

# CERTIFICATES OF FILING

## CITY OF LEMOORE LANDSCAPING and LIGHTING MAINTENANCE DISTRICT NO. 1 ZONES 8A and 12A

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council.

Dated: \_\_\_\_\_, 2006

By: \_\_\_\_\_

Engineer of Work

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_ day of \_\_\_\_\_, 2006.

Nanci Lima  
City Clerk of the City of Lemoore  
Kings County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the subsequent assessments together with the diagrams attached thereto, were recorded in my office on \_\_\_\_\_, 2006.

Tom Hernandez

By: \_\_\_\_\_

Director of Parks and Recreation, City of Lemoore  
Kings County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagrams thereto attached, was approved and confirmed by the City Council of the City of Lemoore, California, on the \_\_\_\_ day of \_\_\_\_\_, 2006, by adoption of Resolution No. \_\_\_\_\_

Nanci Lima  
City Clerk of the City of Lemoore  
King's County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagrams thereto attached, was filed with the County Auditor of the County of Kings, on the \_\_\_\_ day of \_\_\_\_\_, 2006.

Dan Vrtis  
Director of Finance County of Kings  
King's County, California

By: \_\_\_\_\_

## INTRODUCTION

The City Council of the City of Lemoore adopted its General Plan with various elements to provide guidelines for orderly development within the community. The City Council further adopted ordinances and regulations governing the development of land providing for the installation and construction of certain lighting, landscaping and appurtenant facilities to enhance the quality of life and to benefit the value of property.

The requirement for the installation of lighting, landscaping and appurtenant facilities is a condition of development provided for in the City's Subdivision Ordinance and is a requirement of issuance of a permit for construction of commercial, residential, and planned unit development. Lighting, landscaping and appurtenant facilities generally include street lights, trees, shrubs, plants, turf, irrigation systems and necessary appurtenances including monumentations, fencing located in public rights-of-ways, medians, parkways, and/or easements adjacent to public rights-of-ways, in and along major thoroughfares, primary and secondary arterials as defined in the General Plan's Circulation Element.

The installation of street lights, landscaping and appurtenant facilities is the responsibility of the property owner/applicant, triggered by the approval of a development application. When on any given street of the approved system, a majority of the required landscaping has been provided, and it has been determined that landscaping in front of, or adjacent to certain already developed properties is required to bridge missing gaps, and/or where the future development or redevelopment of existing property is not likely to occur in a foreseeable future, the City Council may deem it appropriate to retrofit or fill such gaps.

After installation, it is City policy that the servicing, operation, maintenance, servicing and replacement of the lighting, landscaping and appurtenant facilities in turn become the financial responsibility of the properties that specially benefit from the facilities.

The City's lighting, landscape, local street paving and parks maintenance and replacement program is administered according to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Part 2, Division 15) (the "Act"), including if applicable the provisions of Proposition 218 (Article XIIIID of the California Constitution), the Proposition 218 Omnibus Implementation Act (Government Code Sections 53750 through 53754).

The City cannot feasibly fund by any other method the maintenance, operation, servicing and required periodic replacement of such facilities which must be installed with new development. Therefore, the City has determined that such maintenance, operation, repair and replacement should be funded through usage of the assessments provided under this District. The property owners in said District thereby enjoy a particular, distinct special benefit from these facilities and the assessments levied under this District funds such benefit.

In consultation with the City staff, it has been determined that the two new Zones which are the subject of this Engineer's Report and the proposed assessment levies therein are the same as those in the "companion" Zones (8 and 12) levied for the cost of maintenance, operation and servicing of similar facilities in these "companion" Zones and specially benefit the properties within proposed Zones 8A and 12A. It is therefore

proposed that new Zones 8A and 12A be annexed to the District and that annual assessments be levied on the specially benefited lots and parcels therein, commencing with fiscal year 2006-07, to fund the costs of maintenance, operation, servicing and periodic replacement of the described improvements. The proposed assessments are less than the actual estimated costs of such maintenance, servicing and operations for improvements specially benefiting such properties.

Payment for the assessment will be made in the same manner and at the same time in conjunction with the ad valorem tax for each assessed lot or parcel.

The proceedings will be conducted under the Landscaping and Lighting Act of 1972, Sections 22500 through 22679, Part 2, Division 15, of the Streets and Highways Code of the State of California, Proposition 218 and the Proposition 218 Omnibus Implementation Act.

The City Council of the City of Lemoore will set times and places for a public meeting and public hearing in the Resolution of Intention.

Each property owner whose lot or parcel will be annexed to the District and will have an assessment as a result of these proceedings will be notified by First Class mail. Said notice will include a description of the property owner's lot or parcel by proposed Assessor's Parcel Number or subdivision map and will indicate the total assessments to be charged the entire Zone, the proposed assessment for said lot or parcel, the duration of assessment payments, the reason for the assessment, the basis for calculating the assessment and other information required by Proposition 218 and the Proposition 218 Omnibus Implementation Act. Notices will be addressed to each property owner within the proposed new Zones, as listed in the last equalized assessment roll in the office of the Assessor of the County of Kings, as available at the time the notices are given, the latest State Board of Equalization assessment roll, or as may be otherwise known to the City.

For properties that have changed ownership and/or where forwarding mailing addresses are no longer maintained at the original post office location, notice may not reach the most current property owner. Notification to the property owner of record as listed on the Assessor's records satisfies the provisions of the Act.

After reviewing testimony, as well as the projected year's costs for the servicing, maintenance, operation and replacement of the facilities in proposed new Zones 8A and 12A of the District as herein described, and if the proposed assessments are not defeated by a majority vote of the property owners in the respective proposed Zones, the City Council will order that the territory within Zones 8A and 12A be annexed to the District and will set and levy the assessment for fiscal year 2006-07, which runs between July 1 and June 30.

This report contains the necessary data required to conduct the proceedings and is submitted to the Clerk of the City for filing.

# ENGINEER OF WORK STATEMENT

## CITY OF LEMOORE LANDSCAPING and LIGHTING MAINTENANCE DISTRICT NO. 1 ZONES 8A and 12A

I, Harry A. Tow, Engineer of Work for Landscaping and Lighting Maintenance District No. 1, City of Lemoore, Kings County, California, make this report, as directed by the City Council, pursuant to Section 22565 - 22574 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

### **Description of Improvements**

The improvements to be installed, maintained, repaired, operated, serviced or replaced, which are subject to this report include, planting, shrubbery, trees, turf, irrigation systems, entry monuments, hardscapes, walls, street lights, fencing, drainage detention and retention facilities, drainage structures, including percolation wells and appurtenant facilities in public right-of-way and easements within the proposed boundary Zones of 8A and 12A of said Assessment District.

This report consists of five parts as follows:

### **Exhibit "A"**

Description of Improvements

### **Exhibit "B"**

Engineer's Estimate: An estimate of the costs of maintenance, operation, servicing and periodic replacement of the improvements.

### **Exhibit "C"**

Method of Apportionment: A statement of the method by which the undersigned has determined the amount proposed to be assessed against each lot or parcel.

### **Exhibit "D"**

Assessment Roll: An assessment of the estimated cost of maintenance, operation, servicing and periodic replacement of the improvements benefiting each lot and parcel of land within proposed Zones 8A and 12A .

### **Exhibit "E"**

Assessment District and Zone Locations; Assessment Diagram: A diagram showing and all of the lots and parcels of the real property within Zones 8A and 12A of this Assessment District.

Respectfully submitted

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Engineer of Work

# DESCRIPTION OF IMPROVEMENTS

## CITY OF LEMOORE LANDSCAPE and LIGHTING MAINTENANCE DISTRICT NO. 1 ZONES 8A and 12A

(Pursuant to the Landscaping and Lighting Act of 1972)

### Location of Landscaping, Lighting and Appurtenant Facilities

The location of lighting, landscaping and appurtenant facilities are depicted on the Assessment Diagram as shown in Exhibit "E" herein and which diagram includes the following subdivisions, lots and/or parcels:

#### Zone 8A

Boundaries of *Zone 8A* include the following properties:

Tract No. 783, Country Club Villas, Phase 1, recorded in Volume 20 of Licensed Surveyors' Plats, at Page 61, Kings County Records.

Tract No. 783, Country Club Villas, Phase 2, recorded in Volume 20 of Licensed Surveyors' Plats, at Page 61, Kings County Records.

#### Zone 12A

Boundaries of *Zone 12A* include the following properties:

County Tract No. 789, Unit 7, College Park, Phase 7 recorded in Volume 21 of Licensed Surveyor' Plats, at Page 75, Kings County Records.

### Plans and Specifications

The plans and specifications for the landscaping, lighting and appurtenant improvements to be maintained by the Public Works Department of the City of Lemoore are incorporated herein by reference. Said plans are a part of the improvement plans which were required by the City of Lemoore as a condition of approval of each development. Such detailed plans have been prepared by the various project developers, are on file with the Public Works Department of the City of Lemoore, and are incorporated herein by reference. Where landscaping plans are not available, the areas to be landscaped and the associated maintenance costs have been estimated.

### Description of Work

The work includes maintaining, operation, servicing and periodic replacement of landscaping, street lights and appurtenant facilities described as follows:

Plants, shrubbery, trees, turf, irrigation systems, entry monuments, hardscapes, walls, fencing, street lights and appurtenant facilities in public rights-of-way and easements within the proposed boundary of Zones 8A

and 12A of said Assessment District. The location of such facilities, as previously described, are within the boundaries of the District, and within or appurtenant to the boundaries of the assessed Zone in accord with this Report, as shown on the Assessment Diagram, Exhibit "E" herein

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, landscaping and appurtenant facilities. Maintenance for landscaping means, but is not limited to, the repair, removal or replacement of landscaping and walls providing for the life growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury and the removal of trimmings, rubbish, debris and other solid waste. Maintenance for street lights means, but is not limited to, the furnishing of services and materials for the ordinary and usual maintenance and repair of street lights including poles, lenses and bulb replacement.

Operating and servicing for landscaping improvements means, but is not limited to, the furnishing of water and electricity for irrigation of the landscaping and the maintenance of any of the appurtenant facilities. For lighting facilities, operating means but is not limited to furnishing the utility power necessary for energizing of electroliers.

For purposes of apportioning the assessment, the Assessment District is divided into benefit zones. The areas included in proposed Zones 8A and 12A of the District are shown on the map in Exhibit E and are depicted on the diagrams prepared for each zone and apportioned separately as described in Exhibit "C" Method of Apportionment, herein.

## ENGINEER'S ESTIMATE

Actual cost of maintenance, operation, servicing and required periodic replacement of improvements has been determined by the Engineer of Work in consultation with the city staff; see Table 1. Such costs are reflected to the extent feasible in the proposed assessments for Zones 8A and 12A.

Table 1 details unit costs for maintenance, operation, servicing and replacement. Table 2 (using data from Exhibit C) shows the total costs to be assessed to Zones 8A and 12A, respectively. Table 3 estimates the incidental costs required to process the assessments.

**TABLE 1  
UNIT COST ESTIMATES**

<b>Item</b>	<b>Unit</b>	<b>O&amp;M</b>	<b>Replacement</b>
Street Lights	EA	\$1.26	\$23.95
Trees	EA	\$131.25	\$5.75
Turf	Square Foot	\$1,067	\$.046
Planter	Square Foot	\$1,067	\$.0575
Dump Fee	Square Foot	\$.02	0
Block Wall	Square Foot	0	\$.575
Water/Electricity	Square Foot	\$.24	\$.0575

Note: The above costs are based on an Employment Cost Index for Total Compensation for State and Local Government workers of 100.5 (U.S. Bureau of Labor Statistics, March, 2006).

**TABLE 2  
ESTIMATED COSTS TO ASSESSMENT  
2006-2007**

Zone	EDU	Lots		
<b>8A</b>	<b>82</b>	<b>82</b>	1. Landscape Maintenance Costs	\$11,179.34
			2. Incidental Costs (See Table 3)	213.74
			3. Noticing	0.00
			County Processing Fee (\$1.00 per	
			4. Lot)	82.00
			Total Costs to Assessment	\$11,475.08

<b>2006-07 Assessment - Zone 8A</b>	<b>\$11,475.08</b>
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Zone	EDU	Lots		
<b>12A</b>	<b>96</b>	<b>96</b>	1. Landscape Maintenance Costs	\$13,573.76
			2. Incidental Costs (See Table 3)	250.24
			3. Noticing	0.00
			County Processing Fee (\$1.00 per	
			4. Lot)	96.00
			Total Costs to Assessment	\$13,920.00

<b>2006-07 Assessment - Zone 12A</b>	<b>\$13,920.00</b>
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<b>TOTAL</b>	<b>EDU</b>	<b>Lots</b>
	<b>178</b>	<b>178</b>

**TABLE 3**  
**ESTIMATED INCIDENTAL COSTS TO ASSESSMENT**  
**APRIL 2006 THROUGH MARCH 2007**

	<b>Estimated Costs</b>	
Engineering Fees		\$3,500.00
Legal fees		1,000.00
City Administrative Costs		1,000.00
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<b>Total Incidental Costs</b>		<b>\$5,500.00</b>

# METHOD OF APPORTIONMENT

## CITY OF LEMOORE LANDSCAPE and LIGHTING MAINTENANCE DISTRICT NO. 1 ZONES 8A and 12A

### General Discussion

The improvements described in Exhibit “A” for proposed Zone 8A and Zone 12A are provided for the particular and distinct special benefit of each lot or parcel in such Zone. Each lot or parcel has been determined to benefit proportionally by Equivalent Dwelling Unit (EDU). One EDU will be assigned to each single-family or multiple family dwelling unit.

City noticing and County administrative expenses will be apportioned to each lot/parcel as one unit of assessment for each lot/parcel.

The annual maintenance, operation, servicing and periodic replacement costs of the facilities and improvements benefiting the Zones of the District described in Exhibit A of this Report, are estimated in Exhibit B.

The City is unable to provide funds for such maintenance, operation, servicing and periodic replacement of the described facilities and improvements. The facilities and improvements in each Zone and their maintenance, operation, servicing and periodic replacement provide equally for each lot and parcel in Zones 8A or 12A, respectively, essential safety, lighting, security and aesthetically-pleasing public right-of-way landscaping not available to the general community. The value, appearance, safety and use of each lot and parcel in Zones 8A and 12A of the District are significantly and directly enhanced by regular maintenance, operation, servicing and periodic replacement of the facilities and improvements within that Zone. These are benefits distinct and particular to the lots and parcels in Zones 8A and 12A, respectively, and not realized by the general community. Therefore, annual maintenance, operation, servicing and periodic replacement of the described facilities and improvements, and the funding thereof, provide direct special benefits to the lots and parcels in Zones 8A and 12A, respectively, over and above general benefits conferred on real property in the Zones or to the public at large.

Moreover, the Engineer has determined that each individual lot and parcel in Zone 8A or Zone 12A established by a recorded final subdivision in each Zone is benefited equally by such annual maintenance and periodic replacement. Each assessed lot and parcel contains, or will contain in accord with the City's development approvals, a single dwelling unit. Each lot and parcel or equivalent dwelling unit in Zone 8A or Zone 12A therefore derives the same proportionate special benefit from the assessed facilities and improvements in that Zone and their regular maintenance, operation, servicing and periodic replacement.

Accordingly, the individual annual assessment for fiscal year 2006-07 proposed for each lot and parcel in Zones 8A and 12A is determined by dividing the total estimated costs of annual maintenance, operation, servicing and replacement in that Zone and related notice and processing fees (for fiscal year 2006-07, set forth in Exhibit B) by the total number of lots and parcels in each such Zone.

The proposed assessment for fiscal year 2006-07 on each lot and parcel in these Zones of the District is set forth in Exhibit D of this Report.

### **Hearing Dates**

A public information meeting is scheduled. During the meeting there will be discussion about the proposed annexation of Zone 8A and Zone 12 A to the District and the proposed assessments for the Zones, and opportunities will be given to property owners to ask questions.

A protest hearing will be held at the regularly scheduled City Council meeting on August 15<sup>th</sup>, 2006. Any protests received will be submitted to Council and individuals will be allowed to give testimony. At this meeting, the assessment ballots will be tabulated and the Council will take action deemed necessary regarding annexation of Zones 8A and 12A to the District and the assessments. If there is no majority protest for a Zone, and if the Council elects to proceed with the annexation of that Zone and levy of assessments in that Zone, final assessments will be levied on the Zone at this meeting and the County shall be notified of the final assessment amounts. If there is a majority protest for a Zone, i.e., a majority of the ballots submitted are against the increase in assessment, with ballots weighted by the amount of each owner's increase in assessment, the proposed assessments for that Zone will not occur.

### **Protesting the Assessments**

A ballot will be included with the written notices sent to owners of properties in Zones 8A and 12A. The ballot will be used to tabulate votes for and against the proposed assessment. Ballots may be returned to the Parks and Recreation Department by mail in the return envelope included with the notice, or may be delivered at the protest hearing. In either case, to be counted, ballots must be returned before the protest hearing is closed. The returned ballots for each Zone shall be used to determine the percentage voting for and against the assessments for that Zone. If a majority of the ballots received, weighed according to the proportional financial obligation of the individual lot or parcel, are votes against the assessments, the assessment cannot be levied. In that case, the recommendation shall be to have no Zone annexation or assessment. The City Council will then, of economic necessity, direct lower levels of maintenance for the area within or benefiting the affected Zone.

### **Benefits in Each Zone**

The following are summaries of the benefits in each Zone for which assessments are levied. The benefits in these Zones are, and must be, the same as in their companion Zones 8 and 12.

#### **Zone 8A Country Club Villas**

Construction and long-term maintenance of landscaping within the north right-of-way and landscape easement of Golf Links Drive, the median island in Golf Links Drive, and the entrance features on 18<sup>th</sup> Avenue and Iona Avenue were included as a condition of approval of plans for Country Club Villas, Tract 783. The Engineer of the Work has determined that these improvements and their maintenance provide a particular and distinct special benefit to the property owners within these boundaries, over and above general benefits to the lots and parcels within these boundaries or the public at large. Therefore, all property owners within these boundaries will be assessed their proportionate share of the maintenance cost.

There are 82 lots within Tract 783, Phases 1 and 2, all single-family residential. Assessments for maintenance of the above improvements have been spread based upon one unit of assessment per each residential lot.

### **Zone 12A College Park**

Construction and long term maintenance and landscaping within the south right-of-way and landscape easement of Cinnamon Drive and the west right-of-way of 19<sup>th</sup> Avenue was a condition of approval for the subdivision. The Engineer of the Work has determined that these improvements and their maintenance provide a particular and distinct special benefit to the property owners within these boundaries, over and above general benefits to the lots and parcels within these boundaries or the public at large. Therefore, all property owners within the boundaries will be assessed their proportionate share of the maintenance cost.

There are 61 lots within Tract 789, Phase 7 and 35 lots within Tract 751, Phase 1. All are single-family residential. Assessments for maintenance have been spread based upon one unit of assessment per each residential lot.

### **Individual Assessments**

Individual assessments within each Zone are the sum of the assessments for Landscape Maintenance Costs and Engineering, Legal, Mailing and Processing Fees for each lot or parcel. Total assessments have been rounded to allow even splits to individual parcels.

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