

**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: January 11, 2007 (CC Meeting of 01-17-07)

SUBJECT: Consider Final Review and Changes to the Engineer's Report for Assessment District 07-02 [Lyon Homes – Tract 5187] and the Adoption of a Resolution Confirming the Assessment Amounts for Fiscal Year 2007/08

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.

On December 6, 2006, the City Council adopted Resolution No. 2006-2546, approving the Engineer's Report for AD07-02 for FY 2007/08 and setting January 17, 2007, as the date of a public hearing to consider the levy of the assessments provided for in the Engineer's Report.

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. 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.

F. Assessment Amount

The proposed assessment and levy amounts are summarized as follows:

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

G. 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.

H. Capital Improvement Reserve Fund

The Engineer's Report discusses and describes a Capital Improvement Reserve Fund which shall be established for this District. As stipulated in the Engineer's Report, when and if the Capital Improvement Reserve Fund exceeds three hundred percent (300%) of the estimated annual program costs, the actual amount of the assessment levied upon the affected properties shall be reduced.

I. Public Hearing

The "Landscaping and Lighting Act of 1972" ["Act"] (Streets and Highways Code) requires that a public hearing be held prior to the formation of any new assessment district and the levy of the assessments provided for by that new assessment district. In signing and submitting the aforementioned Petition and Waiver, all affected property owners for this assessment voluntarily waived their rights to notice, balloting and providing other comment to the City, so no additional noticing is required.

J. Final Review and Revision

Consistent with the requirements of the Act, the City Council may make changes to the Engineer's Report, including the assessment amounts set forth therein, at any time prior to its action approving the levy of the assessments for the ensuing year.

STAFF RECOMMENDATIONS

Subsequent to opening the public hearing, receiving testimony and closing the public hearing, staff recommends that the City Council take the following action:

1. Approve the Engineer's Report for AD07-02 for FY 2007/08, with no changes from the report approved by City Council Resolution No. 2006-2546.
2. Adopt Resolution No. 2007-___ confirming the assessments for AD07-02 for FY 2007/08.

Attachments:

- 1 District Location Map and Boundary
- 2 Resolution

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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

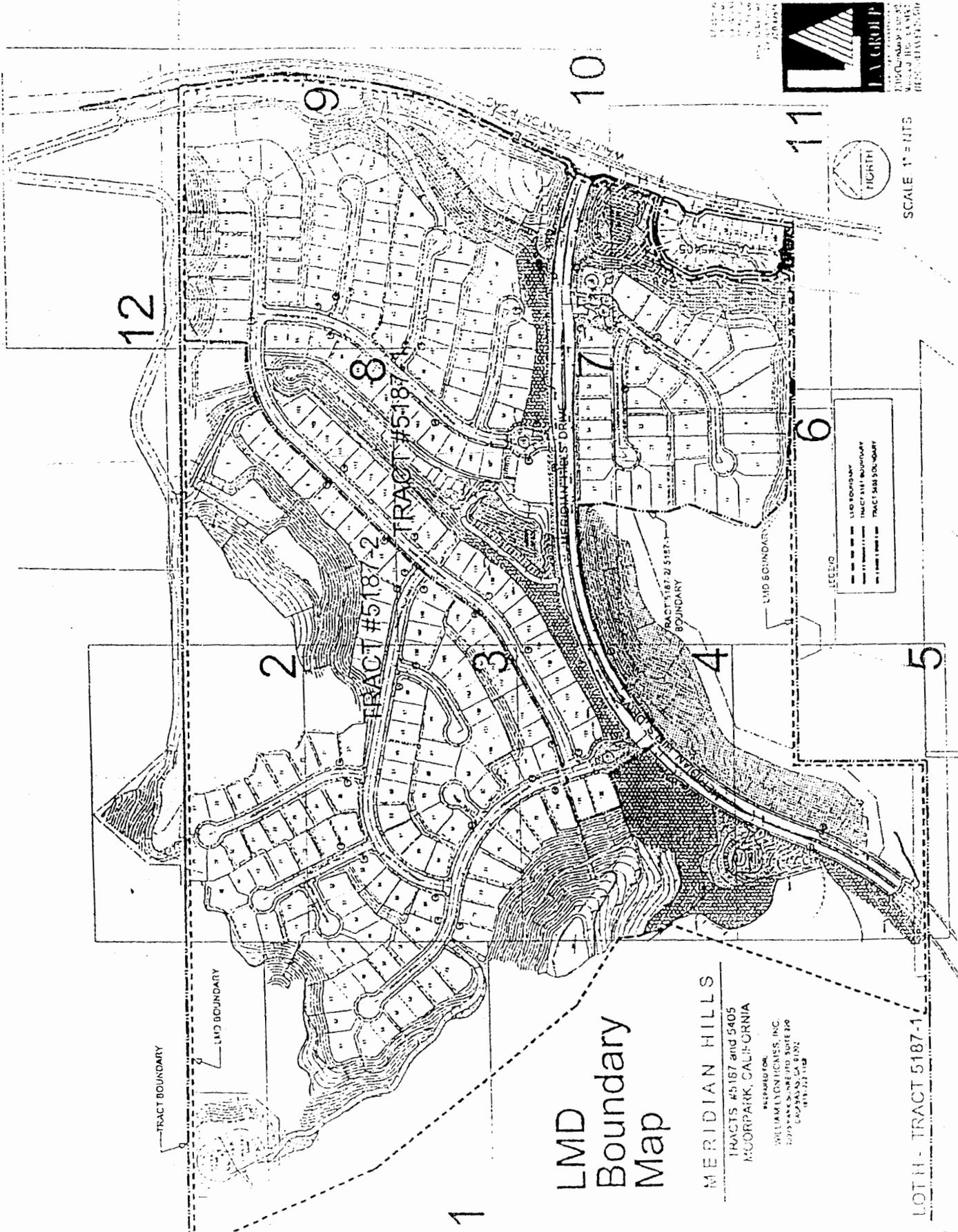
TIERRA
REJADA
RD

SPRING RD

MOORPARK

VICINITY MAP
NTS

TRACT NO. 5187-1&2



**LMD
Boundary
Map**

MERIDIAN HILLS
TRACTS #5187 and 5405
MOORPARK, CALIFORNIA

PREPARED FOR:
WILLIAMSON HOLDINGS, INC.
2275 PARK SQUARE, SUITE 140
CAGAYAS, CA 94518
(415) 435-1122

LEGEND

- LMD BOUNDARY
- TRACT LMD BOUNDARY
- TRACT SUB BOUNDARY



SCALE 1" = 117.5'



RESOLUTION NO. 2007- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 07/08 FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AD07-02

WHEREAS, this Council designated SCI Consulting Group, formerly know as Shilts Consultants, Inc., as Engineer of Work and ordered said Engineer to make and file an Engineer's Report for a proposed Landscaping and Lighting Maintenance Assessment District; and

WHEREAS, the report was duly made and filed with the Council and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings; and

WHEREAS, in order to expedite the proceedings, the property owner has submitted a Petition and Waiver, wherein the property owner (1) has requested that the new assessment district be formed; and (2) has waived all rights conferred by Proposition 218 with respect to the approval of the new assessment by mailed ballot/notice and the 45-day time period for balloting; and

WHEREAS, on January 17, 2007, at the hour of 7:00 PM at the City of Moorpark City Council Chambers, 799 Moorpark Avenue, Moorpark, California 93021, the public hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, at the public hearing the Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

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

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02 benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

- SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:
- (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
 - (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02 in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;
- are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2007/08 is hereby levied.

SECTION 6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the

evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 7. Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption, the Council shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Ventura. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02.

SECTION 8. The moneys representing assessments collected by the County, shall be deposited in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-02. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

SECTION 9. The assessments levied are in conformance with Proposition 218.

SECTION 10. 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 17th day of January, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk