

**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:** March 29, 2007 (CC Meeting of 04-18-07)

**SUBJECT:** Consider Request for the Formation of Assessment District AD07-03 (Nearon – CPD 2004-01) and Adopt Resolution Initiating the Proceedings for Same

**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 and drainage improvements located within and adjacent to the Village at Moorpark shopping center (CPD 2004-01 – Nearon) (herein “Property”), located at the southwest corner of Los Angeles Avenue and Miller Parkway (see the map attached to the Petition).

**DISCUSSION**

A. Improvements

The developer of the Property has constructed certain landscape and drainage improvements (herein “Improvements”) within and adjacent to the Property. The developer, and/or subsequent property managers, are responsible for maintaining the Improvements.

B. Maintenance Guarantee

The Conditions of Approval for CPD 2004-01 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

CPD 2004-01 was approved by City Council Resolution No. 2004-2231. Condition No. 57 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 AD07-03 [herein "District"].

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 1) 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 2325).

F. Improvements to be Maintained

The improvements to be maintained by the District (Improvements) are generally identified in Exhibits 'A' and 'C' of the Petition.

G. Access and Right-of-Way

All of the Improvements (to be maintained) are located on-site or within Caltrans or City street right-of-way. A "Three-Way Agreement", between the developer, the City and Caltrans, has been executed to facilitate access to the Improvements within the Caltrans right-of-way. A Maintenance Easement will be granted to the City to allow for future City access to the on-site Improvements, should that become necessary.

H. Resolution Initiating Proceedings

A Resolution has been prepared (Attachment 2) for the purpose of initiating the proceedings necessary for the formation of the District. Should the City Council

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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 AD07-03 (District 25), for FY 2007/08.

I. 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 \$1,019.45. 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 \$44,855.91. 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.

J. 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 AD07-03 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 the Engineer's Report will be presented to the City Council in May.

**K. 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 (\$)	Total (\$)
Maintenance and Replacement Cost	31,447.03	9,331.07	40,778.10
Contingency (10%)	3,144.70	933.11	4,077.81
Administration	786.18	233.28	1,019.46
Total	35,377.91	10,497.46	45,875.37

Description	Total Assessment Amount		
	Primary Assessment	Back-up Assessment	Total Assessment
Total Assessment Amount	\$1,019.46	\$44,855.91	\$45,875.37
Total Number of acres	11.52	11.52	11.52
Total Assessment per Acre	\$88.49	\$3,893.74	\$3,982.24

**L. 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.

**M. 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.

**STAFF RECOMMENDATIONS**

1. Accept and approve the Petition/Waiver (Attachment 1) from the owner of the Property, requesting the formation of assessment district [AD 07-03] for CPD 2004-01.
2. Adopt Resolution No. 2007-\_\_\_\_ (Attachment 2) initiating the proceedings required for the formation of said District.

**Attachments:**

- 1: Petition and Waiver
- 2: Resolution Initiating District formation proceedings

**PETITION AND WAIVER  
RE:  
FORMATION OF ASSESSMENT DISTRICT AD07-03  
FOR CPD2004-01: VILLAGE AT MOORPARK**

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

RE: Establishment of Landscape Maintenance Assessment District AD07-03 for CPD 2004 -01, located at the southwest corner of the intersection of Los Angeles Avenue and Miller Parkway.

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 CPD 2004-01 (herein "Development Plan"), prepared and submitted by the Owner.

Certain landscape improvements, defined and described in Exhibit "A" 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, entitled AD07-03, (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

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as Exhibit "B". A more detailed list of the improvements to be maintained and the assessment amount is set forth in Exhibit "C" attached hereto and made a part hereof.

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 14 day of March, 2007 at Calabasas, California.

By: [Signature] The Village at Moorpark, LLC  
By: \_\_\_\_\_  
Marco A. Ossola  
its Managing Member

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. 512-0-350-04].





Project:

VILLAGE AT MOORPARK

Drawing Title:

LANDSCAPE  
MAINTENANCE  
DISTRICT  
EXHIBIT 'B'

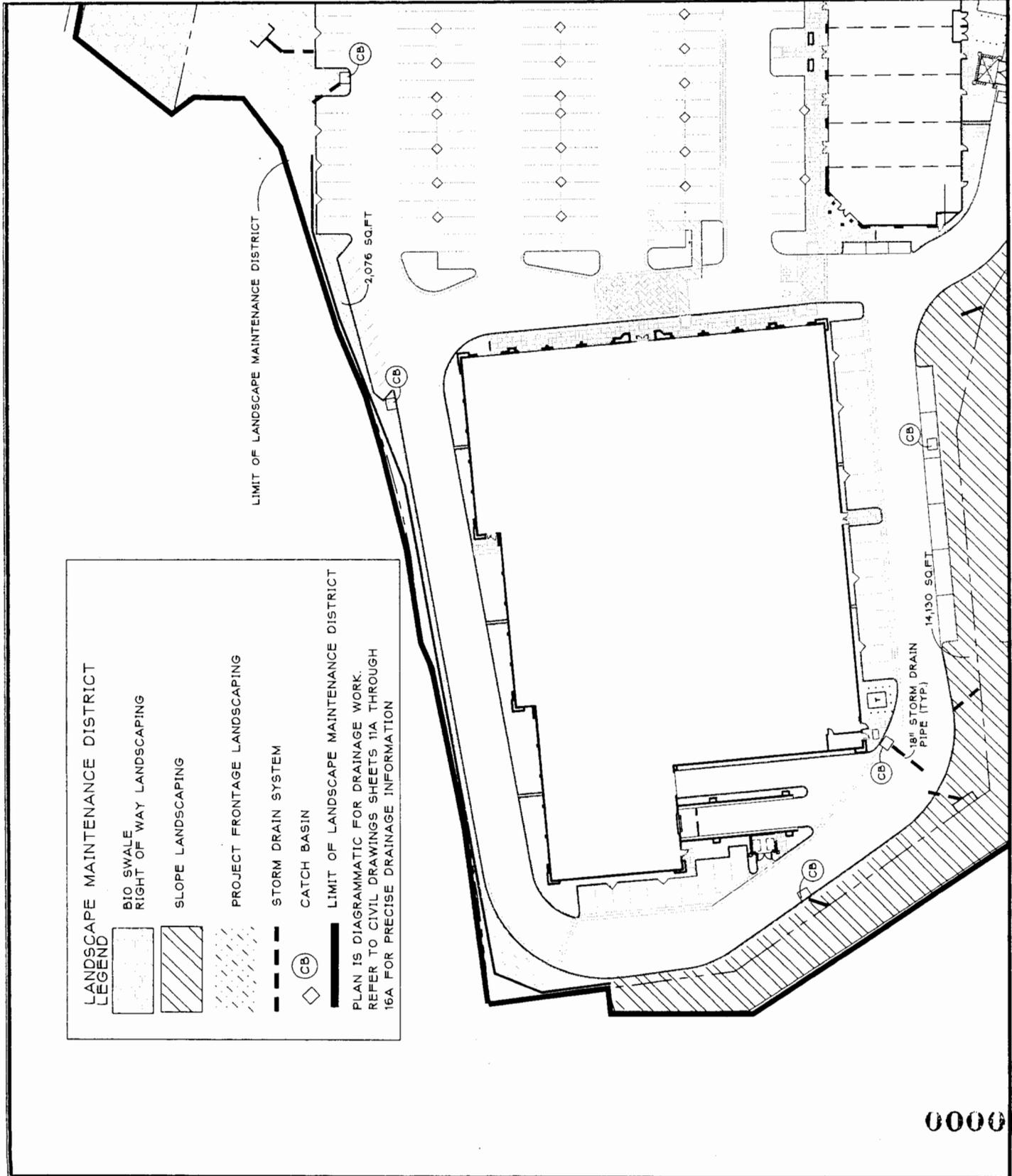
Sheet No:

LMD-2

**LANDSCAPE MAINTENANCE DISTRICT LEGEND**

-  BIO SWALE RIGHT OF WAY LANDSCAPING
-  SLOPE LANDSCAPING
-  PROJECT FRONTAGE LANDSCAPING
-  STORM DRAIN SYSTEM
-  CATCH BASIN
-  LIMIT OF LANDSCAPE MAINTENANCE DISTRICT

PLAN IS DIAGRAMMATIC FOR DRAINAGE WORK.  
REFER TO CIVIL DRAWINGS SHEETS 11A THROUGH 16A FOR PRECISE DRAINAGE INFORMATION



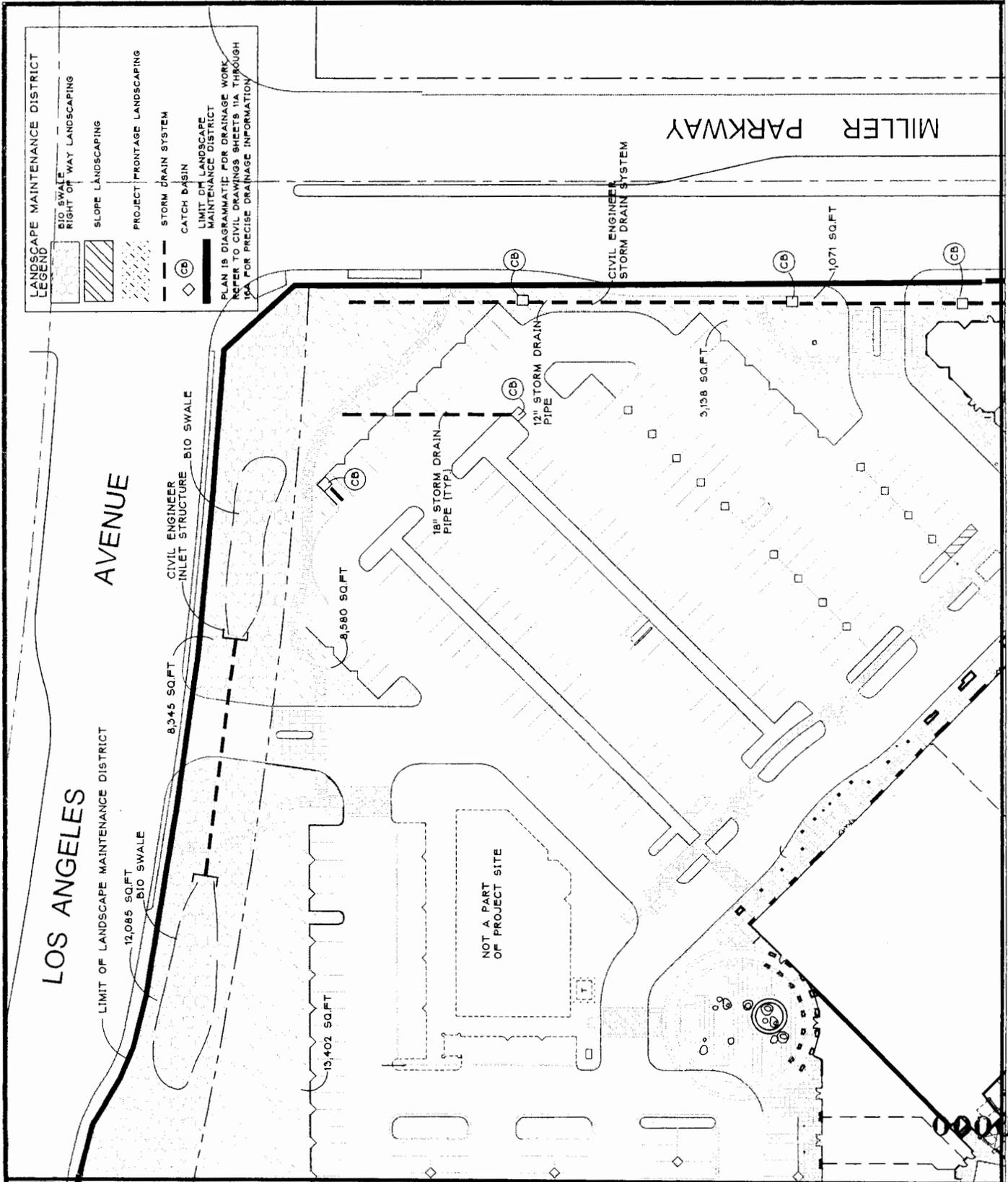


Project:

VILLAGE AT MOORPARK

Drawing Title:  
LANDSCAPE  
MAINTENANCE  
DISTRICT  
EXHIBIT 'C'

Sheet No. LMD-3



Wynn Landscape Architects, Inc.  
 P.O. Box 140  
 Tempe  
 AZ 85280  
 Tel: 480-948-4200  
 Fax: 480-948-4200



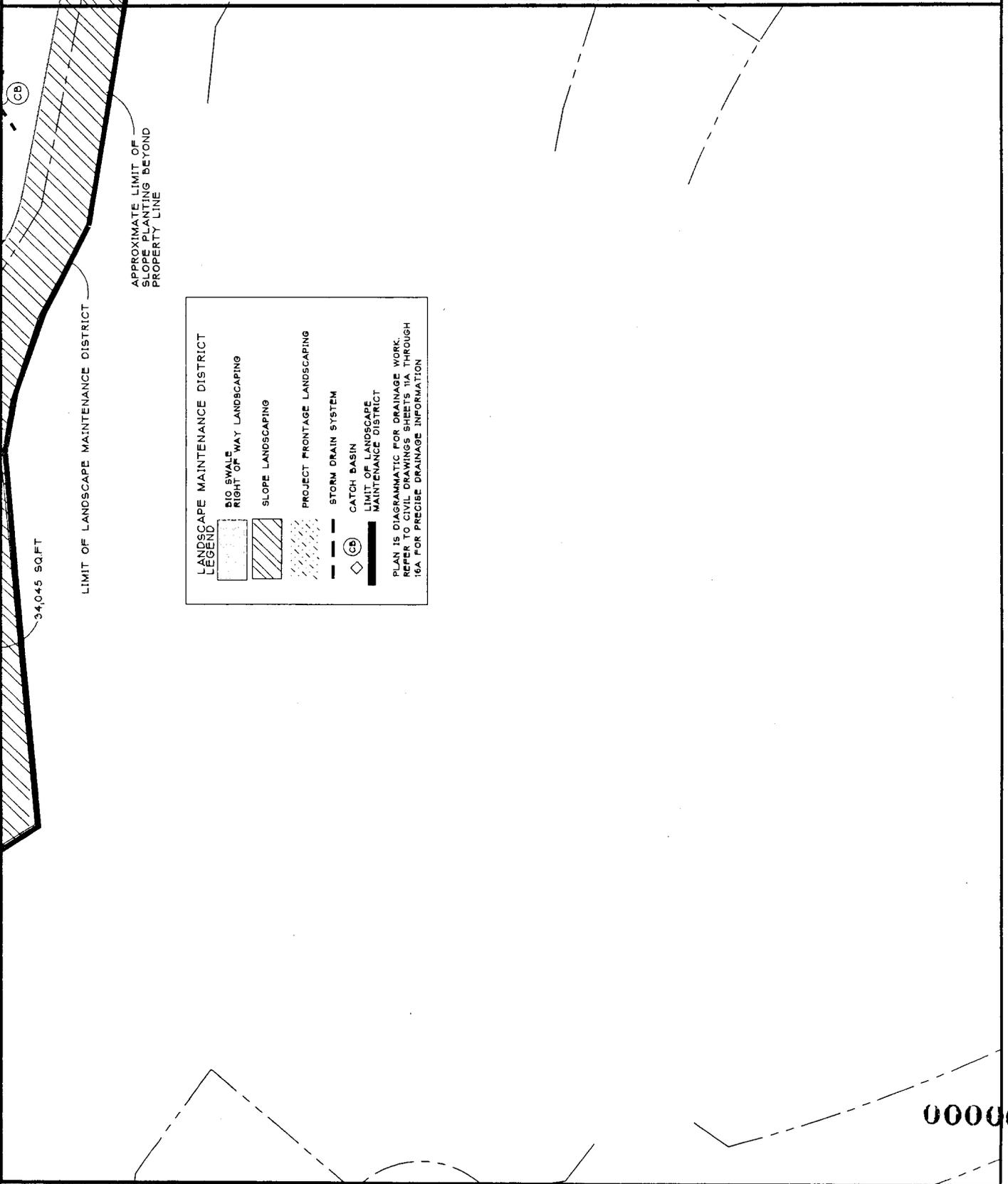
Project:

VILLAGE AT MOORPARK

Exhibit A

Drawing Title:  
**LANDSCAPE  
 MAINTENANCE  
 DISTRICT  
 EXHIBIT 'D'**

Sheet No: LMD-4



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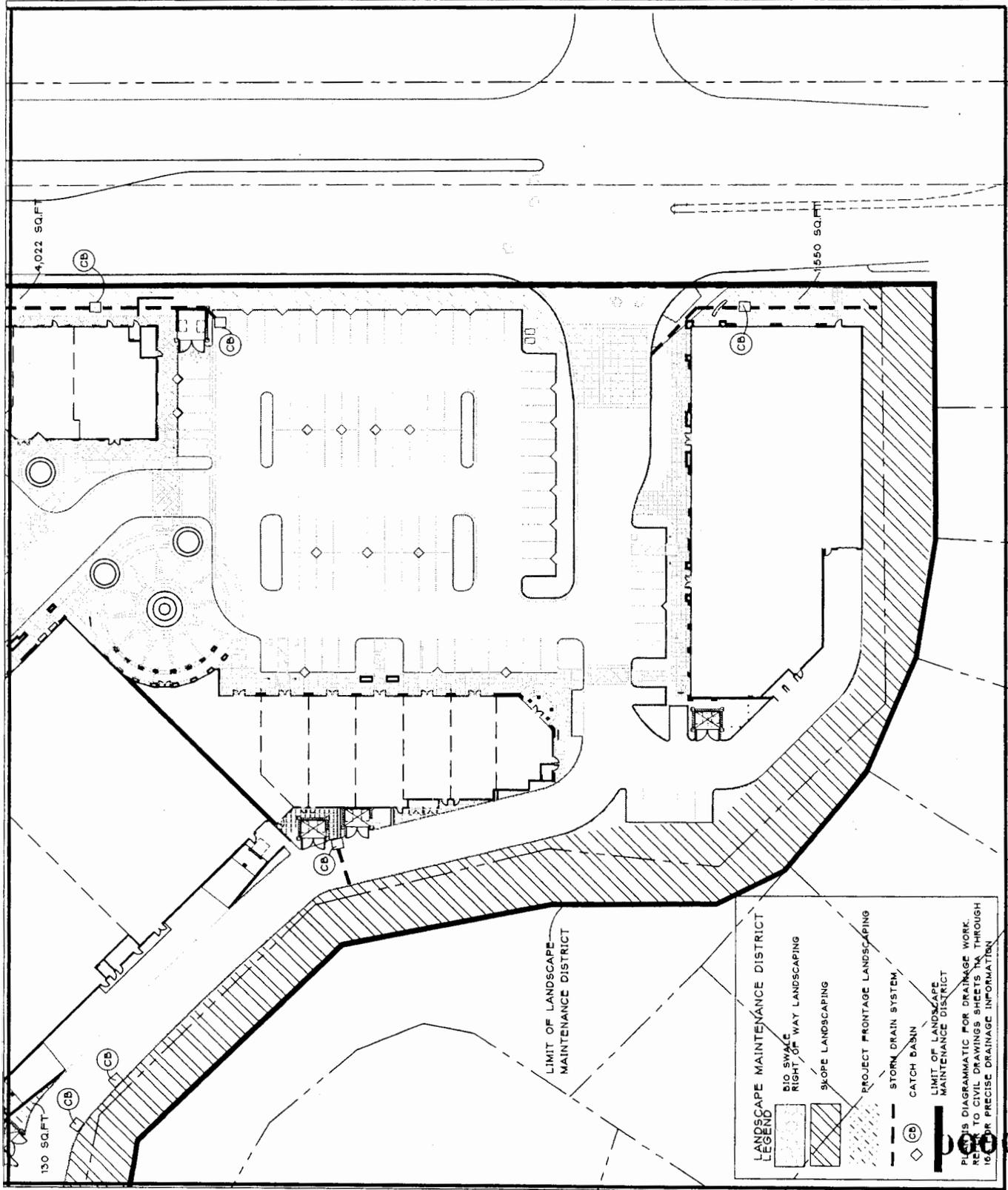
Wynn Landscape Architects, Inc.  
P.O. Box 1440  
Troy, CA 95060  
Tel 916-337-1100  
Fax 916-337-4000



Project: VILLAGE AT MOORPARK

Drawing Title:  
LANDSCAPE  
MAINTENANCE  
DISTRICT  
EXHIBIT 'E'

Sheet No. LMD-5



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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 in and on Exhibits "A" and "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 "A" 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, maintained or possibly to be 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.

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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	31,447.03	9,331.07	40,778.10
Contingency (10%)	3,144.70	933.11	4,077.81
Administration	786.18	233.28	1,019.45
<b>Total</b>	<b>35,377.91</b>	<b>10,497.45</b>	<b>45,875.36</b>

A more detailed summary of the estimated FY 2007/08 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	1,019.45	44,855.91	45,875.36
Total Number of acres	11.52	11.52	11.52
Total Assessment per Acre	88.49	3,893.74	3,982.24

Additional information about the levying of the Primary Assessment and the Back-up Assessment is set forth in Section N 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 Maximum Annual Assessment Amount

The Fiscal Year 2007/08 total maximum annual assessment amount shall be equal to the total estimated annual cost and budget as defined herein above as being equal to \$45,875.36.

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 maximum assessment related to District administration costs. The amount of the FY 2007/08 assessment to be levied would, therefore, only be \$1,019.45.

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.

16-Jan-07

**VILLAGE AT MOORPARK - LANDSCAPE MAINTENANCE DISTRICT  
MAINTENANCE COSTS**

**Based on Landscape Plans (November 2006)**

Item	Quantity	Unit	Cost	Frequency	Total Maintenance / Replacement Costs	
					Annual	Monthly
<b>A. Public Right of Way/Bio Swale</b>						
1 Trees						
15 Gal	3	ea.	\$15.00	1	\$45.00	\$3.75
24" Box	16	ea.	\$35.00	1	\$560.00	\$46.67
36" Box	6	ea.	\$37.00	1	\$222.00	\$18.50
48" Box	4	ea.	\$40.00	1	\$160.00	\$13.33
Shrub planting & Ground covers	20430	sq.ft	\$0.25	1	\$5,107.50	\$425.63
Irrigation	20430	sq.ft	\$0.10	1	\$2,043.00	\$170.25
2 Storm Drain Pipeline						
Inspections	95	ln.ft	\$0.22	1	\$20.90	\$1.74
Cleaning	95	ln.ft	\$0.44	1	\$41.80	\$3.48
System components						
18" Storm Drain Pipe	95	ln.ft	\$72.27	0.033	\$226.57	\$18.88
<b>Sub Total</b>					<b>\$8,137.50</b>	<b>\$678.13</b>
<b>B. On site Drainage</b>						
2 Storm Drain Pipeline						
Inspections	2820	ln.ft	\$0.22	1	\$620.40	\$51.70
Cleaning	2820	ln.ft	\$0.44	1	\$1,240.80	\$103.40
System components						
Catch Basins	23	ea.	\$4,063.11	0.033	\$3,083.90	\$256.99
Manholes	5	ea.	\$4,063.11	0.033	\$670.41	\$55.87
Junction Structure	1	ea.	\$6,597.00	0.033	\$217.70	\$18.14
48" Storm Drain Pipe	306	ln.ft	\$176.85	0.033	\$1,785.83	\$148.82
24" Storm Drain Pipe	411	ln.ft	\$104.90	0.033	\$1,422.76	\$118.56
<b>Sub Total</b>					<b>\$9,041.80</b>	<b>\$753.48</b>

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VILLAGE AT MOORPARK - LANDSCAPE MAINTENANCE DISTRICT  
MAINTENANCE COSTS  
Page Two

C. Project Frontage Landscaping

1 Trees						
	15 Gal	13 ea.	\$15.00		\$195.00	\$16.25
	24" Box	57 ea.	\$35.00		\$1,995.00	\$166.25
	36" Box	25 ea.	\$37.00		\$925.00	\$77.08
	48" Box	6 ea.	\$40.00		\$240.00	\$20.00
	Shrub planting & Ground covers	33838 sq.ft	\$0.25		\$8,459.50	\$704.96
	Irrigation	33838 sq.ft	\$0.10		\$3,383.80	\$281.98
	<b>Sub Total</b>				<b>\$15,198.30</b>	<b>\$1,266.53</b>

D. Slope Planting

1 Trees						
	15 Gal	186 ea.	\$15.00		\$2,790.00	\$232.50
	24" Box	19 ea.	\$35.00		\$665.00	\$55.42
	Shrub planting & Ground covers	14130 sq.ft	\$0.25		\$3,532.50	\$294.38
	Irrigation	14130 sq.ft	\$0.10		\$1,413.00	\$117.75
	<b>Sub Total</b>				<b>\$8,400.50</b>	<b>\$700.04</b>

Total LMD Maintenance Costs

Contingency (10%)	\$40,778.10	\$3,398.18
G & A (2.5%)	\$4,077.81	\$339.82
<b>Total LMD Budget</b>	<b>\$1,019.45</b>	<b>\$84.95</b>
	<b>\$45,875.37</b>	<b>\$3,822.95</b>

Notes

Landscaping: Mowing, trimming, irrigation, irrigation system repair and maintenance, weeding, fertilizing, pest control  
 vegetation & debris cleaning and removal, replacement of vegetation/turf/trees  
 Inspections: Inspecting for damaged, blocked or leaking pipes and components  
 Cleaning: Cleaning blocked or debris filled pipes.

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-07-03 (NEARON: CPD 2004-01) 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 CPD 2004-01 [Nearon].

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-07-03."

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 18<sup>th</sup> day of April, 2007.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk