City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: May 24, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer T. J. T.

SUBJECT: Council Bill #R-2005-35 – Ordering Annexation No. 68 to the Landscape Maintenance District (South side of Mission Road, East of Pepper Way, Tract 16323, American Pacific Homes)

RECOMMENDATION

It is recommended that the City Council adopt Council Bill #R-2005-35, ordering Annexation No. 68 to the Landscape Maintenance District, approving the assessments for Fiscal Year 2005-06 and ordering the assessments and collection of assessments for Fiscal year 2005-06.

BACKGROUND

The City Council approved Tentative Tract Map 16323 (American Pacific Homes) located on the South side of Mission Road, East of Pepper Way, subject to Conditions of Approval. Annexation into the Landscape Maintenance District (LMD) is one of those Conditions.

ANALYSIS

The property owner has submitted a petition requesting a waiver of the forty-five day notice period along with the Assessment Ballot, which includes the annual assessment and a cost of living adjustment. This LMD is intended to be in reserve to the Homeowner Association maintenance.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

Cost associated with this annexation will be covered by the assessment.

I:\Public Works Admin\Staff Reports\Annexation 68Tr16323.doc

AGENDA ITEM 4

RESOLUTION NO. ____

A COUNCIL BILL OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2005/2006 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 68, TRACT NO. 16323, AND CONFIRMING THE ENGINEER'S REPORT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972

WHEREAS, the City Council of the City of Loma Linda did on the 10th day of May 2005 adopt its Resolution No. 2387 which initiated proceedings for the annexation of territory into Landscape Maintenance District No. 1 (the "District") as Annexation No. 68 (the "Annexation") and ordered the preparation of an Engineer's Report (the "Engineer's Report") for fiscal year 2005/2006, which Resolution No. 2387 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Council Bill on file in the office of the City Clerk; and

WHEREAS, a notice of public hearing was mailed to each property owner within the District as required under the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution; and

WHEREAS, said City Council has by its Resolution No. 2387 declared its intention to annex territory into Loma Linda Landscape Maintenance District No. 1 to be known as Annexation No. 68 which has been conditioned as part of their development's approval to enter into the Landscape Maintenance District; and

WHEREAS the Owner of the territory to be included in Annexation No. 68 has submitted an Assessment Ballot in favor of the proposed assessment; and

WHEREAS, said City Council having duly received considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda as follows:

1. That the public interest and convenience requires the ordering of the levy and collection of assessment for fiscal year 2005/2006 and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 2387 be done and made; and

2. That the report filed by the Engineer is hereby ordered finally approved; and

3. That this City Council orders the annexation of the property referred to as Annexation No. 68 into the District; and

4. That the assessments for fiscal year 2005/2006 and method of assessment in the Engineer's Report are hereby approved.

PASSED, APPROVED AND ADOPTED this 24th day of May 2005 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Floyd Petersen, Mayor

ATTEST:

_____
Pamela Byrnes-O'Camb, City Clerk

ENGINEER'S REPORT
CITY OF LOMA LINDA
LANDSCAPE MAINTENANCE DISTRICT NO. 1
ANNEXATION NO. 68
TRACT NO. 16323

FISCAL YEAR 2005/2006

CITY OF LOMA LINDA
SAN BERNARDINO COUNTY, CALIFORNIA
SUBMITTED MAY 10, 2005
PUBLIC HEARING MAY 24, 2005

ENGINEER'S REPORT

CITY OF LOMA LINDA
LANDSCAPE MAINTENANCE DISTRICT NO. 1
ANNEXATION NO. 68
TRACT NO. 16323

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A. Assessment Roll

I. INTRODUCTION

BACKGROUND

At the written request of the owner, the City Council has heretofore elected to annex the permanent landscaped areas within the development located on the south side of Mission Road, east of Pepper Avenue and west of and including the Edison Easement, known as Tract No. 16323, into Landscape Maintenance District No. 1 as Annexation No. 68.

This Engineer's Report is prepared in compliance with the requirements of Article 4, Chapter 1, of the Landscaping and Lighting Act of 1972 (The Act), which is Part 2, Division 15 of the California Streets and Highways Code.

Since the Passage of Proposition 218, Right to Vote on Taxes Act, which added Articles XIII C and XIII D to the California Constitution, new procedures must be followed t o levy assessments under the Landscaping and Lighting Act.

Proposition 218 requires that all assessments be supported by a detailed Engineer's Report prepared by a registered professional engineer. The report includes the information required by law for the annexation. This annexation is into an existing assessment district.

The Act provides for the annexation into an existing district for the express purpose of installing, maintaining, and servicing landscaping improvements. The costs associated with the installation, maintenance, and servicing of the improvements may be assessed against those properties which are specially benefited by the installation, maintenance, and servicing. A City may annex territory into an assessment district after complying with the requirements of the Act, and the provisions in Proposition 218.

The City initiates proceedings for the annexation by passing a Council Bill (Resolution), which proposes the annexation under the Act. This Resolution also describes the improvemen ts, describes the location of the proposed annexation, and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

The report prepared by the engineer must include plans and specifications for the improvements. The report must also include an estimate of the costs of the improvements, a diagram, i.e., map of the annexation showing the boundary of the annexation, and an assessment of the estimated costs of the improvements against the parcels or lots which benefit from the improvements. Once the report is completed it is presented to the City Council for its review and approval as presented, or it may be modified and approved.

After the report is approved, the City Council may adopt a Resolution of Intention, which declares its intent to annex territory into an assessment district, describes the improvements, and refers to the report for details of the annexation. The Resolution of Intention also sets a time and pl ace for a hearing on the proposed annexation into the district and the levy of assessments.

In accordance with Proposition 218, the property owners of the assessed parcels, through the use of Assessment Ballots, must approve any new or increased assessmen ts no later than 45 days prior to the public hearing. Approval will be determined by weighing the ballots according to the proportional obligation of the affected property.

At the time of the public hearing, Assessment Ballots will be tallied and this inf ormation will be combined with the Engineer's Report for the proposed annexation for approval prior to submitting assessments to the County Auditor/Controller.

Annexation No. 68, Tract No. 16323, is a new residential development. The Annexation is locate d on the south side of Mission Road, east of Pepper Avenue and west of and including the Edison Easement. The legal description is as follows: Being a portion of Lots 3, 4, and 5 of Block 56 and a portion of Lots 4 and 5 of Block 57 of Rancho San Bernard ino as per plat recorded in Book 7, Page 2 of Maps, Records of said San Bernardino County, California. Annexation No. 68 is a new annexation with its own distinct assessment rate. Other landscape annexations within the City have their own distinct design ation and assessment rate.

II. PLANS AND SPECIFICATIONS

Improvements include landscaping and irrigation improvements installed within parkways along Ragsdale Road, Sinclare Circle, Sahatapa Lane, Mission Road, and Van Leuven Street, open space areas, lettered parcels on the recorded tract map, parks and road medians within the boundaries of the tract, and the maintenance and servicing of said improvements.

The proposed improvements for the proposed annexation may be generally described as follows:

The operation, maintenance, and servicing of ornamental structures, landscaping, including trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems located in public places within the boundaries of the annexat ion. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the ornamental structures, landscaping and appurtenant facilities, including repair, removal, or replacement of all or part of any of the ornamental structures, landscaping or appurtenant facilities; providing for the life, growth, health, and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electricity for the lighting and operation of the orna mental structures, landscaping, and appurtenant facilities, and water for the irrigation and control of the landscaping and the maintenance of any of the ornamental structures, landscaping, and appurtenant facilities.

The proposed improvements within the Annexation (entrance and parkway landscaping along Ragsdale Road, Sinclare Circle, Glen Summer Road, Sahatapa Lane, Mission Road, Van Leuven Street, open space areas, lettered parcels, parks, and road medians within the boundaries of the development as shown on the recorded tract map) are to be maintained by an established Homeowners Association (HOA). If for any reason the HOA is unable to maintain the landscaping,

up to City standards, within their portion of the Annexation the City has the authority to provide the maintenance and assess the property owners for the additional effort.

Improvements to be maintained by the City on an annual basis are as follows:
None

Total City maintained: 0 square feet

Improvements to be maintained by a HOA on an annu al basis are as follows:

- Lots AA, C, D, and E; entrance landscaping on both sides of Glen Summer Drive, east of Ragsdale Road; east and west sides of Ragsdale Road (from Lot Nos. 50 through 57 and Lot Nos. 45 through 49):
  total landscaping = 310, 416 square feet.

- Lot Nos. F, J, a portion of H and Lot I; east and west sides of Ragsdale Road (from Lot Nos. 58 through 64 and from Lot Nos. 38 through 44); two traffic nodes within Ragsdale Road:
  total landscaping = 13,377 square feet.

- East and west sides of Ragsdale Road (from Lot Nos. 65 through 70 and Lot Nos. 33 to 37; south side of Van Leuven Street fronting on Lot Nos. 33, 70, and D; entrance median in Ragsdale Road from Van Leuven Street, southerly:
  total landscaping = 9,544 square feet.

- Lots A, B, G, and K; north side of Van Leuven Street from tract boundary, westerly, and from tract boundary, easterly; a portion of Sinclare Circle adjacent to Lot Nos. 23 through 32 and Lot A; north side of Sahatapa Lane, fronting Lot No . 23; south side of Mission Road fronting Lot Nos. 25, 26, and Lot A:
  total landscaping = 30,492 square feet.

- East side of Pepper Way fronting Lot Nos. 1, 4, 7, 10, 11, 12, 13; north side of Sahatapa Lane fronting Lot Nos. 7, 8, 9; a portion of Sin clare Circle adjacent to Lot Nos. 14, 15, 16, 17; south side of Mission Road from the tract boundary, westerly, to the west property line of Lot No. 25:
  total landscaping = 226,535 square feet.

Total HOA maintained: 590,269 square feet

Plans and specifications for the improvements are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. The plans and specifications are on file in the office of the City Clerk and the City Engineer w here they are available for public inspection.

The Annexation Boundaries are the boundaries of Tract No. 16323.

III. ASSESSMENT

All assessed lots or parcels of real property within the annexation are listed on the Assessment Roll, which is on file in the office of the City Clerk and the City Engineer, and is hereby made a part of this report by reference. The Assessment Roll states the net amount to be assessed upon assessable lands within the annexation for fiscal year 2005/2006, shows the fiscal year 2 005/2006 assessment upon each lot and parcel within the annexation and describes each assessable lot or parcel of land within the annexation. These lots and parcels are more particularly described on the County Assessment Roll, which is on file in the off ice of the San Bernardino County Assessor and by reference is made a part of this report.

Commencing with fiscal year 2006/2007, the amount of the assessment for the annexation is proposed to increase each year, based upon the All Urban Consumers Price In dex, for the Los Angeles, Orange, Riverside County Area ("CPI"), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor. The Engineer shall compute the percentage difference between the CPI for March of each y ear and the CPI for the previous March, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index or a comparable system as approved by the City Council for determining fluctuations in the cost of living.

IV. ESTIMATED COSTS OF THE IMPROVEMENTS

The Act provides that the estimated costs of the improveme nts shall include the total cost of the improvements for the entire fiscal year 2005/2006, including incidental expenses, which may include operating reserves.

The Act also provides that the amount of any surplus, deficit, or contribution be included in t he estimated cost of improvements. The net amount to be assessed on the lots or parcels within the annexation is the total cost of installation, maintenance, and servicing with adjustments either positive or negative for reserves, surpluses, deficits, and /or contributions.

The following page contains the estimated costs of the improvements.

CITY OF LOMA LINDA

ENGINEER'S REPORT

LANDSCAPE MAINTENANCE DISTRICT NO. 1
ANNEXATION NO. 68
TRACT NO. 16323

ANNEXATION NO.:	68
DISTRICT NO.:	1
ASSESSABLE LOTS OR PARCELS:	70
TYPE OF LAND USE:	Residential
LANDSCAPED AREA:	Approximately 590,269 square feet

BUDGET ITEM	TOTAL
Direct Costs	
Maintenance Costs	$ 159,706
Utilities	13,357
Repairs	13,357
Total Direct Costs	**$ 186,420**
Administrative Costs	
Personnel	$ 109,680
Professional Services	73,325
Insurance	73,325
Deficit	0
Total Administrative Costs	**$ 256,330**
FY 2005/2006 Assessment	
Total Direct/Administrative Costs	$ 442,750
Total Number of Parcels	70
Annual Assessment (City portion), Per Parcel	0
Annual Assessment (HOA portion), Per Parcel	6,325
Total Assessment Per Parcel	**$ 6,325**

Beginning with Fiscal year 2004/2005, the established HOA will be responsible for all the landscaping within the development including all entrance and parkway landscaping along Ragsdale Road, Sinclare Circle, Glen Summer Road, Sahatapa Lane, Missions Road, Van Leuven Stree t, open space areas, lettered parcels, parks, and road medians within the boundaries of the development as shown on the recorded tract map.

V. ASSESSMENT DIAGRAM

The boundary maps/diagrams for the proposed annexation by this reference are incorporat ed and made a part of this report. The boundary maps/diagrams are on file in the office of the City Clerk and the City Engineer where it is available for public inspection. The following map page is for general location only and is not to be considered t he official boundary map on file with the City Clerk.

INSERT SAMPLE ASSESSMENT DIAGRAM

VI. METHOD OF ASSESSMENT

BACKGROUND

The Landscaping and Lighting Act of 1972 provides that assessments may be apportioned among all assessable lots or parcels of land within an assessment district/annexation in proportion to the estimated benefits to be received by each lot or parcel from the improvements. In addition, Proposition 218 requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Proposition provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

SPECIAL BENEFIT

Each and every parcel within the proposed annexation receives a particular and distinct benefit from the improvements over and above general benefits conferred by the improvements.

First, all of the improvements were conditions of approval for the creation or development of the parcels. In order to create or develop the parcels, the City required the original developer to install and guarantee the maintenance of landscaping, ornamental structures, and appurtenant facilities to serve the parcels. Therefore, each and every parcel within the proposed annexation could not have been developed in the absence of the installation and promised maintenance of these facilities.

In addition, the improvements continue to confer a particular and distinct special benefit upon parcels within the annexation because of the nature of the improvements. The proper maintenance of landscaping and appurtenant facilities specially benefit parcels within the annexation by moderating temperatures, providing oxygenation, attenuating noise from adjacent streets and controlling dust for those properties in close proximity to the landscaping, thereby enhancing the environmental quality of the parcels and making them more desirable. The spraying and treating of landscaping for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout the properties within the annexation. The proper maintenance of the landscaping, ornamental structures, and appurtenant facilities reduces property-related crimes (especially vandalism) against properties in the annexation through the abatement of graffiti and the screening of properties within the annexation from arterial streets. Finally, the proper maintenance of landscaping and ornamental structures improves the attractiveness of the properties within the annexation and provides a positive visual experience each and every time a trip is made to or from the property. All of the above-mentioned contributes to a specific enhancement of the property values of each of the parcels within the annexation.

GENERAL BENEFIT

In addition to the special benefits received by the parcels within the proposed annexation, there are incidental general benefits conferred by the proposed improvements.

The proper maintenance of landscaping and appurtenant facilities within the annexation will not only control dust from blowing onto properties within the annexation, but will also control dust from blowing onto properties outside of the annexation. Also, the control of erosion will not only protect properties within the annexation, but will also reduce runoff into the City's storm drain system. The proper maintenance of landscaped areas not only facilitates proper drainage of properties within the annexation, but also reduces the potential for flooding damage to properties on the downward slope from the annexation. The spraying and treating of landscaping within the annexation for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout other properties within the City. Finally, the proper maintenance of landscaping and ornamental structures provides a positive visual experience to persons passing by the annexation. All of the above-mentioned constitutes incidental general benefits conferred by the improvements.

The total benefits are thus a combination of the special benefits to the parcels within the annexation and the general benefits to the public at large and to adjacent property owners. The portion of the total landscape maintenance costs, which are associated with general benefits, will not be assessed to the parcels in the annexation, but will be paid from other City Funds.

Because the landscaping is located immediately adjacent to properties within the proposed annexation, and is maintained solely for the benefit of the properties within the proposed annexation, any benefit received by properties outside of the proposed annexation is merely incidental. It is estimated that the general benefit portion of the benefit received from the improvements is less than one (1) percent of the total benefit.

VII. CERTIFICATIONS

REPORT APPROVAL

Approved by the City Council of the City of Loma Linda on the 24th day of May 2005.

_____
Pamela Byrnes-O'Camb, City Clerk
City of Loma Linda

APPENDIX A
ASSESSMENT ROLL

The Assessment Roll for the annexation is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Assessment Roll is on file in the office of the City Clerk and the City Engineer, where it is available for public inspection.

Reference is made to the San Bernardino County Assessment Roll for a desc ription of the lots or parcels in the annexation.

APN	ANNEX No.	TOTAL ANNEX ASSMT	PER PARCEL AMOUNT
0292-121-86	68	$ 442,750	$ 3,448
0292-121-70			$ 261,455
0292-112-03			$ 67,231
0292-112-04			$ 3,448
0292-112-14			$ 3,448
0292-112-20			$ 103,720

Until such time as the above-mentioned parcels subdivide, the existing parcels will be assessed as indicated.

Once the parcels subdivide, the total assessment will be spread over the resulting 70 parcels at a rate of $6,325 per parcel.

Beginning with fiscal year 2005/2006, the established HOA will be responsible for all landscaping within the development including the entrance and parkway landscaping along Ragsdale Road, Sinclare Circle, Glen Summer Road, Sahatapa Lane, Mission Road, Van Le uven Street, open space areas, lettered parcels, parks, and road medians within the boundaries of the development as shown on the recorded tract map. The amount of the total direct and administrative costs associated with the HOA portion of the maintenanc e is $442,750 ($6,325 per parcel). Therefore, the assessment rate per parcel for fiscal year 2005/2006 will be credited the amount of the HOA portion ($6,325 per parcel) resulting in an assessment of $0.00 per parcel.

ENGINEER'S REPORT AFFIDAVIT

CITY OF LOMA LINDA
LANDSCAPE MAINTENANCE DISTRICT NO. 1
ANNEXATION NO. 68
TRACT NO. 16323

City of Loma Linda
County of San Bernardino, State of California

This Report describes the Annexation 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 San Bernardino Assessor's maps for a detailed description of the lines and dimensio ns of parcels within the Annexation. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____ 2005.

MuniFinancial
Assessment Engineer
On Behalf of the City of Loma Linda

By: _____
Bryan Miller, Project Manager

By: _____
Richard Kopecky, Engineer of Work
R.C.E. # 16742