

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

**FROM:** Yugal K. Lall, City Engineer/Public Works Director *Y. Lall*  
Prepared by: Ken Gilbert, Public Works Consultant

**DATE:** October 19, 2006 (CC Meeting of 11-1-06)

**SUBJECT:** Consider Request for the Formation of Assessment District AD07-02 (Lyon Homes – Tentative Tract Map No. 5187) and Adoption of a Resolution Initiating the Proceedings

**OVERVIEW**

This presents documents related to the formation of an Assessment District [herein "District"] to fund City costs related to the maintenance of certain parkway landscape and drainage improvements within and adjacent to the Tentative Tract 5187 (Lyon Homes) [herein "Tract"] generally located on the west side of Walnut Canyon Road south of Championship Drive (Attachment 1).

**DISCUSSION**

A. Landscape / Drainage Improvements

The developer of the Tract is required to construct certain landscaping, trail and storm water quality facilities within and/or adjacent to Tract 5187.

B. Assessment District Formation

It has been determined by the City and the developer that it is necessary to establish an assessment district to fund certain City maintenance costs for these improvements, as defined herein.

C. Proposition 218

The provisions of Proposition 218 require that any new assessment, or any increase to an existing assessment, must first be approved by a Mail Ballot provided to the owner(s) of the affected properties. An alternative procedure for forming assessment districts for new developments, is to have the developer(s) / property owner(s) sign a Petition and Waiver 1) requesting the formation of the assessment district, and 2) waiving all rights conferred by Proposition 218 with regard to Mail Ballots.

D. Petition and Waiver / District Boundary Map

The property owner / developer has signed a Petition and Waiver requesting formation of the District. That document was previously distributed to the City Council by separate Memo. Attached as Attachment 1 is page one of the District Boundary Map for the proposed Assessment District (Exhibit 'A' of the petition). It should be noted that the Developer has paid a fee to cover City costs related to this District formation.

E. Improvements to be Maintained

The improvements to be maintained by the District are generally listed as follows:

1. Landscaping: slopes, parkways and medians;
2. Trails: trail surfaces, fencing, staging area, parking area; and
3. Drainage: bio-swales, detention basins and storm drains.

The improvements to be maintained are located within and adjacent to the Tract. It should be noted that some of those improvements are located within and adjacent to Tract 5405 located to the southeast of the Tract. The properties within Tract 5405 are not within the boundaries of the District and will not be assessed.

F. Resolution Initiating Proceedings

Attached as Exhibit 2 to this report is a Resolution initiating the proceedings for the formation of the District. Should the City Council approve and accept the Petition/Waiver and adopt the attached Resolution, it would be the intent of staff to have the City's Assessment Engineer proceed with the preparation of the Engineer's Report.

G. Future Proceedings

If the recommended action is taken, the draft Engineer's Report will be presented to the City Council next May, at which time a public hearing will be scheduled in June to consider district formation.

H. Assessment Amount

The proposed assessment and levy amounts are discussed and defined in detail in Exhibit 'B' of the Petition/Waiver. That analysis is summarized as follows:

<u>Description</u>	<u>Assessment Amount (\$)</u>
Total Annual Assessment	548,337
Number of Lots	248.0
Total Annual Assessment Per Lot	2,211.04

I. C.O.L.A.

As set forth in the Summary Description for the proposed District (Exhibit B of the attached Petition/Waiver) the District will include an annual Cost of Living Adjustment.

J. Right-of-Way

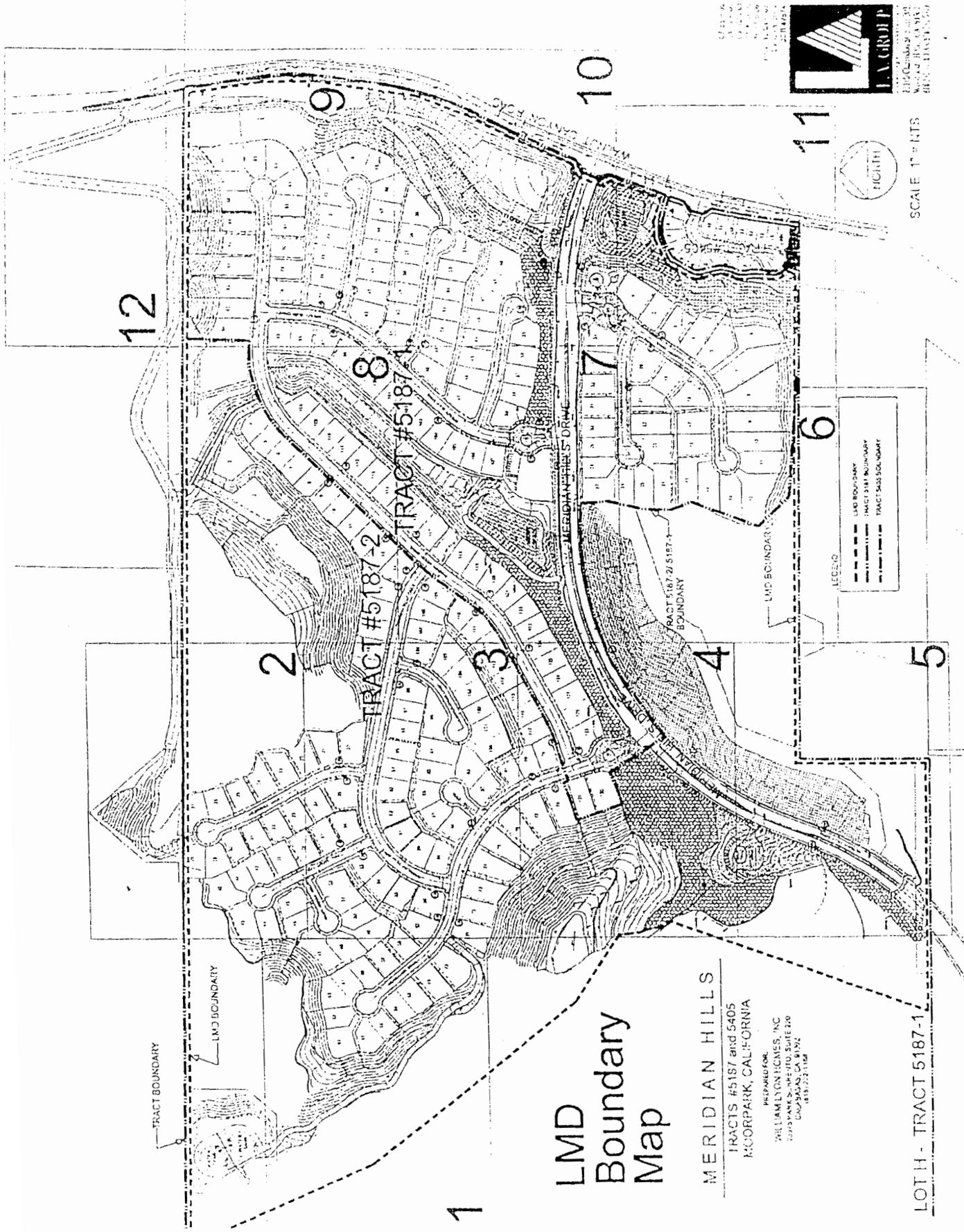
All landscape and/or drainage improvements to be maintained by the City which are located outside of the street right-of-way, will be situated within easements to be granted to and accepted by the City.

**STAFF RECOMMENDATIONS**

1. Accept and approve the Petition and Waiver from Lyon Homes requesting the formation of Assessment District AD07-02.
2. Adopt Resolution No. 2006-\_\_\_ initiating the proceedings required for the formation of said District.

Attachments:

- 1: Exhibit 'A' of the Petition and Waiver
- 2: Resolution Initiating District formation proceedings



SCALE 1" = 100' HTS

LEGEND

---	LMD BOUNDARY
---	TRACT BOUNDARY
---	TRACT SUB-BOUNDARY

**LMD Boundary Map**

**MERIDIAN HILLS**

TRACTS #5187 and 5405  
 KOGORPARK, CALIFORNIA

PREPARED FOR:  
 WILLIAM LYON HIGGINS, INC.  
 2305 PARKWAY DRIVE, SUITE 200  
 CARLSBAD, CA 92008  
 (619) 723-3100

LOTH - TRACT 5187-1

RESOLUTION NO. 2006 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, INITIATING PROCEEDINGS FOR THE FORMATION OF THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. AD-07-02 (LYON HOMES: T-5187) AND DIRECTING PREPARATION OF ANNUAL REPORT

WHEREAS, the City of Moorpark provides for the maintenance and improvement of parks, setback landscaping, drainage systems and street lighting services through the City's Landscape and Lighting Assessment Districts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Council hereby proposes the formation of a landscaping and lighting district pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

SECTION 2. The location and boundaries of the proposed landscaping and lighting district are coincidental with the boundaries of Tentative Tract 5187 [Lyon Homes].

SECTION 3. The purpose of the landscaping and lighting district shall be for the installation, maintenance and servicing of improvements to the City of Moorpark described in Section 4 below.

SECTION 4. Within the landscaping and lighting district, the existing and proposed improvements are generally described as the installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, drainage systems, lighting, fencing, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for property owned or maintained by the City of Moorpark. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy, or other illuminating agent, for the operation or lighting of any improvements, maintaining, operating and servicing street and traffic safety lighting, and water for irrigation of any landscaping or the maintenance of any other improvements.

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SECTION 5. The landscaping and lighting district proposed in this Resolution is hereby given the distinctive designation of the "City of Moorpark Landscaping and Lighting Maintenance Assessment District Number AD-07-02."

SECTION 6. SCI Consulting Group (formerly Shilts Consultants, Inc.) is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the Clerk of the City Council for submission to the Council.

SECTION 7. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 1<sup>st</sup> day of November, 2006.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk