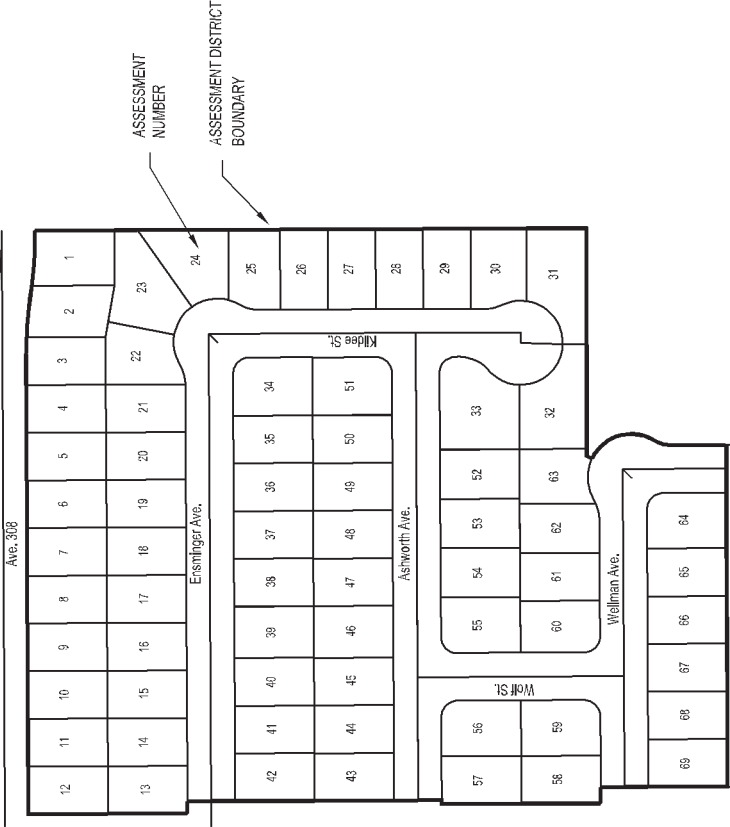
Director of Transportation

Filed this ____ day of ____, 2014, at the hour of ____ o'clock ____ m.
in book ____ of Maps of Assessment and Community Facilities Districts
at page ____ in the office of the County Recorder in the County of Tulare, State of
California.

DOC. NUMBER: ____ FEE PAID: ____

ROLAND P. HILL
TULARE COUNTY ASSESSOR / CLERK-RECORDER

BY ____
DEPUTY



An assessment was levied by the Board of Supervisors on the lots, pieces, and parcel of land shown
on this Assessment Diagram.

The assessment was levied on the ____ day of ____, 2014; the Assessment Diagram and the
Assessment Roll were filed in the office of the Director of Transportation of that county on
the ____ day of ____, 2014.

Reference is made to the Assessment Roll filed in the office of the Director of Transportation for the
exact amount of each assessment levied against each parcel of land shown on this Assessment
Diagram.

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

BY ____
DEPUTY

Filed in the office of the Clerk of the Board of Supervisors,
this ____ day of ____, 2014.

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

BY ____
DEPUTY

ATTACHMENT D
ENGINEER'S REPORT

ENGINEER'S REPORT

IN THE MATTER OF FORMATION OF
COUNTY OF TULARE
ASSESSMENT DISTRICT NO. 13-792R-VISALIA



Michael R. Bond, P.E.
Chief Engineer/Assistant County Surveyor
Tulare County, Resource Management Agency

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 13-792R-VISALIA

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. 8215 approving the tentative map for Subdivision Tract No. 792 required the formation of a road 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 public streets and roadways serving Subdivision Tract No. 792.

Subdivision Tract No. 792 is a division of 93.85 acres into 320 residential lots to be divided into four phases. Phase I consisted of 136 lots and a ponding lot located to the west of the intersection of Avenue 308 and Road 76 west of the City of Visalia. Phase II consists of 69 residential lots located on the east side of Phase I.

Construction costs 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 69 residential lots within Phase II of the subdivision.

II. IMPROVEMENTS

Improvements to be maintained under this assessment district include the construction of approximately 91,000 square feet of public roadways. The estimated cost of the roadway improvements for Subdivision Tract No. 792 is \$450,000. This cost will be or has been borne by the subdivider of this development.

III. FORMULA FOR INFLATION 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 by multiplying the assessment amount, as previously adjusted by this formula, imposed in the last fiscal year by a fraction, the

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 13-792R-VISALIA

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

Two expenditure types have been considered: Improvements and Management. In the Improvements type, three sub-categories are being included: maintenance, repair and replacement.

Improvements expenses correlate to:
Object # 7043, Prof & Special services

Management expenses correlate to:
Object # 9327, Roads
Object # 9306, RMA Administration
Object # 9316, Serv. From others
Object # 7059, Publications and Legal Notices
Object # 9321, Print Services
Object # 9321, Mail

For a detailed breakdown of estimated costs to maintain these improvements and administer the assessment district refer to page 6 of Attachment D.

The estimated annual assessment of \$287.00 is for the 2013/2014 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 2013/2014 fiscal year and each fiscal year thereafter.

ENGINEER'S REPORT

ASSESSMENT DISTRICT NO. 13-792R-VISALIA

VI. ASSESSMENT

It is recommended that each of the 69 lots be assessed equally an amount of \$287.00 for fiscal year 2013/2014 as identified on the following assessment roll.

Assessment Number *	Name	Assessment (\$)
1	Smee Builders	287.00
2	Smee Builders	287.00
3	Smee Builders	287.00
4	Smee Builders	287.00
5	Smee Builders	287.00
6	Smee Builders	287.00
7	Smee Builders	287.00
8	Smee Builders	287.00
9	Smee Builders	287.00
10	Smee Builders	287.00
11	Smee Builders	287.00
12	Smee Builders	287.00
13	Smee Builders	287.00
14	Smee Builders	287.00
15	Smee Builders	287.00
16	Smee Builders	287.00
17	Smee Builders	287.00
18	Smee Builders	287.00
19	Smee Builders	287.00
20	Smee Builders	287.00
21	Smee Builders	287.00
22	Smee Builders	287.00
23	Smee Builders	287.00
24	Smee Builders	287.00
25	Smee Builders	287.00
26	Smee Builders	287.00
27	Smee Builders	287.00
28	Smee Builders	287.00
29	Smee Builders	287.00
30	Smee Builders	287.00
31	Smee Builders	287.00
32	Smee Builders	287.00
33	Smee Builders	287.00
34	Smee Builders	287.00
35	Smee Builders	287.00

ENGINEER'S REPORT

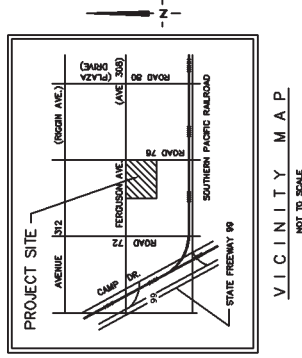
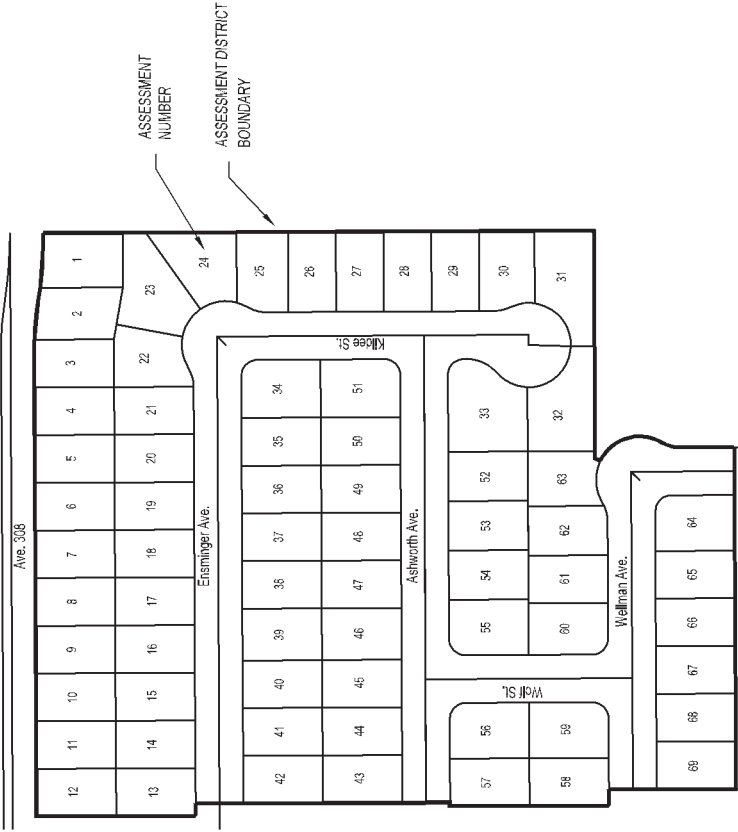
ASSESSMENT DISTRICT NO. 13-792R-VISALIA

36	Smee Builders	287.00
37	Smee Builders	287.00
38	Smee Builders	287.00
39	Smee Builders	287.00
40	Smee Builders	287.00
41	Smee Builders	287.00
42	Smee Builders	287.00
43	Smee Builders	287.00
44	Smee Builders	287.00
45	Smee Builders	287.00
46	Smee Builders	287.00
47	Smee Builders	287.00
48	Smee Builders	287.00
49	Smee Builders	287.00
50	Smee Builders	287.00
51	Smee Builders	287.00
52	Smee Builders	287.00
53	Smee Builders	287.00
54	Smee Builders	287.00
55	Smee Builders	287.00
56	Smee Builders	287.00
57	Smee Builders	287.00
58	Smee Builders	287.00
59	Smee Builders	287.00
60	Smee Builders	287.00
61	Smee Builders	287.00
62	Smee Builders	287.00
63	Smee Builders	287.00
64	Smee Builders	287.00
65	Smee Builders	287.00
66	Smee Builders	287.00
67	Smee Builders	287.00
68	Smee Builders	287.00
69	Smee Builders	287.00

*Assessment numbers shown, refer to Appendix A, correspond to lot numbers on the final map of Phase 2 of Tract No. 792. These numbers will be replaced with corresponding assessor's parcel numbers once issued after recordation of the final map.

PROPOSED BOUNDARIES ASSESSMENT DISTRICT NO. 13-792R VISALIA OF THE COUNTY OF TULARE, STATE OF CALIFORNIA

BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 19, TOWNSHIP 18 SOUTH, RANGE 24 EAST,
MOUNT DIABLO BASE & MERIDIAN IN THE COUNTY OF TULARE, STATE OF CALIFORNIA



Filed this ____ day of _____, 2014, at the hour of ____ o'clock ____ m.
In book ____ of Maps of Assessment and Community Facilities Districts
at page ____ in the office of the county recorder in the County of Tulare,
State of California.

DOC. NUMBER: _____ FEE PAID: _____
ROLAND P. HILL
TULARE COUNTY ASSESSOR/CLERK-RECORDER
BY _____ DEPUTY

I hereby certify that the within map showing proposed boundaries of Assessment District
No. 13-792R-Visalia, of the County of Tulare, State of California, was approved
by the Board of Supervisors of the County of Tulare at a regular meeting thereof, held on
the ____ day of _____, 2014, by its Resolution No. _____.

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

BY _____ DEPUTY

Filed in the office of the Clerk of the Board of Supervisors,
this ____ day of _____, 2014.

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

BY _____ DEPUTY

13-792R-VISALIA (M-90) ROAD FUND BUDGET, TRACT MAP 792-2

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
EXPENSES																					
OBJECT																					
7043	Prof & Special services																				
	Reljuvenating Agent																				
	Chip Seal																				
	Asphalt Concrete Overlay																				
	Pothole patching																				
	Striping																				
	Curb and Gutter																				
	Storm Drain Inlets																				
	Contingency (10%)																				
	Improvements, year # 1, Total \$1705																				
9327	Road Yard Charges																				
	Engineer III																				
	Staff Service Analyst III																				
	Engineer IV																				
	Contingency (10%)																				
	9306 RMA Administration																				
	9316 Serv. from Others																				
	County Counsel - Review Bid Request																				
	County Counsel - Contract Review																				
	Risk Management																				
	Assessor's fees																				
	Publications and Legal Notices																				
	9321 Print Services																				
	9322 Mail																				
	Management, year # 1, Total \$5,097																				
	TOTAL EXPENSE (present worth)																				
	Expense (future value, CPI = 2% / year)																				
	REVENUE																				
	Assessment & Tax Collection Fees																				
	Annual Assessment, (CPI = 2% / year)																				
	ASSESSMENT BALANCE																				
	ASSESSMENT LESS EXPENSE																				
	Interest on Cash Balance (2 %)																				
	FUND BALANCE																				

PER LOT ANNUAL ROAD MAINTENANCE ASSESSMENT: \$ 19,803 / 69 LOTS = \$ 287.00, PER LOT, FISCAL YEAR # 1. SUBSEQUENT FISCAL YEAR ASSESSMENTS TO BE ADJUSTED FOR INFLATION.

ATTACHMENT E
ASSESSMENT BALLOT WAIVER

**TULARE COUNTY
ASSESSMENT DISTRICT NO. 13-792R-VISALIA
ROAD MAINTENANCE ASSESSMENT**

**ASSESSMENT BALLOT
and
Waiver of Public Meeting and Hearing Including Notice Thereof**

Property Owner: Smee Builders, Inc.
Mailing Address: 444 N. Prospect Street, Suite A
Porterville, CA 93257

Location of Parcels to be assessed: Phase 2 of Tract Map 792 west of the intersection of
Avenue 308 and Road 76, west of the City of Visalia

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 Phase 2 of Tulare County Subdivision Map No. 792; 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 Phase 2 of Tulare County Subdivision Map No. 792, the Property Owner is entitled, pursuant to Article XIID, §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

2. 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. 13-792R-VISALIA 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 successors-in-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. 13-792R-VISALIA, the imposition of the assessments as set out in the Engineer's Report filed on this matter with the

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 waiver.

4. The Property Owner, pursuant to Article XIID, §4 of the California Constitution, hereby vote by ballot on the formation of the assessment district and the imposition of the assessment as follows (please check one):

X **Yes**, I approve of and agree to the formation of Tulare County Assessment District No. 13-792R-VISALIA 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. 13-792R-VISALIA and I do not approve of the imposition of an annual assessment with an annual adjustment factor.

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 Phase 2 of Tulare County Subdivision Map No. 792.

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

Smee Builders, Inc.

Signature



Gary M. Smee, President

Signature



Jason Moyes, Secretary

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

Tulare County Board of Supervisors
County Administration Building
2800 West Burrel Avenue
County Civic Center
Visalia, CA 93291

ROAD MAINTENANCE ASSESSMENT DISTRICT NO. 13-792R-VISALIA
FISCAL YEAR 2013/2014
AND EACH FISCAL YEAR THEREAFTER AS ADJUSTED
BY THE FORMULA FOR INFLATION ADJUSTMENT
SET OUT IN THE ENGINEER'S REPORT

<u>Assessment Number*</u>	<u>Owners Name</u>	<u>Assessment (\$)</u>
1	Smee Builders	287.00
2	Smee Builders	287.00
3	Smee Builders	287.00
4	Smee Builders	287.00
5	Smee Builders	287.00
6	Smee Builders	287.00
7	Smee Builders	287.00
8	Smee Builders	287.00
9	Smee Builders	287.00
10	Smee Builders	287.00
11	Smee Builders	287.00
12	Smee Builders	287.00
13	Smee Builders	287.00
14	Smee Builders	287.00
15	Smee Builders	287.00
16	Smee Builders	287.00
17	Smee Builders	287.00
18	Smee Builders	287.00
19	Smee Builders	287.00
20	Smee Builders	287.00
21	Smee Builders	287.00
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61	Smee Builders	287.00
62	Smee Builders	287.00
63	Smee Builders	287.00
64	Smee Builders	287.00
65	Smee Builders	287.00
66	Smee Builders	287.00
67	Smee Builders	287.00
68	Smee Builders	287.00
69	Smee Builders	287.00

* Assessment numbers shown correspond to lot numbers on the final map of Unit No. 2 of Tract No. 792. These numbers will be replaced with corresponding assessor's parcel numbers once issued after recordation of the final map.

ATTACHMENT F
NOTICE OF ASSESSMENT

1
2
3
4
5
6
7
8 Recording Requested by
9 And return to:
10 Resource Management Agency
11 Attention: Craig Anderson
12

13 NOTICE OF ASSESSMENT
14

15 Pursuant to the Benefit Assessment Act of 1982, Section 54700 et seq., of the
16 Government Code, the undersigned Clerk of the Board of Supervisors of the County of Tulare,
17 State of California, hereby gives notice that an assessment diagram and assessment were filed in
18 the office of the Director of Transportation of the County of Tulare relating to the following
19 described real property:
20

21 Assessment Diagram of Assessment District No. 13-792R-VISALIA, of the
22 County of Tulare, State of California as recorded in Book _____ of _____ Maps
23 of Assessment and Community Facilities Districts at Page _____, in the Office
24 of the County Recorder of the County of Tulare, State of California.
25

26 Notice is further given that upon the recording of this notice in the Office of the County
27 Recorder, the several assessments assessed on the lots, pieces, and parcels shown on the filed
28 assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.
29

30 Reference is made to the assessment diagram and assessment roll filed in the Office of
31 the Director of Transportation of Tulare County and entitled "Assessment Diagram", Assessment
32 District No. 13-792R-VISALIA of the County of Tulare, State of California.
33

34
35 ATTEST: JEAN M. ROUSSEAU
36 County Administrative Officer/Clerk
37 of the Board of Supervisors
38

39
40 By _____
41 Deputy Clerk
42
43
44

ATTACHMENT G

AGREEMENT TO COLLECT ASSESSMENTS

1 AGREEMENT

2
3
4 THE AGREEMENT, is entered into as of _____, between the
5 COUNTY OF TULARE, hereinafter referred to as COUNTY, and SMEE BUILDERS, INC., a
6 California Corporation, hereinafter collectively referred to as OWNER/SUBDIVIDER, with
7 reference to the following:
8

9 A. The COUNTY has conditionally approved the Vesting Tentative Map of
10 Subdivision Tract No. 792; and
11

12 B. The OWNER/SUBDIVIDER currently owns the property described as Subdivision
13 Tract No. 792; and
14

15 C. The COUNTY Board of Supervisors has directed, in Board Resolution No. 2005-
16 0519, that the COUNTY will require the formation of an assessment district for the maintenance
17 of new public roadways resulting from land division and land development activities; and
18

19 D. Pursuant to COUNTY Ordinance Code Section 7-01-1375 et seq. and Condition No.
20 14 established by COUNTY Planning Commission Resolution No. 8215, approving the Vesting
21 Tentative Subdivision Map for Tract No. 792, an assessment district is required to pay for the
22 continuing cost of the maintenance of the public streets and roadways dedicated by the Final Map
23 of Subdivision Tract No. 792 and the OWNER/SUBDIVIDER of Tract No. 792 has filed an
24 application for and consent to form such an assessment district; and
25

26 E. The OWNER/SUBDIVIDER has consented to pay the continuing cost to maintain
27 the public streets and roadways through an assessment district and the COUNTY Board of
28 Supervisors has by Resolution No. _____ formed an assessment district known as
29 Assessment District No. 13-792R-VISALIA of the County of Tulare, State of California for that
30 purpose.
31

32 ACCORDINGLY, IT IS AGREED:
33

34 1. OWNER/SUBDIVIDER agrees to pay in full the assessments approved and levied
35 by the COUNTY Board of Supervisors Resolution No. _____ upon first conveyance of each
36 lot or parcel subject to such assessments or by June 30, 2014, whichever first occurs.
37

38 2. To secure such payment of such assessments, the COUNTY has or will cause to be
39 recorded a Notice of Assessment, imposing a lien for such assessments, and an assessment
40 diagram to be filed in accordance with Streets and Highways Code Section 3114. Upon payment
41 in full of each assessment, the COUNTY shall cause the County Treasurer to record pursuant to
42 Streets and Highways Code Section 3114.3 an addendum to such Notice of Assessment stating
43 that the assessment has been paid and the associated lien discharge as to that particular lot or
44 parcel.
45

46 TULARE COUNTY AGREEMENT NO. _____

1
2 3. OWNER/SUBDIVIDER shall maintain complete and accurate records with respect
3 to the conveyance of lots or parcels subject to the Agreement and with respect to the assessments
4 due under this Agreement. All such records shall be prepared in accordance with generally
5 accepted accounting procedures, shall be clearly identified, and shall be kept readily accessible.
6 Upon request, OWNER/SUBDIVIDER shall make such records available to the COUNTY
7 Auditor and to his agents and representatives within the COUNTY, for the purpose of auditing
8 and/or copying such records, until final payment is made under this Agreement.
9

10 4. Nothing in the Agreement shall be construed to constitute the
11 OWNER/SUBDIVIDER or any of its agents, employees or officers as an agent, employee or
12 officer of COUNTY.
13

14 5. This Agreement represents the entire agreement between OWNER/SUBDIVIDER
15 and COUNTY as to its subject matter and no prior oral or written understanding shall be of any
16 force or effect. No part of this Agreement may be modified, waived or repealed without the
17 written consent of both parties.
18

19 6. Except as may be otherwise required by law, any notice to be given shall be written
20 and shall be either personally delivered, sent by facsimile transmission or sent by first class mail,
21 postage prepaid and addressed as follows:
22

23
24 COUNTY: Jake Raper, Director
25 Tulare County Resource Management Agency
26 5961 S. Mooney Blvd.
27 Visalia, Ca 93277
28

29 (FAX No.: (559) 730-2653 / Confirming No.: (559) 624-7000)
30

31
32 OWNER/SUBDIVIDER: Smee Builders
33 444 N. Prospect St., Ste. A
34 Porterville, CA 93257
35

36 (FAX No.: (559) 788-2452/ Confirming No.: (559) 788-0525)
37
38

39 Notice delivered personally or sent by facsimile transmission is deemed to be received
40 upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the
41 date of mailing. Either party may change the above address or fax number by giving written
42 notice pursuant to this paragraph.
43

44 7. The Agreement is binding on all heirs, assigns and successors in interest. No
45 assignment of this Agreement may be made without the express written consent of the COUNTY.
46

1 8. This Agreement reflects the contributions of both parties and accordingly the
2 provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.
3

4 9. Unless specifically set forth, the parties to this Agreement do not intent to provide
5 any other party with any benefit or enforceable legal or equitable right or remedy.
6

7 10. This Agreement shall be interpreted and governed under the laws of the State of
8 California without reference to California conflict of law principles. Any litigation arising out of
9 this Agreement shall be brought in Tulare County California. OWNER/SUBDIVIDER waives the
10 removal provisions of California Code of Civil Procedure Section 394.
11

12 11. The failure of either party to insist on strict compliance with any provision of this
13 Agreement shall not be considered a waiver of any right to do so, whether for that breach or nay
14 subsequent breach. The acceptance by either party of either performance or payment shall not be
15 considered to be a waiver of any preceding breach of the Agreement by the other party.
16

17 12. The recitals to this Agreement are fully incorporated into and are integral parts of
18 this Agreement.
19

20 13. This Agreement is subject to all applicable laws and regulations. If any provision
21 of the Agreement is found by any court or other legal authority, or is agreed by the parties, to be in
22 conflict with any code or regulation governing its subject, the conflicting provision shall be
23 considered null and void. If the effect of nullifying and conflicting provision is such that a
24 material benefit of the Agreement to the COUNTY is lost, the parties shall comply with paragraph
25 No. 14 below to ensure payment in full to the COUNTY by the OWNER/SUBDIVIDER of the
26 subject assessments. If all other cases the remainder of the Agreement shall continue in full force
27 and effect.
28

29 14. Each party agrees to execute any additional documents and to perform any futher
30 acts which may be reasonably required to affect the purposes of this Agreement.
31

32 15. Unless otherwise provided in the Agreement, no part of this Agreement may be
33 assigned or subcontracted by OWNER/SUBDIVIDER without the prior written consent of
34 COUNTY.
35

36 16. This Agreement shall become effective upon execution of both parties hereto and
37 shall terminate upon issuance by COUNTY of a receipt for payment in full of the assessments
38 imposed by COUNTY Board of Supervisors Resolution No. _____.

39 /

40 /

41 /

42 /

43 /

44 /

45 /

46 /

1 THE PARTIES, having read and considered the above provision, indicate their
2 agreement by their authorized signatures below.
3
4

5 COUNTY OF TULARE
6
7

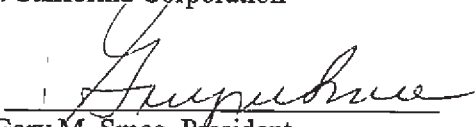
8 By _____
9 Chairman, Board of Supervisors
10

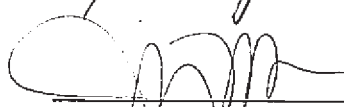
11 "County"
12

13 ATTEST: JEAN ROUSSEAU
14 County Administrative Officer/Clerk
15 of the Board of Supervisors
16

17 By _____
18 Deputy
19


20 SMEE BUILDERS, INC.,
21 a California Corporation
22

23 
24 Gary M. Smee, President
25

26 
27 Jason Moyes, Secretary
28

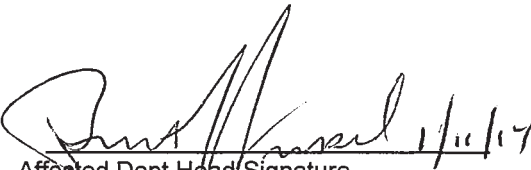
29 "Owner/Subdivider"
30
31

32
33
34 APPROVED AS TO FORM:
35 COUNTY COUNSEL
36

37 By 
38 Deputy 2013860
39 12-30-13
40
41
42
43
44
45
46

ATTACHMENT H

AUD 308

County of Tulare Budget Adjustment Form										9:48 AM			
01/11/14								6/14		2014			
Date				Doc ID		APRD fm fm fy fy				Budget F/Y yy			
						RMA		Melody Manning (559) 624-7043					
						Agency Name		Contact Person	Phone	Ext			
Action* * A,C,D	Fund	Dept	APPR #					Current Amount	Revised Amount	Inc / Dec Amt			
A	M90	M90	M90SSUP			LEVEL 1 Finish Here			1,715	1,715			
A	M90	M90	M90INTRA			Appropriation Totals			5,067	5,067			
A	M90	M90	M90GS			This level may not balance due to revenue lines posted in level 2 below.			20	20			
Appropriations Total								-	6,802	6,802			
Action* * A,C,D	Fund	Dept	Appr #	Unit	Object	Rev	LEVEL 2 Start Here	Current Amt	Revised Amount	Inc / Dec Amt			
A	M90	M90	M90SSUP	2000	7043		Line Totals		1,705	1705			
A	M90	M90	M90SSUP	2000	7059		Line Totals		10	10			
A	M90	M90	M90INTRA	2000	9327				4,357	4357			
A	M90	M90	M90INTRA	2000	9306				200	200			
A	M90	M90	M90INTRA	2000	9316				510	510			
A	M90	M90	M90GS	2000	9321				10	10			
A	M90	M90	M90GS	2000	9322				10	10			
A	M90	M90		2000		5401			6,792	(6792)			
A	M90	M90		2000		4801			10	(10)			
Each fund must balance						Total Inc/Dec must be zero		\$	-	\$	13,604	\$	-
Reason for Adjustment (To Avoid Correspondence, State Reason in Detail)						Perform a SMART BUDGET ROLL-UP before VALIDATING.							
To provide funds to pay new public roadway expenses for new land division or development (M-90).													
 Affected Dept Head Signature						Other Affected Dept Head Signature							
Checked By: _____ County Executive Office Action: No. _____ Date: _____ () Approved () Disapproved						Entered By: _____ Date: _____ Distribution: 1: BOS/CAO/Auditor							
By: _____ Board of Supervisors Action: No. _____ Date: _____													
** Action Codes: A=Add, C=Change, D=Deactivate													
* Whenever a 93XX account budget is adjusted, a corresponding 94XX account budget must be adjusted in the billing agency, and vice versa													
* Whenever a 95XX account budget is adjusted, a corresponding 96XX account budget must be adjusted in the billing agency, and vice versa													