

**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: February 28, 2007 (CC Meeting of 03-07-07)

SUBJECT: Consider Request for the Formation of Assessment District AD07-04 (Asadurian – IPD 2000-10) and Adopt Resolution Initiating the Proceedings and Acceptance of a Landscape Maintenance Easement Related Thereto

OVERVIEW

This presents documents related to the formation of an assessment district to fund City costs related to the possible future maintenance of certain landscape improvements located within and adjacent to the Casino Storage property (IPD 2000-10 – Asadurian) [herein “Property”] located at the northwest corner of Los Angeles Avenue and Goldman Avenue (see location map: Attachment 1).

DISCUSSION

A. Landscape Improvements

The developer of the Property has constructed certain landscape improvements [herein “Improvements”] along the east side (Goldman Avenue) and south side (Los Angeles Avenue) of the Property. These Improvements are located within and adjacent to the Property. The Improvements located adjacent to the Property are situated within Caltrans and City street right-of-way. The developer, and/or subsequent property managers, are responsible for maintaining the Improvements.

B. Maintenance Guarantee

The Conditions of Approval for IPD 2000-10 include provisions to allow the City to take over the responsibility for the maintenance of the Improvements, should the City determine that the Improvements are not being maintained properly.

C. Assessment District Formation

IPD 2000-10 was approved by City Council Resolution No. 2003-2072. Condition No. 29 of that Resolution states that the developer shall sign a Petition & Waiver requesting formation of an assessment district to fund City costs related to the possible future maintenance of the Improvements by the City, and to fund on-going assessment district administration costs. The name given to this proposed new assessment district is Assessment District AD07-04 [herein "District"].

Said condition also required the developer to grant to the City a landscape maintenance easement for that portion of the Improvements located outside the State and City street right-of-way.

D. 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.

E. Petition and Waiver / District Boundary Map

The property owner / developer of the Property has signed a Petition and Waiver [herein "Petition"] (Attachment 2) requesting formation of the District. The District boundary, as depicted on Exhibit 'A' of the Petition, is the property lines for the Property. It should be noted that the developer has paid a fee to cover City costs related to this District formation. [Note: The fund established for this new assessment district is Fund 2324].

F. Improvements to be Maintained

The improvements to be maintained by the District are generally identified in Exhibits 'A' and 'C' of the Petition and are those Improvements referred to in Section A of this report.

G. Resolution Initiating Proceedings

A Resolution has been prepared [Attachment 3] for the purpose of initiating the proceedings necessary for the formation of the District. Should the City Council approve and accept the Petition 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 for AD07-04 [District 24], for FY 2007/08.

H. Primary Assessment & Back-Up Assessment

As described and defined in Exhibit 'B' of the Petition, the District will have a primary and back-up assessment, generally described as follows:

1. **Primary Assessment.** The Primary Assessment is that amount deemed sufficient to fund annual assessment district administration costs. The amount of the Primary Assessment for FY 07/08, which is an amount equal to the estimated administrative costs for FY 07/08, is \$500. The Petition provides that each subsequent fiscal year the City will determine the amount of the Primary Assessment and that said amount shall be sufficient to cover actual past and estimated future administrative costs, even if said amount exceeds the amount determined for the initial fiscal year.
2. **Back-Up Assessment.** The Back-up Assessment is an amount equal to the estimated cost for the maintenance of the Improvements, plus a ten percent (10%) contingency. The amount of Back-up Assessment for FY 07/08 is \$21,753. Background information pertaining to the cost of maintenance is set forth in Exhibit "C" of the Petition.
3. **Assessment vs. Levy.** Each fiscal year the Engineer's Report for the District will state that the total assessment amount will be an amount equal to the sum of the Primary Assessment and the Back-up Assessment. However, the Engineer's Report will also state that the amount to be levied upon the Property will be an amount equal to the Primary Assessment plus all or any portion of the Back-up Assessment required to maintain those Improvements maintained or to be maintained by the City.

I. Future Proceedings

If the recommended action is taken, staff will retain the City's assessment Engineering consultant to prepare the draft Engineer's Report for AD07-04 for FY 2007/08. When completed, said Engineer's Report will be presented to the City Council for preliminary approval. If the City Council preliminarily approves the Engineer's Report, a public hearing will be scheduled to consider final approval of the Engineer's Report and approval of the assessment amounts for FY 2007/08. It is anticipated that these proceedings will require approximately three (3) months.

J. Assessment Amount

The proposed assessment and levy amounts are discussed and defined in detail in Exhibit 'B' of the Petition, and re-caped here as follows:

Element	Total Estimated Annual Cost		
	Landscaping (\$)	Drainage Improvements (\$)	Total (\$)
Maintenance and Replacement Cost	19,775	0	19,775
Contingency (10%)	1,978	0	1,978
Administration	500	0	500
Total	22,253	0	22,253

Description	Total Assessment Amount		
	Primary Assessment (\$)	Back-up Assessment (\$)	Total Assessment (\$)
Total Assessment Amount	500	21,753	22,253
Total Number of acres	2.540	2.540	2.540
Total Assessment per Acre	196.85	8,564.17	8,761.02

K. Cost of Living Adjustment (C.O.L.A.)

As set forth in Exhibit B of the Petition, the Engineer's Report for the District will include provisions for an annual C.O.L.A.

L. Capital Improvement Reserve Fund

As set forth in Exhibit B of the Petition, the Engineer's Report for the District will also include provisions for the establishment of a Capital Improvement Reserve Fund. Said language will state that 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 to an amount deemed sufficient to keep the amount of the Capital Improvement Fund at an amount below the three hundred percent (300%) ceiling.

M. Right-of-Way

All of the Improvements (to be maintained) are located within either a) the Caltrans or City street right-of-way, or b) a Landscape Maintenance Easement [Attachment 4] being offered to the City for acceptance and recordation. It is recommended below that this easement be accepted by the City and recorded.

STAFF RECOMMENDATIONS

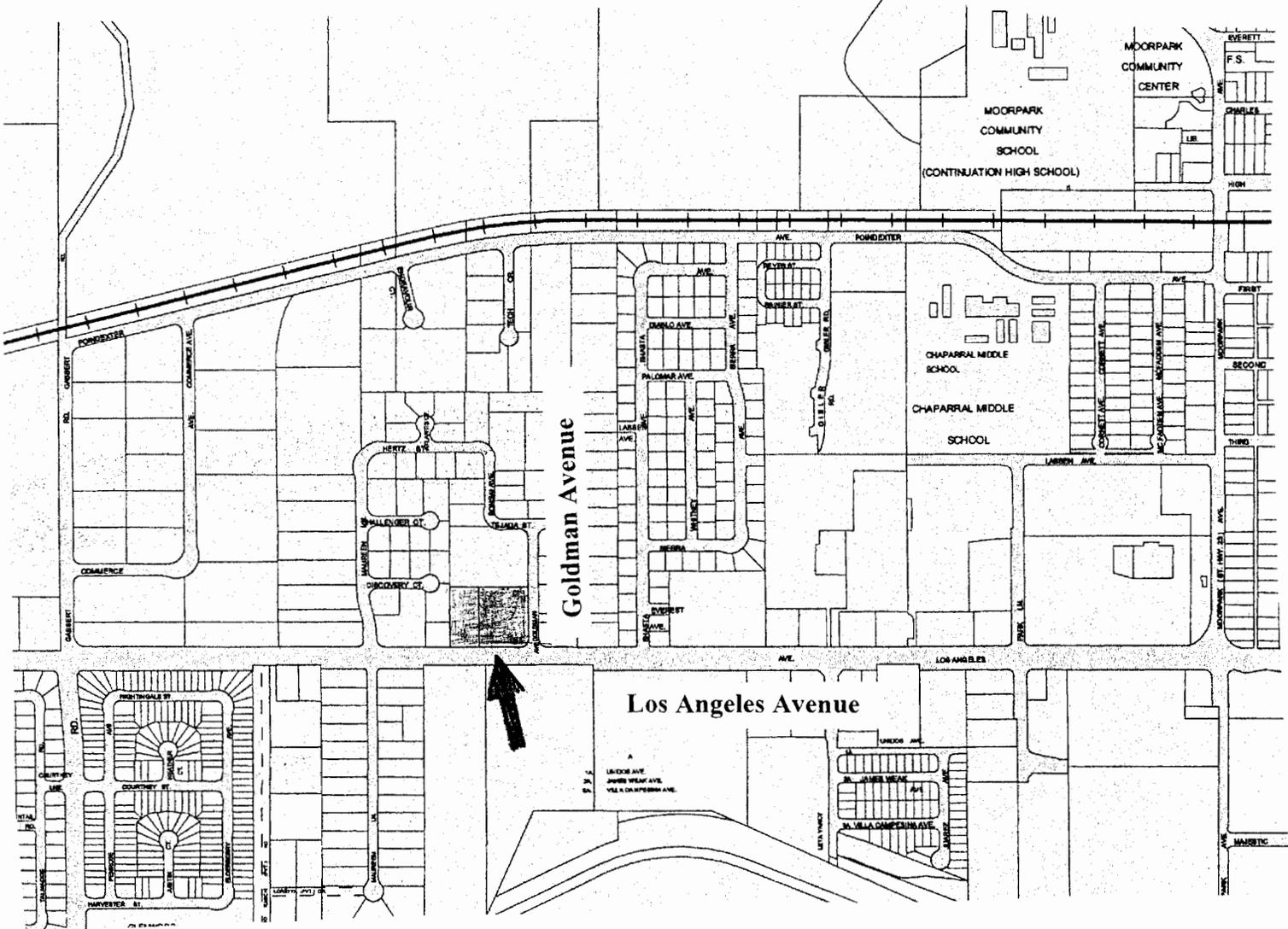
1. Accept and approve the Petition and Waiver [Attachment 2] from the owner of the Property, requesting the formation of assessment district [AD 07-04] for IPD 2000-10.
2. Adopt Resolution No. 2007-___ [Attachment 3] initiating the proceedings required for the formation of said District.

3. Accept the Landscape Easement Deed [Attachment 4] related to this new assessment district and direct the City Clerk to record same.

Attachments:

- 1: Location map
2. Petition and Waiver
- 3: Resolution Initiating District formation proceedings
4. Landscape Easement Deed

Attachment 1



**PETITION AND WAIVER
RE:
FORMATION OF AN ASSESSMENT DISTRICT
FOR IPD2000-10 ADVANCED STORAGE
(ASADURIAN)**

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

RE: Establishment of a Landscape Maintenance Assessment District for IPD2000-10, located at the northwest corner of the intersection of Los Angeles Avenue and Goldman Avenue.

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 the approved IPD 2000-10 (herein "Development Plan"), prepared and submitted by the Owner.

Certain landscape improvements, defined and described in Exhibit 'C' attached hereto and made a part hereof (herein referred to as "Improvements"), are to be or have been constructed by the Owner. Although it is understood by the City and Owner that the Improvements are to be maintained by the Owner and or the future property manager, the City and Owner have determined that, under certain circumstances, it may become necessary for the City to take over the maintenance responsibility for the Improvements. Accordingly, the City and Owner have determined that it is necessary to establish a new Landscape Maintenance Assessment District (herein "District") to fund any City costs related to the maintenance of the Improvements, as well as any and all costs related to the administration of the District. (herein "Costs").

Therefore, the undersigned Owner hereby petitions the City Council of the City (herein "City Council") to form said District for the purpose of funding said Costs at the expense of the undersigned and its successors-in-interest, including the future owners of the property subject to the Development Plan .

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 District Boundary Map attached hereto and made a part hereof as Exhibit "A".
2. The amount of the assessment chargeable to the entire District, the per lot or per acre assessment amount, the duration of the payments, the reason for the assessment, the basis upon

which the amount of the assessment was calculated and a general description of the Improvements are set forth in the Assessment District Summary Description attached hereto and made a part hereof as Exhibit "B".

3. The amount chargeable to the District, as set forth in Exhibit "B", does not exceed the reasonable cost of the special benefit conferred on the entire Property.

4. The amount chargeable to each parcel, as set forth in Exhibit "B", does 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;

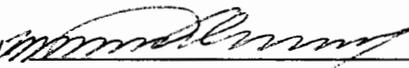
2. They have read the Act and have had an opportunity to have the Act, including the rights conferred by the Act that are being waived pursuant to this Petition and Waiver, explained to them by legal counsel of their choice;

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 defined and described in Exhibit "B".

5. They agree to pay all City costs related to the formation of the District.

THIS PETITION AND WAIVER IS KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY EXECUTED this 24 day of July, 2006 at MOROCK, California.

By:  By: _____
MANUEL ASAVARIAN, JR. _____

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 to the Development Plan [AP No. 511-0-070-55 and 511-0-070-56.]

A. Introduction

The purpose of the District is to provide funding for certain Costs described in the petition and more particularly defined and described herein, which may be incurred by the City, when and if it should become necessary for the City to assume the maintenance responsibilities for the Improvements. For the purposes of this District, the term Improvements shall refer to only those features and activities specifically identified and listed in Exhibit C" of the Petition. As discussed and described herein, it is the intent of the City to only levy that amount of the total assessment necessary to fund the administration of the District. The City does not intend to levy that portion of the total assessment related to the maintenance of the Improvements, unless and until the City takes over the maintenance responsibilities for the Improvements.

B. Definitions

Certain terms in this Exhibit which begin with a capital letter, are defined in the Petition and Waiver.

C. District Boundary

The location and boundary of the District is generally shown on Exhibit "A". The boundary of the District is the same as the boundary for the Development Plan.

D. Description of Improvements to be Maintained

The Improvements to be maintained by the District, which are located within and adjacent to the District, are generally described in Exhibit "C" of the Petition. The full scope of the Improvements to be maintained shall be set forth on plans and specifications to be on file with the City. Said plans and specifications will generally describe the Improvements which include but are not limited to the installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, stamped concrete surfaces, drainage systems, lighting, fencing, and all necessary appurtenances, and labor, material, supplies, utilities and equipment, as applicable, for the property owned or maintained by the City located in or adjacent to the properties subject to the Development Plan.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Improvements, including repair, removal or replacement of all or any part of any improvements; 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 service street and traffic safety lighting, and water for irrigation of any landscaping or the maintenance of any other improvements.

E. Estimated Annual Cost and Budget

A general description of the annual cost for the maintenance and servicing of the Improvements, for FY 2007/08, is as follows:

Element	Total Estimated Annual Cost		
	Landscaping (\$)	Drainage Improvements (\$)	Total (\$)
Maintenance and Replacement Cost	19,775	0	19,775
Contingency (10%)	1,978	0	1,978
Administration	500	0	500
Total	22,253	0	22,253

A more detailed summary of the estimated FY 2006/07 annual costs is set forth in the Exhibit "C" of the Petition.

F. Primary Assessment and Back-up Assessments

The purpose for the Primary Assessment is to fund the cost associated with the administration of the District.

In the event the Owner and/or its successor-in-interest fails to maintain the Improvements in a manner satisfactory to the City, the City may, at its sole discretion, take over the maintenance of the Improvements. Should that occur the cost of such maintenance would be funded by the Back-up Assessment. The amount of the Total Assessment for FY 2007/08 is summarized as follows:

Description	Total Assessment Amount		
	Primary Assessment (\$)	Back-up Assessment (\$)	Total Assessment (\$)
Total Assessment Amount	500	21,753	22,253
Total Number of acres	2.540	2.540	2.540
Total Assessment per Acre	196.85	8,564.17	8,761.02

Additional information about the levying of the Primary Assessment and the Back-up Assessment is set forth in Section O of this Exhibit "B".

G. Administrative Costs

As noted above, the Annual Budget includes certain administrative costs related to the administration of the annual process required to review and approve a new assessment amount for each successive fiscal year.

H. Fiscal Year 2007/08 Total Annual Assessment Amount

The Fiscal Year 2007/08 total annual assessment amount shall be equal to the total estimated annual cost and budget as defined herein above as being equal to \$22,253.

I. Amount of Assessment to be Levied

As stated elsewhere herein, it is the intent of the City to only levy that portion of the Fiscal Year 2007/08 total assessment related to District administration costs. The amount of the FY 2007/08 assessment to be levied would, therefore, only be \$500.00.

J. Apportionment of Total Assessment Amount

1. **General Provisions:** The District is to consist of all of the public or privately owned properties [herein "Parcels"] subject to the Development Plan, and/or any such Parcels or lots which might be created at any date in the future by further subdivision of the properties within the boundaries of the Development Plan.

2. **Special vs. General Benefits:** The method used for apportioning the assessment is based upon the proportional special benefits to be derived by each Parcel within the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of benefit arising from the improvements, and the second step is to allocate the assessments to each Parcel based upon the estimated relative special benefit for each type of Parcel.

The types of special benefit to be derived by the "benefited" properties, resulting from the installation, maintenance and servicing of the Improvements are generally summarized as follows:

- a) Protection of views, scenery and other resource values and environmental benefits enjoyed by residents, customers and guests and preservation of public assets maintained by the City.
- b) Potential for increased economic opportunity.
- c) Reduced cost of local government in law enforcement, public healthcare, and fire prevention because improved and well-maintained facilities provide a healthier alternative for youth and adult activities.
- d) Enhanced quality of life and desirability of the area.
- e) Specific enhancement of property values.
- f) Creation of individual lots for commercial use that, in the absence of the assessments, would not have been created.

These benefit factors, when applied to property within the District, specifically increase the values of the land within the District. For example, the assessments will provide funding to improve and maintain the landscaping upon and/or adjoining the properties in the District. Such improved and well-maintained setback and median landscaping will enhance the overall quality and desirability of the properties. In turn, property values are specifically enhanced by the availability of improved and well-maintained landscaping in the area.

3. **Special Benefits to Properties Within the District:** It has been determined that all of the properties within the District will receive a similar special benefit. The total annual assessment will, therefore, be allocated to all properties in amounts proportionate to the size of each Parcel. The Total Annual Assessment Amount will, therefore, be apportioned to each Assessor Parcel within the District using a "Per Acre" assessment amount.

4. ***Delinquent Assessments:*** In the event the annual levied assessment for a previous fiscal year for a property in the District is delinquent and uncollected, the budget for the new fiscal year may be increased by the amount of the delinquent assessment, and the total budget, including the delinquent assessment, may be allocated to all other non-delinquent properties on a "per acre" basis. Any increase in the assessment on other properties in the District resulting from such delinquent assessments, or the annual CPI adjustment (see below), will be considered authorized increases in the assessment and shall not require additional approval by property owners through a mailed assessment ballot proceeding, pursuant to Article XIID of the California Constitution.

5. ***Cost of Living Adjustment:*** The annual 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 (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. In addition, the annual adjustment may be increased due to delinquent assessments on property in the District, as specified above.

6. ***Appeals and Interpretation:*** Any property owner who feels that the proposed or approved assessment amount for his/her property is in error as a result of incorrect information being used to apply the forgoing method of assessment, may file a written appeal with the Director of Public Works or his/her designee (herein "Director"). Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of such an appeal, the Director will promptly review the appeal and any information provided by the property owner. If the Director finds that the assessment amount should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Director shall cause any refund amount due to the property owner to be provided to said property owner. Any property owner who disagrees with the decision of the Director may refer their appeal to the City Manager. Any property owner who disagrees with the decision of the City Manager may refer their appeal to the City Council. The decision of the City Council shall be final.

K. Duration of Assessments

The assessment is an annual assessment approved, for a given fiscal year, in accordance with the provisions of the Act. It is the intent of the City to undertake the review and approve of a new annual assessment prior to the beginning of each fiscal year, for as long as the assessment is deemed to be necessary and required by the City.

L. Capital Improvement Reserve Fund

The District will have a Capital Improvement Reserve Fund to provide for unforeseen expenses. The projected year-end balance for the Capital Improvement Reserve Fund shall not exceed three (3) years of estimated program costs for the District. If and when it is determined that that levying the maximum authorized assessment for the District in any given year, would cause the Capital Improvement Reserve Fund for the District to exceed said limit, then the amount of the approved assessment which shall be levied upon the properties within the District, shall be reduced to an amount which is estimated to not cause the Capital Improvement Reserve Fund year-end balance to exceed said limit, provided the amount levied upon the properties in the District is not less than ten

percent (10%) of the annual assessment amount. In such event, the amount of the assessment shall remain unchanged. Any reduction to the amount actually levied upon the properties in the District shall not affect the maximum authorized assessment amount for that or any future year.

Upon formation of the District, it is the intent of the City to limit the amount of the Capital Reserve Fund to three hundred percent (300%) of the estimated annual cost of maintaining and servicing the medians and islands. Should it never become necessary for the City to undertake and provide for the maintenance and servicing of the parkways, the upper limit for the Capital Improvement Reserve Fund shall be equal to three hundred percent (300%) of the total estimated annual cost for the maintenance and servicing of all of the Improvements. Any fluctuations in the amount of the assessment actually levied upon the parcels within the District in any given year, shall not affect the maximum authorized assessment amount for that or any future year.

M. Reason for Assessment

The reason for the assessment is to fund City Cost for providing for the maintenance of the Improvements.

N. Assessment Amount vs. Amount to be Levied

Upon formation of the District, that portion of the total assessment related to the administration of the District shall be levied upon the Property; and that portion of the total assessment related to the maintenance and servicing of the Improvements, as defined herein, shall not be levied upon the Property unless and until the City determines, at its sole discretion, that the proper maintenance and servicing of the Improvements requires the City to undertake and provide for same. In the event it becomes necessary for the City to take over the maintenance and servicing of the Improvements, both the Primary Assessment and the Back-up Assessment shall be levied upon the Property.

Prior to the beginning of each future fiscal year the City will undertake the efforts necessary to approve the annual assessments as defined and described herein, including the annual CPI increase and a determination with regard to the amount of the assessment to be levied upon the Property. Each year the City reserves the right to levy that amount necessary to recover actual administrative costs, even if that amount exceeds the estimates set forth herein related to annual administrative costs.

Not a part: alternative language for future districts

3. ***Special Benefits to Properties Within the District:*** It has been determined that all of the properties within the District will receive a similar special benefit. The total annual assessment will, therefore, be allocated to all properties in amounts proportionate to the size of each Parcel. The Total Annual Assessment Amount will, therefore, be apportioned to each Assessor Parcel within the District using a "Per Acre" assessment amount.

3. ***Special Benefits to Properties Within the District:*** It has been determined that all of the residential parcels within the District will receive a similar special benefit. The total annual assessment will, therefore, be allocated to all residential lots equally. Any parcels owned by the HOA shall be exempt from the assessment.

Exhibit 'C' [Page 1]
IPD 2000-10
Assessment District AD07-a
Description of Improvements to be Maintained

A. Description of Improvements

The parkway and site landscaping generally described in Exhibit A [19,775 sf].

B. Annual Maintenance Costs

The annual cost to provide for the maintenance of the Improvements is \$19,775 [19,775 sf x \$1.00 / sf].

RESOLUTION NO. 2007 - _____

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-07-04 (ASADURIAN: IPD 2000-10) 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 IPD 2000-10 [Asadurian].

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.

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-07-04."

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 7th day of March, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Order No.
Escrow No.
Loan No.

Attachment 4

WHEN RECORDED MAIL TO:

City Clerk
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

DOCUMENTARY TRANSFER TAX \$ -0-
..... Computed on the consideration or value of property conveyed; OR
..... Computed on the consideration or value less liens or encumbrances
remaining at time of sale. APN:511-0-070-55 & 56

SPACE ABOVE THIS LINE FOR RECORDER'S USE

"No Fee Required" (Government Code Sections
6103 & 27383) Recorded for the benefit of
the City of Moorpark
Signature of Declarant or Agent determining tax — Firm Name

GRANT DEED

(Landscape Maintenance District Easement)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Manny Asadurian, Jr.

hereby GRANT(S) to the
City of Moorpark

the real property in the City of Moorpark
County of Ventura

, State of California, described as

The southerly 30 feet and the easterly 30 feet of Parcel 1, and the southerly 30 feet of
Parcel 2, as described in the attached legal description (Exhibit "A"), for purposes of
maintaining, repairing and replacing landscaping and irrigation improvements, to the extent
that Grantor fails to do so in a proper and reasonable manner following reasonable notice
from Grantee.

Dated 1-30-07

Manny Asadurian, Jr.

STATE OF CALIFORNIA }
COUNTY OF Ventura } ss.

Manny Asadurian, Jr.

On January 30, 2007 before me,
Michelle Romano, Notary Public
personally appeared Manny Asadurian, Jr.

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signa-
ture(s) on the instrument the person(s) or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Signature *M. Romano*



(This area for official notarial seal)

MAIL TAX STATEMENTS TO:

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1.

PARCELS 2, 3 AND 4 OF PARCEL MAP NO 3836-1, IN THE CITY OF MOORPARK, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 37, PAGES 70 AND 71 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES ON, IN AND UNDER SAID LAND, AS RESERVED BY DORA SPENCER, A MARRIED WOMAN, BUT DEALING WITH HER SEPARATE PROPERTY, IN DEED RECORDED SEPTEMBER 10, 1953, AS DOCUMENT NO 22554, IN BOOK 1156, PAGE 92, OFFICIAL RECORDS, AS TO A PORTION OF SAID LAND, AND AS RESERVED BY JOHN I CORNETT, A MARRIED MAN, BUT DEALING WITH HIS SEPARATE PROPERTY, IN DEED RECORDED SEPTEMBER 10, 1953, AS DOCUMENT NO 22558, IN BOOK 1156, PAGE 97, OFFICIAL RECORDS, AS TO THE REMAINDER OF SAID LAND

PARCEL 2.

PARCEL "A" OF PARCEL MAP NO 3836-2, IN THE CITY OF MOORPARK, COUNTY OF VENTURA, STATE OF CALIFORNIA, FILED IN BOOK 42, PAGE 4 OF RECORDS OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER, OF VENTURA COUNTY

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AN TO ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES ON, IN AND UNDER SAID LAND, AS RESERVED BY JOHN I. CORNETT, A MARRIED MAN, BUT DEALING WITH HIS SEPARATE PROPERTY, IN DEED RECORDED SEPTEMBER 10, 1953, AS DOCUMENT NO 22558, IN BOOK 1156, PAGE 97, OFFICIAL RECORDS.

PARCEL 3.

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF LAND LYING WITHIN THE MOST EASTERLY 12 FEET 6 INCHES OF THE MOST SOUTHERLY 109 FEET, OF THE LAND DESCRIBED AS FOLLOWS

BEGINNING AT A POINT OF THE CENTER LINE OF LOS ANGELES AVENUE, 60 FEET WIDE, DISTANT ALONG SAID CENTER LINE SOUTH 89° 59' 15" EAST 425 78 FEET FROM THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THAT CERTAIN QUITCLAIM DEED TO DORA SPENCER, RECORDED AUGUST 16, 1949, AS DOCUMENT NO. 13600, IN BOOK 886, PAGE 349, OF OFFICIAL RECORDS, THENCE ALONG SAID CENTER LINE

1ST: NORTH 89° 59' 15" WEST 120 FEET, THENCE,

2ND NORTH 0° 04' EAST 180 FEET, THENCE PARALLEL WITH SAID CENTER LINE OF LOS ANGELES AVENUE,

3RD: ALONG 89° 59' 15" EAST 120 FEET TO THE INTERSECTION WITH A LINE WHICH BEARS NORTH 0° 04' EAST FROM SAID POINT OF BEGINNING, THENCE ALONG SAID LAST MENTIONED LINE,

4TH: SOUTH 0° 04' WEST 180 FEET TO THE POINT OF BEGINNING

PARCEL 4.

LEGAL DESCRIPTION
(continued)

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, BEING THE EASTERLY 12 50 FEET OF THE LAND DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE CENTER LINE OF LOS ANGELES AVENUE, 60 FEET WIDE, DISTANT ALONG SAID CENTER LINE SOUTH 89° 59' 15" EAST 425 78 FEET FROM THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THAT CERTAIN QUITCLAIM DEED TO DORA SPENCER, RECORDED AUGUST 16, 1949, AS DOCUMENT NO. 13600, IN BOOK 886, PAGE 349, OF OFFICIAL RECORDS, THENCE ALONG SAID CENTERLINE.

1ST. NORTH 89° 59' 15" WEST 120 FEET, THENCE,

2ND. NORTH 0° 04' EAST 180 FEET, THENCE, PARALLEL WITH SAID CENTERLINE OF LOS ANGELES AVENUE,

3RD SOUTH 89° 59' 15" EAST 120 FEET TO THE INTERSECTION WITH A LINE WHICH BEARS NORTH 0° 04' EAST FROM SAID POINT OF BEGINNING, THENCE ALONG SAID LAST MENTIONED LINE,

4TH SOUTH 0° 04' WEST 180 FEET TO THE POINT OF BEGINNING

EXCEPT THE SOUTHERLY 109 00 FEET THEREOF

ALSO EXCEPT THE INTEREST IN THE SOUTHERLY 30 FEET OF SAID LAND LYING WITHIN THE LAND DESCRIBED IN THE QUITCLAIM DEED TO COUNTY OF VENTURA, RECORDED JUNE 6, 1889, IN BOOK 28, PAGE 190, OF DEEDS