

RESOLUTION NO. 3642

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE
RANCHO SAN VICENTE PARKS AND OPEN SPACES MAINTENANCE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2005/2006**

WHEREAS, the City Council has by previous Resolutions initiated proceedings and declared its intention to levy assessments for the Rancho San Vicente Parks and Open Spaces Maintenance Assessment District (hereafter referred to as the "District") for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing improvements and facilities located within public places within the boundaries of the District; and

WHEREAS, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, the Engineer's Annual Levy Report (hereafter referred to as the "Report") for the District that describes the District and the proposed levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Report; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 to pay the costs and expenses of operating, maintaining, and servicing improvements and facilities located within the boundaries of the District; and

WHEREAS, the City and its assessment consultant have reviewed the provisions of Section XIII D of the California State Constitution and found that the proposed assessments comply with these provisions.

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF SOLEDAD FOR THE DIAMOND RIDGE PARKS AND OPEN SPACES MAINTENANCE ASSESSMENT DISTRICT NO. 1 AS FOLLOWS:

Section 1 Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests, and communications made or filed by interested persons regarding these matters.

Section 2 Based upon its review (and amendments, as applicable) of the Report, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of improvements located in public places within the boundaries of the District; and,
- ii) the District includes all of the lands so benefited, and,

iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

Section 3 The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

Section 4 The maintenance, operation, and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows the maintenance and operation of and the furnishing of services and materials for landscape maintenance easement areas including open space areas, parkways, and slopes within the boundaries of the District, including, but not limited to trees, shrubs, turf and other ornamental vegetation, drainage and irrigation systems, stitch piers, park maintenance and repairs, and sound wall maintenance repairs, and other appurtenant facilities. The Report describes all new improvements or substantial changes in existing improvements.

Section 5 The County Auditor of the County of Monterey shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer

Section 6 The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as the "Improvement Fund, City of Soledad, Rancho San Vicente Parks and Open Spaces Maintenance Assessment District and such monies shall be expended only for the maintenance, operation, and servicing improvements and facilities as described in Section 4

Section 7 The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006

Section 8 The City Clerk or their designate is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on 6th day of July, 2005 by the following vote:

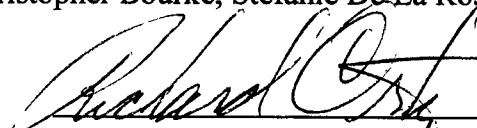
AYES, and in favor thereof, Councilmembers.
Juan Saavedra, Mayor Richard Ortiz

Patricia Stephens, Mayor Pro Tem

NOES, Councilmembers None


ABSTAINED, Councilmembers. None

ABSENT, Councilmembers. Christopher Bourke, Stefanie De-La Rosa



RICHARD V. ORTIZ, Mayor

ATTEST



NOELIA F. CHAPA, City Clerk

**CITY OF SOLEDAD
MODIFIED ENGINEER'S FINAL
ANNUAL LEVY REPORT
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District
Fiscal Year 2005/2006**



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ENGINEER'S REPORT AFFIDAVIT
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

City of Soledad
Monterey County, State of California

This Report describes the District and all relevant zones therein including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2005/2006 as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Monterey County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2005

MuniFinacial
Assessment Engineer
On Behalf of the City of Soledad

By: _____
Bill Moses
District Administration Services

By: _____
John F Knipe, P.E
R. C. E #27088

CITY CLERK'S CERTIFICATE
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

City of Soledad
Monterey County, State of California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2005

NOELIA F CHAPA, City Clerk
City of Soledad, Monterey County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Soledad, California, on the _____ day of _____, 2005

NOELIA F CHAPA, City Clerk
City of Soledad, Monterey County, California

By: _____

I HEREBY CERTIFY THAT THE ENCLOSED Engineer's Report, together with the Assessment Diagram thereto attached, was filed with the County Auditor of the County of Monterey on the _____ day of _____, 2005

NOELIA F CHAPA, City Clerk
City of Soledad, Monterey County, California

By: _____

ENGINEER'S REPORT
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

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DESCRIPTION OF WORK

Rancho San Vicente Parks and Open Spaces Maintenance Assessment District

RANCHO SAN VICENTE Parks and Open Spaces Maintenance Assessment District is generally described as a district bounded on the northeast by existing Vista Soledad Phases I and II, on the southwest by San Vicente Townhomes, on the southeast by West Street, and on the northwest by San Vicente Road.

Maintenance and operation of street lights and any or all public landscaping and irrigation improvements, of a local nature, on landscaped strips of land adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, appurtenant irrigation systems; ornamental plantings including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal, and any and all other items of work necessary and incidental for the proper maintenance and operation thereof. Maintenance and operation also includes all additions, improvements and enlargements thereto which may hereafter be made on the following described work.

Maintenance and operations as described above are for the improvements located on the following streets.

West Street and San Vicente Road Landscaping, is located in a strip of land varying in width from face of curb lines, including planter walls:

- 1) A 10-foot wide +/- strip of land along the northwest side of West Street from Market Street northeast to the Vista Soledad Subdivision.
- 2) A 30-foot wide +/- strip of land along the easterly side of San Vicente Road from San Vicente Townhomes north to the Vista Soledad Subdivision.

Maintenance and operation of any and all public landscaping and irrigation improvements, of a local nature, on landscaped areas of the following described areas, including appurtenant irrigation systems; ornamental plantings including lawns, shrubs and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal, and any and all other items of work necessary and incidental for the proper maintenance and operation thereof.

Maintenance and operation also includes all additions, improvements and enlargements thereto which may hereafter be made on the following described work.

Neighborhood Park Parcel "D"

Incidental costs including contingencies and assessment district incidentals including engineering, printing, and notices to property owners, collection costs, legal fees, administration and supervision, are assessed to the District on the same basis as the improvements specified above.

2005/2006 BUDGET ESTIMATES
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

Expenditure Items	2005/06 Budget
Park Maintenance	\$12,000 00
Street Landscaping	18,000 00
Parkway Water Charges	2,000 00
Park Water Charges	1,200 00
Park Electrical Charges	500 00
Sound Wall Maintenance	2,000 00
Street Lighting Electrical & Replacement	2,000 00
Operating Reserve Fund Collection	12,189 41
Total Direct Expenses	\$49,889.41
City Administration (6%)	3,870 83
District Administration	2,000 00
Printing & Advertising	1,000 00
Legal Fees (District Formation)	6,000 00
Collection Fees	1,305 00
Total Administration Expenses	\$14,175.83
TOTAL OF EXPENSES	\$64,065.24

2005/2006 ASSESSMENT ROLL
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NO.	ASSESSMENT UNITS	ASSESSMENT 2005/2006	COLLECTION FEE	TOTAL LEVY
1	022-461-001	1	\$468.36	\$15.00	\$483.36
2	022-461-002	1	468.36	15.00	483.36
3	022-461-003	1	468.36	15.00	483.36
4	022-461-004	1	468.36	15.00	483.36
5	022-461-005	1	468.36	15.00	483.36
6	022-461-006	1	468.36	15.00	483.36
7	022-461-007	1	468.36	15.00	483.36
8	022-461-008	1	468.36	15.00	483.36
9	022-461-009	1	468.36	15.00	483.36
10	022-461-010	1	468.36	15.00	483.36
11	022-461-011	1	468.36	15.00	483.36
12	022-461-012	1	468.36	15.00	483.36
13	022-461-013	1	468.36	15.00	483.36
14	022-461-014	1	468.36	15.00	483.36
15	022-461-015	1	468.36	15.00	483.36
16	022-461-016	1	468.36	15.00	483.36
17	022-461-017	1	468.36	15.00	483.36
18	022-461-018	1	468.36	15.00	483.36
19	022-461-019	1	468.36	15.00	483.36
20	022-461-020	1	468.36	15.00	483.36
21	022-461-021	1	468.36	15.00	483.36
22	022-461-022	1	468.36	15.00	483.36
23	022-461-023	1	468.36	15.00	483.36
24	022-461-024	1	468.36	15.00	483.36
25	022-461-025	1	468.36	15.00	483.36
26	022-461-026	1	468.36	15.00	483.36
27	022-461-027	1	468.36	15.00	483.36
28	022-461-028	1	468.36	15.00	483.36
29	022-461-029	1	468.36	15.00	483.36
30	022-461-030	1	468.36	15.00	483.36
31	022-461-031	1	468.36	15.00	483.36
32	022-461-032	1	468.36	15.00	483.36
33	022-461-033	1	468.36	15.00	483.36
34	022-461-034	1	468.36	15.00	483.36
35	022-461-035	1	468.36	15.00	483.36
36	022-461-036	1	468.36	15.00	483.36
37	022-461-037	1	468.36	15.00	483.36
38	022-461-038	1	468.36	15.00	483.36
39	022-461-039	1	468.36	15.00	483.36
40	022-461-040	1	468.36	15.00	483.36
41	022-461-041	1	468.36	15.00	483.36
42	022-461-042	1	468.36	15.00	483.36
43	022-461-043	1	468.36	15.00	483.36
44	022-461-044	1	468.36	15.00	483.36

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NO	ASSESSMENT UNITS	ASSESSMENT 2005/2006	COLLECTION FEE	TOTAL LEVY
45	022-461-045	1	468.36	15.00	483.36
46	022-461-046	1	468.36	15.00	483.36
47	022-461-047	1	468.36	15.00	483.36
48	022-461-048	1	468.36	15.00	483.36
49	022-461-049	1	468.36	15.00	483.36
50	022-461-050	1	468.36	15.00	483.36
51	022-461-051	1	468.36	15.00	483.36
52	022-461-052	1	468.36	15.00	483.36
53	022-461-053	1	468.36	15.00	483.36
54	022-461-054	1	468.36	15.00	483.36
55	022-461-055	1	468.36	15.00	483.36
56	022-461-056	1	468.36	15.00	483.36
57	022-461-057	1	468.36	15.00	483.36
58	022-461-058	1	468.36	15.00	483.36
59	022-461-059	1	468.36	15.00	483.36
60	022-461-060	1	468.36	15.00	483.36
61	022-461-061	1	468.36	15.00	483.36
62	022-461-062	1	468.36	15.00	483.36
63	022-461-063	1	468.36	15.00	483.36
64	022-461-064	1	468.36	15.00	483.36
65	022-461-065	1	468.36	15.00	483.36
66	022-461-066	1	468.36	15.00	483.36
67	022-461-067	1	468.36	15.00	483.36
68	022-461-068	1	468.36	15.00	483.36
69	022-461-069	1	468.36	15.00	483.36
70	022-461-070	1	468.36	15.00	483.36
71	022-461-071	1	468.36	15.00	483.36
72	022-461-072	1	468.36	15.00	483.36
73	022-461-073	1	468.36	15.00	483.36
74	022-461-074	1	468.36	15.00	483.36
75	022-461-075	1	468.36	15.00	483.36
76	022-461-076	1	468.36	15.00	483.36
77	022-461-077	1	468.36	15.00	483.36
78	022-461-078	1	468.36	15.00	483.36
79	022-461-079	1	468.36	15.00	483.36
80	022-461-080	1	468.36	15.00	483.36
81	022-461-081	1	468.36	15.00	483.36
82	022-461-082	1	468.36	15.00	483.36
83	022-461-083	1	468.36	15.00	483.36
84	022-461-084	1	468.36	15.00	483.36
85	022-461-085	1	468.36	15.00	483.36
86	022-461-086	1	468.36	15.00	483.36
87	022-461-089	48	22,481.28	15.00	22,496.28
TOTAL			\$62,760.24	\$1,305.00	\$64,065.24

METHOD OF APPORTIONMENT

Rancho San Vicente Parks and Open Spaces Maintenance Assessment District

The District is assessed, on the basis of total development units generated, for the maintenance and operation of the Rancho San Vicente Parks and Open Spaces Maintenance Assessment District including incidentals and appurtenances and shall include all the costs of maintaining and/or operating the improvements described herein

GENERAL RULES

- 1 All costs associated with the maintenance and operation of the Rancho San Vicente Parks and Open Spaces Maintenance Assessment District improvements including the Engineer's Report, printing and advertising of assessment notices and legal fees shall be spread to all parcels on a pro rata development unit basis.
2. Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping, street lighting, and park and recreational facilities. Section 22573 of the Landscaping and Lighting Act of 1972 requires that maintenance assessments be levied according to benefit rather than according to assessed value. In addition, Article XIID, Section 4(a) of the California Constitution limits the amounts of any assessment to the proportional special benefit conferred on the property

Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

Excepted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and right-of-way, public greenbelts and public parkways, and that portion of public property that is not developed and used for business purposes similar to private commercial, industrial, and institutional activities.

With the exception of the proposed park, the improvements to be maintained and operated as a result of the formation of the Rancho San Vicente Parks and Open Spaces Maintenance Assessment District are to be installed simultaneously with the development of residential units within the District. Once park improvements are accepted, the full assessment will be collected from all developed parcels in

proportion to the special benefit derived by each parcel. All of the involved improvements are being installed within or in areas in close proximity to the proposed developed residential lots.

As a result of the foregoing, the developed residential lots in Rancho San Vicente will receive the special benefits of the operation and maintenance of parks, public landscaping and street lights. These special benefits include enhanced neighborhood identity and quality of life, generated when park landscaping and lighting are in place, improved, operable, safe, clean and maintained. In short, maintenance and operation of the proposed improvements will provide beautification, shade, and increase the desirability of the immediate surroundings of the residential units within the District.

Because of the location of the contemplated improvements either within or close to the District itself, there is no general benefit to properties outside the District or the community as a whole, or a general benefit that is so negligible, it cannot be calculated for purposes of assessment.

As such, all costs associated with the maintenance and operation of Rancho San Vicente Parks and Open Spaces District improvements, including incidentals and appurtenances, shall be spread to all parcels within the District on a development unit basis. Developed parcels are those parcels on which a final subdivision map has been filed, and which can obtain building permits as of the date of the final hearing on assessment. Said parcels also abut or obtain primary access from a public street.

3 In order to determine the appropriate assessment for each developed parcel, a budget for operation and maintenance costs associated with planned improvements in the Rancho San Vicente Subdivision Project was prepared.

4 Factored development unit calculations for residential areas are as follows:

Low Density Residential = 1 0 Unit/Residential Lot Single Family Unit
Future Apartment Unit = 0 8 Unit/Apartment Unit x Apartment Units =
Equivalent Single Family Unit (ESFU)

5 In addition to a City fee for annual administration of the District, all assessed parcels shall be assessed an additional \$15 00 for processing the annual assessments through the County Auditor/Controller

6. Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (*California Constitution Articles XIII C and XIII D*), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment does not exceed the formula or range of assessments previously adopted by the agency or approval by the voters in the area where the assessment is proposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. This District provides for an annual adjustment to the Maximum Assessment Rate per ESFU of three percent (3%).

The Assessment Range Formula shall be applied to all future assessments within the District. Generally, if the proposed annual assessment (levy per equivalent single family unit - ESFU) for the current fiscal year is less than or equal to the calculated Maximum Assessment, then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial assessment (approved by property owners within the District) adjusted annually by three percent (3%).

Beginning in the second fiscal year (Fiscal Year 2004/2005) and each fiscal year thereafter, the Maximum Assessment would be recalculated and a new Maximum Assessment established within the District.

The Maximum Assessment is adjusted annually and is calculated independent of the District's annual budget and proposed annual assessment. Any proposed annual assessment (rate per ESFU less than or equal to this Maximum Assessment) is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year.

Although the Maximum Assessment will increase each year, the actual assessment may remain unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessment for the fiscal year do not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then is considered an increased assessment and would be subject to balloting.

DISTRICT DIAGRAM
Rancho San Vicente Parks and Open Spaces
Maintenance Assessment District

