

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

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

DATE: November 21, 2006 (CC Meeting 12-6-06)

SUBJECT: Consider Resolution Approving the Engineer's Report for Assessment District AD07-02 [Lyon Homes – Tract 5187] for Fiscal Year 2007/08 and Providing Notice of Public Hearing on January 17, 2007

DISCUSSION**A. Background**

On November 1, 2006, the City Council considered a Petition / Waiver from the owner(s) of the property within Tentative Tract 5187, requesting formation of the subject assessment district. On that date the City Council approved and accepted that Petition/Waiver and adopted Resolution No. 2006-2532, initiating the process required for the formation of the subject Assessment District.

B. Tract Map 5187

The property subject to Tract Map 5187, generally described by the maps attached as Attachment 1, is located on the west side of Walnut Canyon Road, approximately 3,500 feet north of Casey Road.

C. Engineer's Report

The Engineer's Report for the formation of this new Assessment District has been distributed to the City Council and key staff members by separate memo. Copies of this report may be obtained from the City Clerk's Department. This report includes certain information required for the formation of a 1972 Act Lighting and Landscaping Assessment District, including the following:

- a Boundary Map for AD07-02;
- the reason for the assessment;

- the duration of the assessment;
- the method of assessment;
- the amount of the annual assessment; and
- a description of improvements to be maintained.

D. Description of Improvements to be Maintained

A description of the improvements to be maintained by the District is as follows:

1. Landscaping: slopes, parkways & medians;
2. Trails: trail surfaces, fencing, staging area, and 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.

E. Assessment Amount

The proposed assessment and levy amounts are summarized as follows:

Description	Assessment (\$) Amount (\$)
Total Annual Assessment	548,337
Number of Lots	248
Total Annual Per Lot Assessment	2,211.04

F. C.O.L.A.

The Engineer's Report stipulates that, in future years, the assessment amounts may be adjusted, as necessary to accommodate any increases to the cost of maintenance, provided said assessment increases do not exceed the increase to the Consumer Price Index (CPI). The Engineer's report also states that any such increase which is deferred, may be added in a subsequent year.

G. 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 an easement to be granted to and accepted by the City.

I. Public Hearing

Adoption of the attached Resolution (Attachement 2) will approve the Engineer's

Report and set January 17, 2007, as the date of a public hearing to consider approval of the levy of the assessments set forth in the Engineer's Report.

STAFF RECOMMENDATION

Adopt Resolution No. 2006-____.

Attachments:

- Attachment 1: District Location Map and Boundary Map
- Attachment 2: Resolution

23

GRIMES
CANYON RD

WALNUT CANYON RD

PROJECT
SITE



TRACT
5187-1

TRACT
5187-1

TRACT
5405

TRACT
5187-2

GABBERT RD

HIGH
ST

PRINCETON
AVE

23

W LOS ANGELES AVE

118

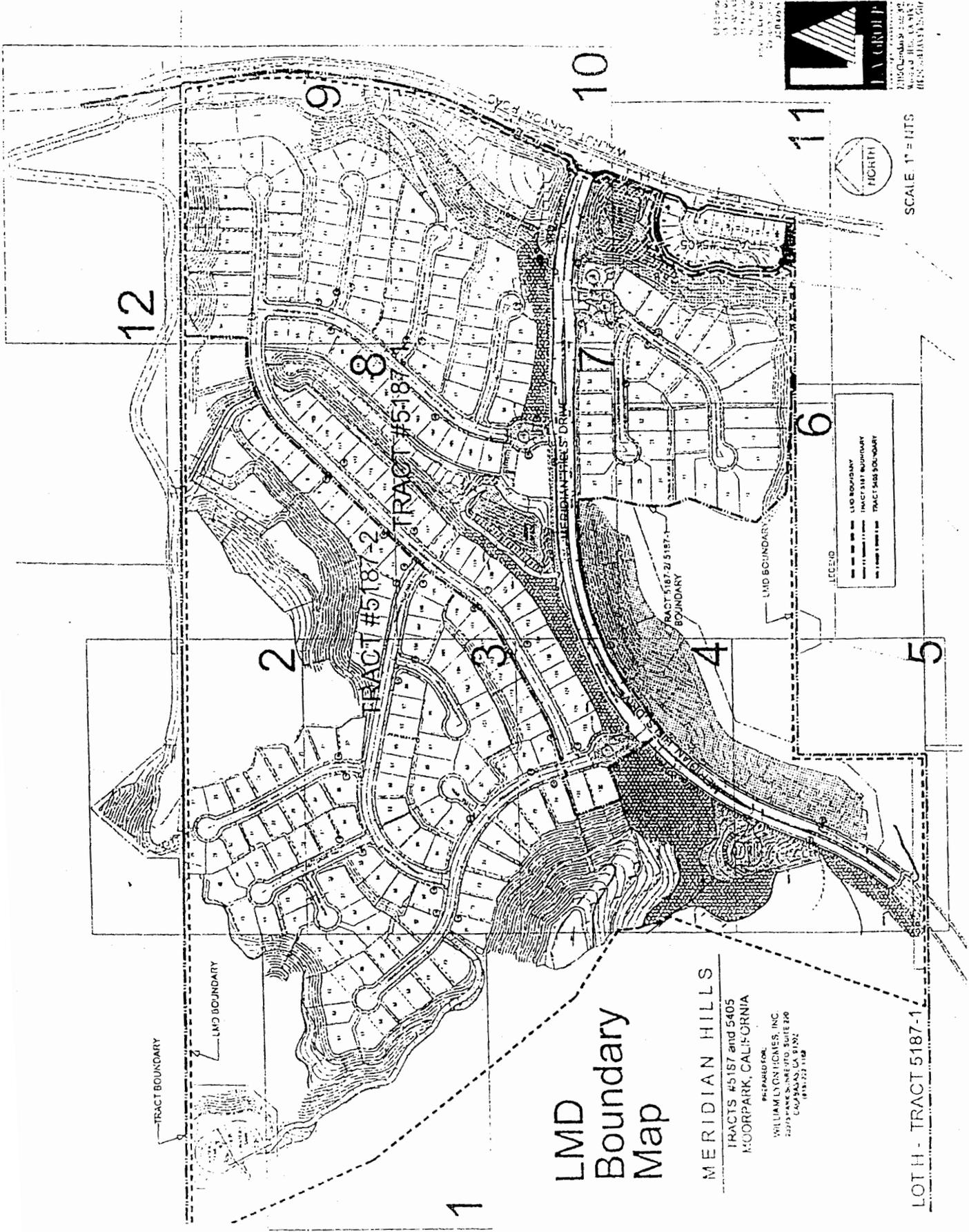
TIERRA
REJADA
RD

SPRING RD

MOORPARK

VICINITY MAP
NTS

TRACT NO. 5187-1&2



SCALE 1" = 115'

---	LMD BOUNDARY
---	TRACT BOUNDARY
---	TRACT SUB BOUNDARY
---	LCC RD

LMD Boundary Map

MERIDIAN HILLS
 TRACTS #5187 and 5405
 MOORPARK, CALIFORNIA

PREPARED FOR
 WILLIAM LYON TUCKER, INC.
 2275 PARKSIDE DRIVE, SUITE 200
 CLOVIS, CALIFORNIA 95326
 (415) 223-1122

LOT H - TRACT 5187-1

RESOLUTION NO. 2006 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2007-08, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AD07-02

THE CITY COUNCIL OF THE CITY OF MOORPARK (the "City") DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On November 1, 2006, the Moorpark City Council adopted Resolution No. 2006-2532, a Resolution initiating proceedings for the formation of the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02 pertaining to the properties within Tract 5187 [Lyon Homes] and directing preparation of an Annual Report. Pursuant to this resolution, SCI Consulting Group (formerly known as Shilts Consultants, Inc.), the Engineer of Work, prepared an Engineer's Report in accordance with Section 22565, et. seq., of the Streets and Highway Code (the "Report") and Article XIID of the California Constitution. The Report has been made, filed with the City Clerk and duly considered by the City Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 2. It is the intention of the City Council to levy and collect assessments within the District for fiscal year 2007-08. 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 located in or adjacent to the properties contained within Tract 5187. 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.

SECTION 3. The District consists of all of the lots and parcels within the boundary map of the District to be placed on file with the City Clerk, and reference is hereby made to such map for further particulars.

SECTION 4. Reference is hereby made to the Report for a full and detailed description of the Improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District. The assessment is subject to an annual adjustment tied to the Consumer Price Index for the Los Angeles Area as of December of each succeeding year (the CPI). In the event that the actual assessment rate for any given year is not increased by an amount equal to the CPI change, any such deferred assessment increase may be added to the total amount assessed in any subsequent year. In such event, the maximum authorized assessment amount shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. Including the authorized annual adjustment, the maximum and proposed fiscal year 2007-08 assessment rate per equivalent dwelling unit is \$2,211.04.

SECTION 5. The public hearing shall be held, before the City Council, in the City Council Chambers of the City of Moorpark, located at 799 Moorpark Avenue, Moorpark, California 93021 as follows: on January 17, 2007, at the hour of 7:00 p.m. for the purpose of determining whether the public interest, convenience and necessity require the improvements and the City Council's final action upon the Engineer's Report and the assessments therein.

SECTION 6. In order to expedite the proceedings, the property owners have submitted a Petition and Waiver. In submitting these documents to the City, the property owners (1) request that the new assessment district be formed; and (2) waive all rights conferred by Proposition 218 with respect to the approval of the new assessment by mailed ballot and the 45-day time period for balloting.

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 6th day of December 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk