

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Dave Klotzle, City Engineer/Public Works Director



**DATE:** October 8, 2013 (CC Meeting of 10/16/13)

**SUBJECT:** Consider Resolution of Intent Initiating Proceedings to Annex Shea Homes Tentative Tract 5425 to Landscaping and Lighting Maintenance Assessment District 06-01

**DISCUSSION**

Shea Homes is the developer of Tentative Tract 5425 (Tract), generally located south of Los Angeles Avenue at Fremont Street (see map in Attachment 1).

The conditions of approval for the Tract require the developer to construct certain parkway landscaping improvements within and/or adjacent to the Tract. The conditions of approval also require that an assessment district be formed to fund certain City maintenance costs for these improvements.

Shea Homes was also the developer of the existing residential community, Tract 5133, located immediately to the east of, and adjacent to, Tentative Tract 5425. In June 2006, Landscaping and Lighting Maintenance Assessment District 06-01 (AD 06-01) was formed to fund the City maintenance costs for certain landscaping improvements installed by Shea Homes during the development of Tract 5133. Rather than form a new assessment district, staff has determined that the maintenance costs related to the landscaping improvements to be installed by Tentative Tract 5425 should be annexed to AD 06-01.

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 alternate 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.

Shea Homes has submitted a signed Petition and Waiver requesting the annexation to AD 06-01 and waiving all rights conferred by Proposition 218 with regard to Mail Ballots (Attachment 1). The Petition and Waiver describes the proposed assessment and levy amounts.

A City Council Resolution initiating the proceedings for the Tentative Tract 5425 annexation to AD 06-01 is required (Attachment 2) to proceed with the annexation. 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 and return to City Council in the near future to set a public hearing for eventual approval of the annexation to AD 06-01.

### **FISCAL IMPACT**

Shea Homes has paid the required fee to cover all City and Assessment Engineer costs related to the annexation to AD 06-01.

### **STAFF RECOMMENDATION**

1. Accept and approve the Petition and Waiver from Shea Homes (Attachment 1) requesting the annexation to Assessment District AD 06-01.
2. Adopt Resolution No. 2013 - \_\_\_\_ initiating the proceedings required for the annexation to Assessment District AD 06-01.

#### Attachments:

- 1 – Petition and Waiver
- 2 – Resolution 2013 - \_\_\_\_\_

**PETITION AND WAIVER  
RE:  
ANNEXATION TO ASSESSMENT DISTRICT NO. 06-01  
FOR TRACT 5425  
(SHEA HOMES)**

TO: The Honorable City Council  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

RE: Establishment of a Landscape Maintenance Assessment District for Tract 5425, located south of Los Angeles Avenue at Fremont Street.

The undersigned is the record owner (herein "Owner") in fee simple of the real property identified below (herein "Property"). The Property is located within the City of Moorpark (herein "City") and is the subject of an approved tentative map for Tract 5425 (herein "Tentative Map"), prepared and submitted by the Owner.

Certain designated landscape and drainage improvements to be constructed by the Owner (herein "City Improvements") are to be accepted and maintained by City. In addition, it may, under certain circumstances, become necessary for the City to take over the responsibility for the maintenance of certain other designated landscape and drainage improvements (herein "HOA Improvements") which are to be initially owned and maintained by a future Home Owners Association. Accordingly, it is necessary to include the Property in a Landscape Maintenance Assessment District to fund, or potentially fund, the following costs (herein "City Costs"): a) the cost of maintaining the City Improvements; b) the costs of providing for the future maintenance of the HOA Improvements by the City should that become necessary; and c) the cost of providing for the administration of the District. The total improvements to be maintained, or potentially maintained, by the District (herein "Improvements") shall consist of the City Improvements and the HOA Improvements, as more particularly defined and described in Exhibit A attached hereto and made a part hereof.

The Tentative Map is a continuation of the adjacent project (Tract 5133), also developed by Owner, and has substantially the same level of City Improvements and HOA Improvements to be maintained. Tract 5133 is included in City of Moorpark Landscape and Lighting Maintenance Assessment District No. 06-01 (herein "District"). The undersigned Owner hereby petitions the City Council of the City (herein "City Council") to annex the Property into said District for the purpose of funding said City Costs at the expense of the undersigned and its successors-in-interest, including the future owners of any and all parcels of land into which the Property is to be subdivided upon the recordation of the final map for Tract 5425.

The undersigned Owner hereby waives, for itself and its successors-in-interest, all of the rights conferred upon the owners of real property under Article XIII D of the California Constitution and the implementing statute at Article 4.6 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code (commencing with Section 53750) (collectively "the Article"), The undersigned also waives, for itself and its successors-in-interest, all of the rights conferred upon the owners of real property under Chapter 2 of the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) (herein "the Act").

In executing this Petition and Waiver, the undersigned understand(s), agree(s) and acknowledge(s) that:

1. The area to be included in the District is that area identified on the Tentative Map attached hereto and made a part hereof as Exhibit "B".
2. The Owner hereby approves the City of Moorpark Landscape and Lighting Maintenance Assessment District No. 06-01 assessments at the maximum fiscal year 2013-14 rate of \$479.20 per lot or equivalent dwelling unit, plus an annual increase in the assessments in an amount equal to the annual change in the Los Angeles Metropolitan Area Consumer Price Index for all Urban Consumers, for the Property included in Tract 5425 as set forth in Exhibit B.
3. The amount chargeable to the District shall not exceed the reasonable cost of the special benefit conferred on the entire Property.
4. The amount chargeable to each parcel shall not exceed the reasonable cost of the proportional special benefit conferred upon each of those parcels.

In executing this Petition and Waiver, the undersigned warrant and represent that

1. They have read the Article and have had an opportunity to have the Article, including the rights conferred by the Article that are being waived pursuant to this Petition and Waiver, explained to them by legal counsel of their choice;
2. They have read the Act and have had an opportunity to have the Act, including the rights conferred by the Act that are being waived pursuant to this Petition and Waiver, explained to them by legal counsel of their choice;
3. They have read this Petition and Waiver, have had the opportunity to have the Petition and Waiver explained to them by legal counsel of their choice, knows and understands the rights that they are waiving by this Petition and Waiver, knows and understands the legal effects of the Petition and Waiver, and are not relying upon any representations by the City Council or any of the officers, employees, servants or agents of the City.
4. They consent to the imposition of the assessments required to fund the City Costs.
5. They agree to pay all City costs related to the annexation of the Property into the District.

THIS PETITION AND WAIVER IS KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY EXECUTED this 8<sup>th</sup> day of October, 2013 at Corona, California.

SHEA HOMES, L.P.

By: Jane Blasingham  
Name: Jane Blasingham  
Title: Community Development manager

SHEA HOMES, L.P.

By: [Signature]  
Name: JOHN VANDER VEGDE  
Title: AGTHORIZED AGENT

The property that is subject to this Petition and Waiver and owned (not leased or optioned) by the above named owner(s) is that property subject of Tentative Map 5425 [APN No. 506-0-020-320, -340, -660, -670, -680 and -690].

## **Exhibit A**

The improvements to be maintained include but are not limited to the maintenance and servicing of parkway landscaping and storm water quality facilities, 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 Tentative Tract 5425. Any plans and specifications for these improvements will be filed with the City of Moorpark and are incorporated herein by reference.

As applied herein, "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 any part of any improvement; providing for the life, growth, health, and beauty of landscaping, and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for the lighting or operation 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.

**EXHIBIT B**  
**"TENTATIVE TRACT MAP NO. 5425"**



RESOLUTION NO. 2013-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, INITIATING PROCEEDINGS TO ANNEX TENTATIVE TRACT 5425 (SHEA HOMES), INTO THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AD 06-01, AND DIRECTING THE PREPARATION OF AN ENGINEER'S 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 City Council hereby proposes to levy and collect assessments against the lots and parcels of land within the City of Moorpark Landscaping and Lighting Maintenance Assessment District AD06-01 to pay for the costs and expenses of the improvements described in Section 3 hereof for the fiscal year commencing July 1, 2014 and ending June 30, 2015, pursuant to the Landscaping and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and as provided by Article XIII D of the California Constitution.

SECTION 2. The annexation to the City of Moorpark Landscaping and Lighting Maintenance Assessment District AD06-01 is a condition of approval for development of the property known as Tentative Tract 5425 (Shea Homes) described in Exhibit A attached hereto (the "Property"); and

SECTION 3. The proposed improvements are generally described as follows: parkway landscaping and storm water quality facilities, 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 Property which provide a direct special benefit to the Property ("Improvements").

SECTION 4. SCI Consulting Group 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 XIII D of the California Constitution, for the District referred to in Section 1 of this Resolution. Upon completion, the Engineer shall file the Engineer's Report with the Clerk of the City Council for submission to the Council.

SECTION 5. 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 16th day of October, 2013.

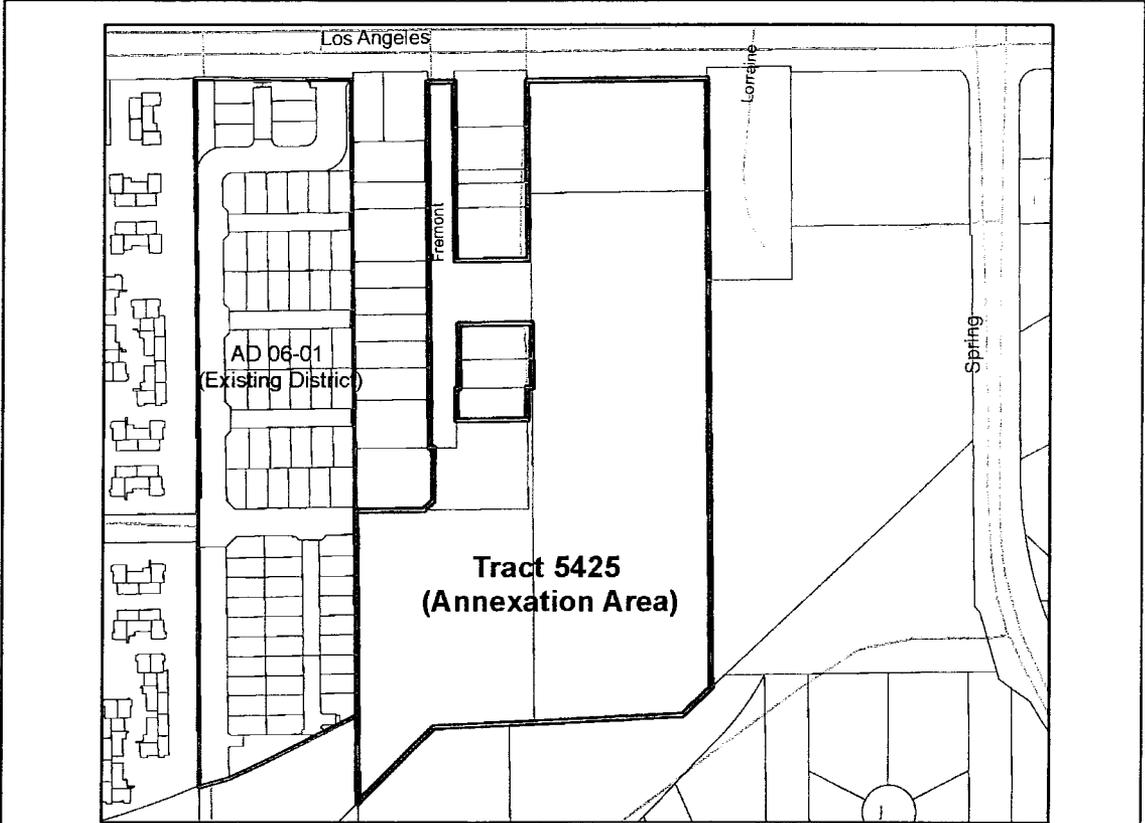
\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment:  
Exhibit A – Map of Tentative Tract 5425

EXHIBIT A



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MOORPARK, COUNTY OF VENTURA, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY CLERK

RECORDED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF MOORPARK, COUNTY OF VENTURA, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

DIRECTOR OF PUBLIC WORKS

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE CITY COUNCIL OF THE CITY OF MOORPARK ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 FOR FISCAL YEAR 2014-15 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF VENTURA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

CITY CLERK



	Parcels
	Tract 5425 (Annexation Area)
	AD06-01 (Existing District)
	Streets

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AT THE REQUEST OF THE CITY OF MOORPARK CITY COUNCIL.

COUNTY AUDITOR, COUNTY OF VENTURA

Note: REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF VENTURA FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

ANNEXATION OF TRACT 5425 INTO CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. AD06-01 ASSESSMENT DIAGRAM