

## CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 10**

**Date: March 23, 2011**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Edward N. Domingue, Director of Engineering Services

**SUBJECT:** City of Escondido Landscape Maintenance District – Preliminary Engineer's Report for Zone 37 for Fiscal Year 2011/2012

**RECOMMENDATION:**

It is requested that Council adopt Resolution Nos. 2011-41 and 2011-43 that will initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) (see attached map) for Zone 37 for the 2011/2012 fiscal year, approve the preliminary Engineer's report, and set a public hearing date of May 11, 2011.

**FISCAL ANALYSIS:**

The LMD will reimburse all costs incurred by the City in Zone 37.

**PREVIOUS ACTION:**

The City Council approved the annexation of Tract 934 into the LMD as Zone 37 on March 2, 2011.

**BACKGROUND:**

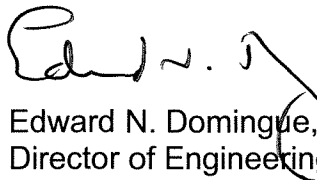
The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of the specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

Pursuant to Proposition 218, passed by the California voters on November 5, 1996, all new assessments and increase in assessments require a vote of the affected property owners. The initial assessment for LMD Zone 37 is proposed for fiscal year 2011/2012. Ballots will be sent to all the property owners in Zone 37 giving them the option of approving or rejecting the proposed assessment. These ballots will be tabulated after the close of the May 11, 2011, public hearing. The result of the ballot tabulation will be reported to the City Council at the June 22, 2011, City Council

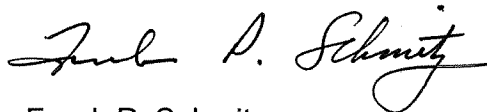
March 23, 2011  
LMD Preliminary Engineer's Report Zone 37  
Page 2

meeting in conjunction with Council action to approve the final Engineer's report and setting of assessments for Zone 37 for fiscal year 2011/2012.

Respectfully submitted,

Handwritten signature of Edward N. Domingue in black ink, featuring a stylized 'E' and 'D'.

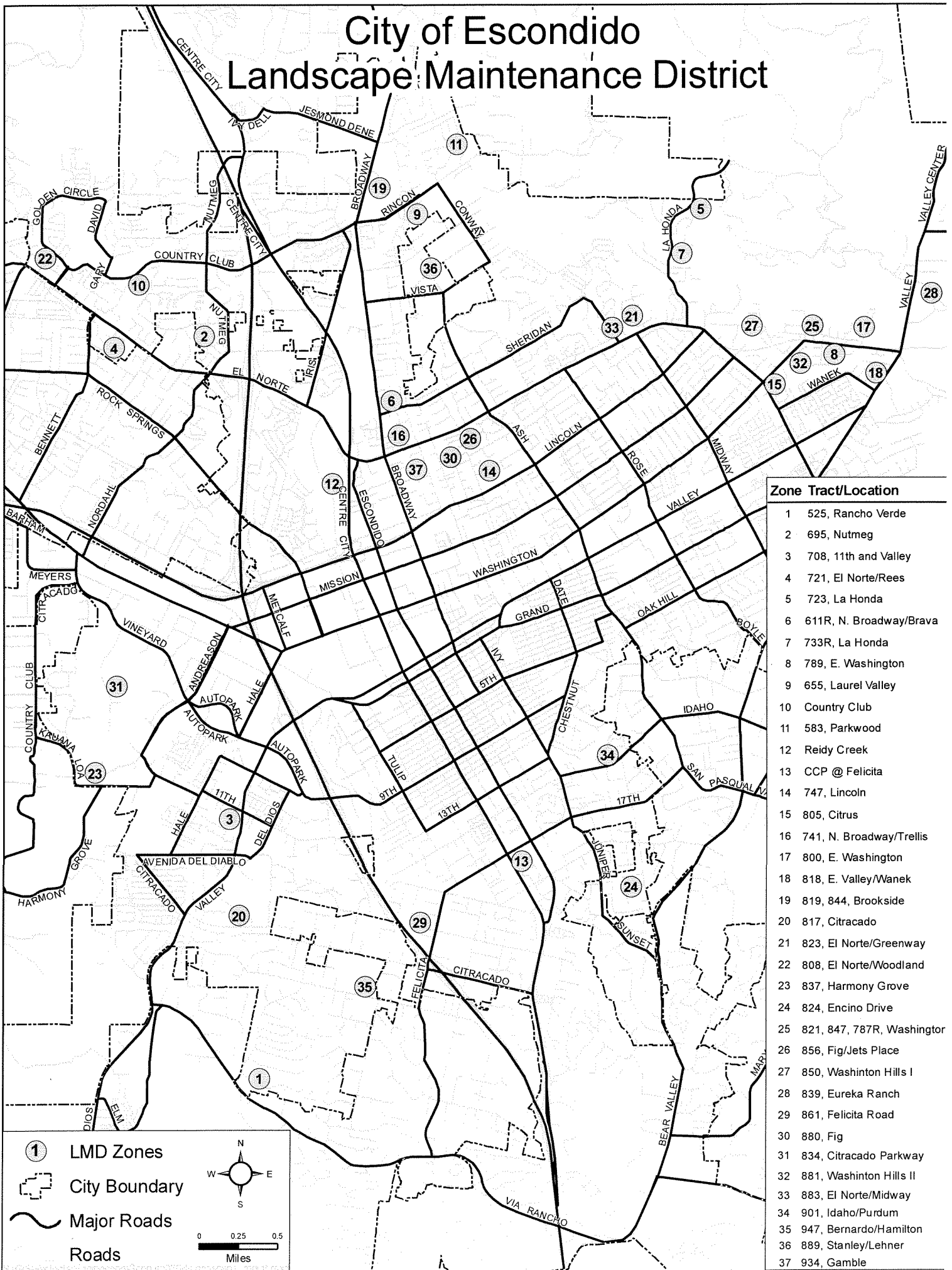
Edward N. Domingue, P.E.  
Director of Engineering Services

Handwritten signature of Frank P. Schmitz in black ink, featuring a stylized 'F' and 'S'.

Frank P. Schmitz  
Parks and Open Space Administrator

# City of Escondido

## Landscape Maintenance District



RESOLUTION NO. 2011-41

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
ORDERING THE PREPARATION OF AN  
ASSESSMENT ENGINEER'S REPORT FOR  
THE ANNUAL LEVY OF ASSESSMENTS IN  
ZONE 37 OF THE ESCONDIDO LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, by Resolution No. 2011-31, adopted by the City Council on March 2, 2011, the City Council annexed certain territory into the maintenance District, such territory is known and has been designated as Zone 37; and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the annual costs of maintenance of improvements within Zone 37 of the Maintenance District and order the preparation and filing of an Assessment Engineer's Report for Zone 37.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California:

1. That the above recitals are true.
2. That the public interest and convenience requires, and it is the intention of this legislative body to initiate proceedings for the annual levy and collection of special

assessments for the payment of annual maintenance and/or servicing costs within Zone 37 of the Maintenance District.

3. That the City Engineer is hereby directed and ordered to prepare and file or cause to be prepared and filed, an Assessment Engineer's Report as required by the provisions of the Act, Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred to collectively as the "Assessment Law") generally containing the following:

- A. Plans and specifications describing the general nature, location and extent of the improvements to be maintained;
- B. An estimate of the cost of the maintenance and/or servicing of the improvements for Zone 37 of the Maintenance District;
- C. A diagram of Zone 37 of the Maintenance District, showing: (i) the exterior boundaries of Zone 37 of the Maintenance District; and (ii) the lines and dimensions of each lot or parcel of land within Zone 37 of the Maintenance District which is identified by a distinctive number or letter;
- D. An assessment of the estimated costs of the maintenance and/or servicing of the improvements, assessing the net amount upon all assessable lots and/or parcels within Zone 37 of the Maintenance District in proportion of the special benefits received.

Upon completion of the preparation of said Assessment Engineer's Report, the original shall be filed with the City Clerk, who shall then submit the same to this City Council for its immediate review and consideration.

4. That the above Assessment Engineer's Report shall include all costs and expenses of said maintenance and/or servicing relating to Fiscal Year 2011-2012.

5. That this Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2011-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT AND DECLARING ITS INTENTION TO ESTABLISH THE ANNUAL ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, PROVIDE FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SET THE TIME AND PLACE FOR A PUBLIC HEARING THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), and, the Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such maintenance district is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, the City Council has annexed certain territory into the Maintenance District, such territory to be designated as Zone 37 of the Maintenance District; and

WHEREAS, this City Council ordered the preparation and filing of an Assessment Engineer's Report to initiate proceedings to provide for the annual levy of assessments for Zone 37 of the Maintenance District for the next ensuing fiscal year to

provide for the costs and expenses necessary to pay for the maintenance of improvements in the Maintenance District; and

WHEREAS, there has been presented to the City Council and filed with the City Clerk the Assessment Engineer's Report for the Maintenance District and Zone 37 thereof, attached hereto as Exhibit "A" and by this referenced incorporated herein, as required by the Assessment Law; and

WHEREAS, the City Council proposes to: (i) establish the annual assessments for the properties within Zone 37; (ii) establish a formula for annual adjustments for inflation measured by increases in the Consumer Price Index; and (iii) levy and collect assessments to pay a prescribed portion of the cost of future maintenance of those items within Zone 37 described in the Assessment Engineer's Report; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zone 37, and is satisfied that the assessments proposed for Zone 37, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained in Zone 37, as set forth in the Assessment Engineer's Report; and

WHEREAS, the City Council desires to initiate proceedings for a ballot protest procedure for the purpose of establishing the annual assessments for Zone 37, and holding a public hearing in conformance with the Assessment Law for the purposes of considering the establishment of the annual assessments and authorizing the annual levy and collection of the assessments for Zone 37.



NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Escondido, California, as follows:

1.     Recitals. The above recitals are true.
2.     Intention. The public interest and convenience requires, and it is the intention of this City Council, to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for the above-referenced Zone 37, said improvements are generally described in the Assessment Engineer's Report.
3.     Improvements. The proposed improvements are of special benefit to certain identified properties within the boundaries of Zone 37.
4.     Assessment Engineer's Report. The Assessment Engineer's Report, as presented pertaining to Zone 37, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer's Report for (a) a full and detailed description of the improvements; (b) the boundaries of Zone 37; and (c) the proposed assessments upon assessable lots and parcels of land within Zone 37 of the Maintenance District.
5.     Proposed Increases. The public interest and convenience requires, and it is the intention of this City Council to order the establishment of the proposed annual levy and collection of the assessments for Zone 37 as set forth and described in the Assessment Engineer's Report. It is further determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense

of said maintenance and improvement as estimated in the Assessment Engineer's Report for Zone 37. All costs and expenses of the maintenance and incidental expenses for Zone 37 have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the existing improvements. Assessments are proposed to be established within Zone 37 within the range of assessments proposed to be established for the properties within Zone 4 of the Maintenance District, together with the establishment of a formula for annual adjustments for inflation measured by increases in the Consumer Price Index. If a majority protest exists, as described below in Section 6, and the assessments are not established, the City Council shall not impose the assessments proposed to be levied and assessed within Zone 37.

6. Public Hearing. NOTICE IS HEREBY GIVEN that a public hearing will be held May 11, 2011, at 4:30 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the establishment of and levy and collection of the annual assessments within Zone 37, to the extent of the maintenance, by any interested person and any other matters contained in this Resolution. At such time the legislative body will consider and finally determine whether to levy the proposed annual assessments.

Pursuant to the provisions of the Assessment Law, the record owner of each parcel proposed to be assessed within Zone 37 has the right to submit an assessment

ballot in favor of or in opposition to the assessment proposed to be levied on such parcel.

Assessment ballots will be mailed to the record owner of each parcel located within Zone 37 and proposed to be subject to proposed establishment of the assessments. Each such owner may complete such assessment ballot and thereby indicate such owner's support for or opposition to the proposed establishment of the levy of the assessments. All such assessment ballots must be received by the City Clerk at or before the time set for the close of the public hearing, which will occur when public testimony is concluded. This public hearing may be continued from time to time. All such assessment ballots may be delivered by mail or personal delivery to the City Clerk at or before 4:30 pm on May 11, 2011, at City of Escondido, 201 North Broadway, Escondido, CA 92025, or in person in the City Council Chambers at the public hearing prior to the close of the public hearing. **AN ASSESSMENT BALLOT RECEIVED AFTER THE CLOSE OF THE PUBLIC HEARING WILL NOT BE TABULATED EVEN THOUGH THE POSTMARK ON THE ENVELOPE TRANSMITTING THE ASSESSMENT BALLOT IS DATED ON OR BEFORE MAY 11, 2011.**

At the public hearing, the City Council shall consider all objections or protests, if any, to the establishment of the annual assessments proposed to be levied within Zone 37. The City Council shall also determine whether assessment ballots submitted pursuant to the Assessment Law in opposition to the establishment of the assessments proposed to be levied within Zone 37 exceed assessment ballots submitted in favor of such proposed establishment of the assessments.

After the close of the public hearing, the City Council shall cause the tabulation,

pursuant to California Government Code section 53753, of the assessment ballots timely received. If a majority protest exists, as described below, the City Council shall not impose the proposed assessments within Zone 37 of the Maintenance District. A majority protest to the establishment of the levy of the assessments within Zone 37 exists if, upon the close of the public hearing, assessment ballots submitted in opposition to the establishment of the assessments within Zone 37 exceed the assessment ballots submitted in favor of such establishment of the assessments. In tabulating the assessment ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

7. Notice of the Public Hearing. In accordance with the Assessment Law, the City Clerk is hereby authorized and directed to give notice of the public hearing for the proposed establishment of the levy of the assessments within Zone 37 as follows:

a. At least forty-five (45) days before the date set forth for hearing protests, the City Clerk shall, pursuant to Government Code Section 53753, mail or cause to be mailed, postage prepaid, notice of the public hearing and of the adoption of the Resolution of Intention, as amended, and the filing and consideration of the Assessment Engineer's Report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for taxes of the County of San Diego, or who are known to the City Clerk. The form of such notice shall conform in all respects with the requirements of California Government Code Section 53753(b) and pursuant to California Government Code Section 53753(c), each such notice shall contain an assessment ballot whereon the record owner may indicate his or her support

for or opposition to the proposed establishment of the assessments within Zone 37.

b. Except as provided in the following sentence, the assessments to be reflected in the assessment ballots shall be the proposed assessments for Zone 37 as set forth in the Assessment Engineers Report.

c. Upon the completion of the mailing of such notices, the City Clerk shall file with the City Council a certificate setting forth the time and manner of compliance with the requirements of this resolution for mailing notices.

8. Tabulation Official. For purposes of tabulating the assessment ballots for these proceedings as required pursuant to the Assessment Law, the City Council hereby designates the City Clerk to act as the tabulation official to tabulate the assessment ballots submitted.

9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Frank Schmitz

Engineering Services Department

City of Escondido

201 North Broadway

Escondido, CA 92025

(760) 839-4039

10. This Resolution shall take effect immediately upon its adoption.

## **Assessment Engineer's Report Zone 37**

### **Fiscal Year 2011/12**

---

## **City of Escondido Landscape Maintenance Assessment District**

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the annual report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

---

**PRELIMINARY REPORT  
MARCH 23, 2011**

**CITY OF ESCONDIDO  
ASSESSMENT ENGINEER'S REPORT  
ZONE 37**

**ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT  
FISCAL YEAR 2011/12**

The Assessment Engineer's Report, submitted herein, includes the following Sections as outlined below:

<b>Section Description</b>	<b>Page</b>
Compliance with Landscaping and Lighting Act of 1972, Article 4 of the California Government Code	1
Section A: Plans and Specifications for the Improvements	1
Section B: Estimate of Costs of the Improvements	3
Section C: Diagram for the Maintenance District	5
Section D: Assessment of the Estimated Costs of the Improvements	6
Section E: If Bonds or Notes will be Issued Pursuant to Section 22662.5, An Estimate of their Principal Amount	8
Appendix I: Estimate of Cost and Assessment	
Appendix II: Assessment Roll	
Appendix III: Diagram of Landscape Maintenance District Boundaries	

**COMPLIANCE WITH LANDSCAPE AND LIGHTING ACT OF 1972  
ARTICLE 4 OF THE CALIFORNIA GOVERNMENT CODE**

Whereas the City Council of the City of Escondido, California, did, pursuant to the provisions of the Landscape and Lighting Act of 1972, Chapter 3, Section 22622 of the California Government Code, order the preparation and filing of the Assessment Engineer's Report in accordance with Chapter 1, Article 4, commencing with Section 22565, of Chapter 1.

Section 22565 directs that the report refer to the Landscape Maintenance Assessment District (the "Maintenance District") by its distinctive designation, specify the fiscal year to which the report applies, and, with respect to that year, contain all of the following:

- (a) Plans and specifications for the improvements.
- (b) An estimate of the costs of the improvements.
- (c) A diagram for the Maintenance District.
- (d) An assessment of the estimated costs of the improvements.
- (e) If bonds or notes will be issued pursuant to Section 22662.5, an estimate of their principal amount.

A preliminary report is then filed in accordance with Section 22623 with the City Clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

Now, therefore, the following Assessment Engineer's Report is submitted:

**A. PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS**

In accordance with Section 22568, the plans and specifications are required to show and describe existing and proposed improvements. The plans and specifications need not be detailed, but are sufficient if they show or describe the general nature, location,



and extent of the improvements. If the Maintenance District is divided into Zones, the plans and specifications are required to indicate the class and type of improvements to be provided for each such Zone.

The Maintenance District has been divided into distinct Zones of benefit. By reasons of variations in the nature, location, and extent of the improvements, the various Zones receive different degrees of benefit from the improvements. The improvements for Zone 37, which have been constructed or which may be subsequently constructed within and adjacent to Zone 37 and that will be serviced and maintained, and the proposed maintenance and services are generally described as follows.

### **DESCRIPTION OF IMPROVEMENTS TO BE MAINTAINED AND SERVICED**

In general, a description of the improvements to be maintained and serviced is provided below. The general description is followed by a specific description for Zone 37.

#### **Landscape and Appurtenant Improvements in General**

Landscape improvements (collectively, the "Landscape Improvements") include but are not limited to: landscaping, planting shrubbery, trees, irrigation systems, hardscapes and fixtures in public street and sidewalk, rights-of-way, including medians, parkways and other easements dedicated to the City of Escondido within the boundaries of the District.

#### **Description of Maintenance and Services in General**

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the Landscape Improvements and appurtenant facilities, including repair, removal or replacement of all or part of any of the Landscape Improvements or appurtenant providing for the life, growth, health and beauty of the Landscape Improvements, 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.

Service means the furnishing of water for the irrigation of the Landscape Improvements and the furnishing of electric current or energy, gas or other illuminating agent for the lighting or operation of the Landscape Improvements or appurtenant facilities.

**Landscape and Appurtenant Improvements and Description of Maintenance and Services for Zone 37**

Zone 37 is located at 1207 Gamble Street between Lincoln Avenue and El Norte Parkway. The improvements to be maintained by the Landscape Maintenance District include parkway landscape along approximately 120 feet of Gamble Street and along approximately 20 feet of Emila Place. The landscaped areas include or will include trees, shrubs, groundcover, a bio-swale, and an automatic irrigation system. The landscaped area totals approximately 1,840 square feet.

The plans and specifications for the Landscape Improvements, showing the general nature, location and the extent of the Landscape Improvements, are on file in the office of the City Engineer and are by reference herein made a part of this report.

**B. ESTIMATE OF COSTS OF THE IMPROVEMENTS**

In accordance with Section 22569 of the California Government Code, the estimate of the costs of the improvements for the fiscal year is required to contain estimates of the following:

- (a) The total cost for improvements to be made that year, being the total costs of constructing or installing all purposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses. This may include a cash flow reserve and an operating and maintenance reserve which are further detailed in the description of *Reserve* on the following page.
- (b) The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.
- (c) The amount of any contributions to be made from sources other than assessments levied pursuant to this part. (Contributions will only be shown if such a contribution has been received.)

- (d) The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.
- (e) The net amount to be assessed upon assessable lands within the Maintenance District being the total improvement costs, as referred to in subdivision (a), increased or decreased, as the case may be, by any of the amounts referred to in subdivision (b), (c), or (d).

The estimates of cost are contained in Appendix I of this Report, titled, "Estimate of Cost and Assessment." The Assessment Law requires that a special fund be established for the revenues and expenditures of each Zone within the District. Funds levied by these assessments shall be used only for the purposes as stated herein. The City may advance funds to the Zone, if needed, to ensure adequate cash flow, and will be reimbursed for any such advances upon receipt of assessments. Any surplus or deficit remaining on June 30 must be carried over to the next fiscal year.

#### **DESCRIPTION OF BUDGET EXPENSE ITEMS**

*Administration/Inspection:* The cost to all departments and staff of the City for providing the coordination of maintenance, and responding to public concerns regarding levy collections.

*Annual Installment:* The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

*Consultant:* The recovery of the cost of contracting for professional services to provide District administration and legal services.

*County Fee:* The recovery of the cost charged by the County of San Diego for placing and collecting the fixed charged special assessments on the county tax roll.

*Liability Fund:* The recovery of the cost incurred by the City to provide liability insurance. Only Zones that have storm drainage improvements are required to pay a portion of the liability insurance.

*Miscellaneous Repairs:* Recovery of the cost of unplanned repairs. These costs are not included in the maintenance contract and are unplanned. An example of an expenditure that would fall under this category is repairs due to vandalism.

*Reserve:* The collection of a reserve is a combination of a cash flow reserve and an operating and maintenance reserve. The cash flow reserve should not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. This time period has been estimated by the City as six months from July 1 to January 1 of each fiscal year. The purpose of the cash flow reserve is to eliminate the need for the City to transfer funds from non-District accounts to pay for District expenditures. The operating and maintenance reserve, estimated as 12 months of maintenance and servicing, is to provide a buffer for unforeseen emergency repairs and maintenance, and to allow the Zone to continue maintenance through a period of delinquencies in the collection of the assessments.

*Maintenance:* Includes all contracted labor, material and equipment required to properly maintain the landscaping, irrigation systems, fencing, and entry monuments within the District.

*Service/Utilities:* The furnishing of water and electricity required for the maintenance of the landscaping and drainage facilities.

#### **C. DIAGRAM FOR THE MAINTENANCE DISTRICT**

The diagram for a Maintenance District as required by Sections 22570 and 22571 of the California Government Code is required to show: a) the exterior boundaries of the Maintenance District, b) the boundaries of any Zones within the district, and c) the lines and dimensions of each lot or parcel of land within the district. Each lot or parcel is required to be identified by a distinctive number or letter. A Diagram of the District by Zone which shows each lot or parcel of land within Zones 1 to 36 of the District is on file in the Offices of the City Clerk and the Parks and Open Space Administrator. Appendix III provides an overview of all the zones currently within the District including the general location of Zone 37. Appendix III also contains a detailed map for Zone 37 which

provides the exterior boundaries and the lines and dimensions of each lot or parcel within Zone 37.

The lines and dimensions of each lot or parcel of land shown on the diagram are required to conform to those shown on the county assessor's maps for the fiscal year in which the report applies. The diagram may refer to the county assessor maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps govern all details concerning the lines and dimensions of such lots or parcels.

#### **D. ASSESSMENT OF THE ESTIMATED COSTS OF THE IMPROVEMENTS**

The assessment, or annual levy amount, in accordance with Sections 22572 and 22573 of the California Government Code, must refer to the fiscal year to which it applies and provide all of the following:

- (a) State the net amount, determined in accordance with Section 22569, to be assessed upon assessable lands within the Maintenance District, which includes an amount sufficient to pay the principal and interest due during the fiscal year from each parcel on any bonds or notes issued pursuant to Section 22662.5.
- (b) Describe each assessable lot or parcel of land within the District.
- (c) Assess the net amount upon all assessable lots or parcels of land within the District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots or parcels, in which case that roll will govern for all details concerning the description of the lots or parcels. The 1972 Act permits the establishment of Maintenance Districts by cities for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping improvements. Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit directing that the method of apportionment can be based on any

method which fairly distributes the net amount among all assessable lots or parcel in proportion to the estimated benefit to be received by each such lot or parcel from the improvements. Article XIII.D. and the Implementation Act require that a parcel's assessment may not exceed the reasonable cost for the proportional special benefit conferred on that parcel. Article XIII.D. and the Implementation Act further provide that only special benefits are assessable and the City must separate the general benefits from the special benefit. They also require that publicly-owned properties which specially benefit from the improvements be assessed.

#### **APPORTIONMENT OF SPECIAL BENEFIT**

The proportionate special benefit derived by each parcel has been determined in relationship to the total cost of the improvements and maintenance services being provided. No assessment is proposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits have been assessed. General benefits have been separated from the special benefits conferred on the parcels. No proposed assessment imposed on any parcel exceeds the reasonable cost of the special benefit conferred on such parcels.

The improvements to be maintained are public improvements owned by the City of Escondido. Other than the public streets, roads, alleys, avenues, and highways, no parcels within Zone 37 are owned by any other public agency, the State of California, or the United States.

Such improvements and maintenance directly provide special benefits to those certain identified properties within Tract 934, located within Zone 37. The special benefits include beautification, shade, enhancement of the desirability of the surroundings, and erosion control. Additionally, they provide a sense of ownership and a common theme in the community, aesthetic appeal, and increased desirability of properties.

The estimated net cost of the improvements has been divided among the parcels of land within Zone 37 in proportion to the estimated special benefits to be received by the parcels, respectively, from the improvements and maintenance. The method used to apportion the cost among the benefiting properties is based on benefit units. All current or projected residential lots (Tract 934 will create 5 residential lots) are determined to

equally receive special benefits from the improvements and maintenance and therefore each has been assessed the same and assigned one benefit unit. The total annual cost is divided by the total number of benefit units to arrive at a cost per residential lot. The total number of benefit units within Zone 37 is 5 units.

Appendix I of this Report, titled, "Estimate of Cost of Assessment," shows the total cost of the proposed maintenance and the calculation of the net amount to be assessed to parcels within Zone 37. The total costs for maintenance also include incidental costs, such as assessment engineering costs for Zone 37. The Estimate of Cost of Assessment includes a proposed annual administrative assessment and also provides the calculation of apportionment of all costs among the parcels in proportion to the special benefits to be received by each. The method of apportionment fairly distributes the net amount among all assessable parcels in proportion to the special benefits to be received by each from the improvements and the maintenance thereof.

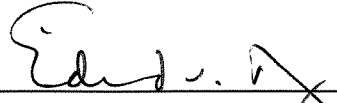
Based on the methodology described above, the benefit units and Fiscal Year 2011-2012 Zone 37 assessment for each parcel were calculated and are shown in Appendix II of this Report, titled "Assessment Roll." The Assessment Roll provides a description of the assessable parcels within Zone 37 and a listing of the assessor parcel numbers and levy per parcel within Zone 37.

#### **E: BONDS OR NOTES**

If bonds or notes will be issued pursuant to Section 22662.5, Part V is to provide an estimate of their principal amount. For the current fiscal year the legislative body of the City of Escondido has not determined the need for bonds or notes to be issued.

In conclusion, it is my opinion that the assessments for Zone 37 of the City of Escondido, Landscape Maintenance District No. 1 are spread in direct accordance with the special benefits that the land within the boundary of the Zone receives from the maintenance of the improvements and that the proposed assessment conforms to the requirements of Article XIII.D.

This Report dated this 23rd day of March, 2011.

By:   
Edward N. Domingue, RCE 34131  
License Expiration Date: June 30, 2011



**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX I**

**ESTIMATE OF COST AND ASSESSMENT**

City of Escondido  
Landscape and Maintenance District

Appendix I  
Estimate of Cost and Assessment

ZONE DESCRIPTION	ZONE 37 Tract 934
<b>Projected Beginning Balance (07/01/11)</b>	<b>\$3,500.00</b>
<u>Expenditures</u>	
<u>Direct Costs</u>	
Maintenance	2,652.00
Miscellaneous Repairs	500.00
Service/Utilities	2,000.00
Annual Installment	0.00
Subtotal Direct Costs:	5,152.00
<u>Administrative Costs</u>	
Administration/Inspection	600.00
Liability Fund	0.00
Consultant	2,025.00
County Fee	0.00
Subtotal Administrative Costs:	0.00
Subtotal Direct and Administrative:	\$5,152.00
Reserve	0.00
<b>Total Expenditures:</b>	<b>\$5,152.00</b>
<b>Projected Ending Balance (June 30, 2012)</b>	<b>(\$5,277.50)</b>
<b>Calculated Required Net Levy</b>	<b>\$5,277.50</b>
<u>City Contribution</u>	\$0.00
<u>Apportionment</u>	
Unit of Benefit	Per Parcel
Number of Benefit Units	5
Authorized Maximum Levy 2011/12	\$1,055.50
<b>Levy per Unit 2011/12</b>	<b>\$1,055.50</b>
<b>Actual Total Levy</b>	<b>\$5,277.50</b>
<u>Historical Information</u>	
2010/11 Levy per Unit	N/A
2009/10 Levy per Unit	N/A
2008/09 Levy per Unit	N/A
2007/08 Levy per Unit	N/A
2006/07 Levy per Unit	N/A
2005/06 Levy per Unit	N/A
2004/05 Levy per Unit	N/A
2003/04 Levy per Unit	N/A
2002/03 Levy per Unit	N/A
2001/02 Levy per Unit	N/A
2000/01 Levy per Unit	N/A
1999/00 Levy per Unit	N/A
1998/99 Levy per Unit	N/A

**CITY OF ESCONDIDO  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX II**

**ASSESSMENT ROLL**

CITY OF ESCONDIDO  
Landscape Maintenance District No. 1 - Zone 37  
*Assessment Levy for Fiscal Year 2011/12*

Resolution No. 2011-43  
EXHIBIT A  
Page 15 of 18

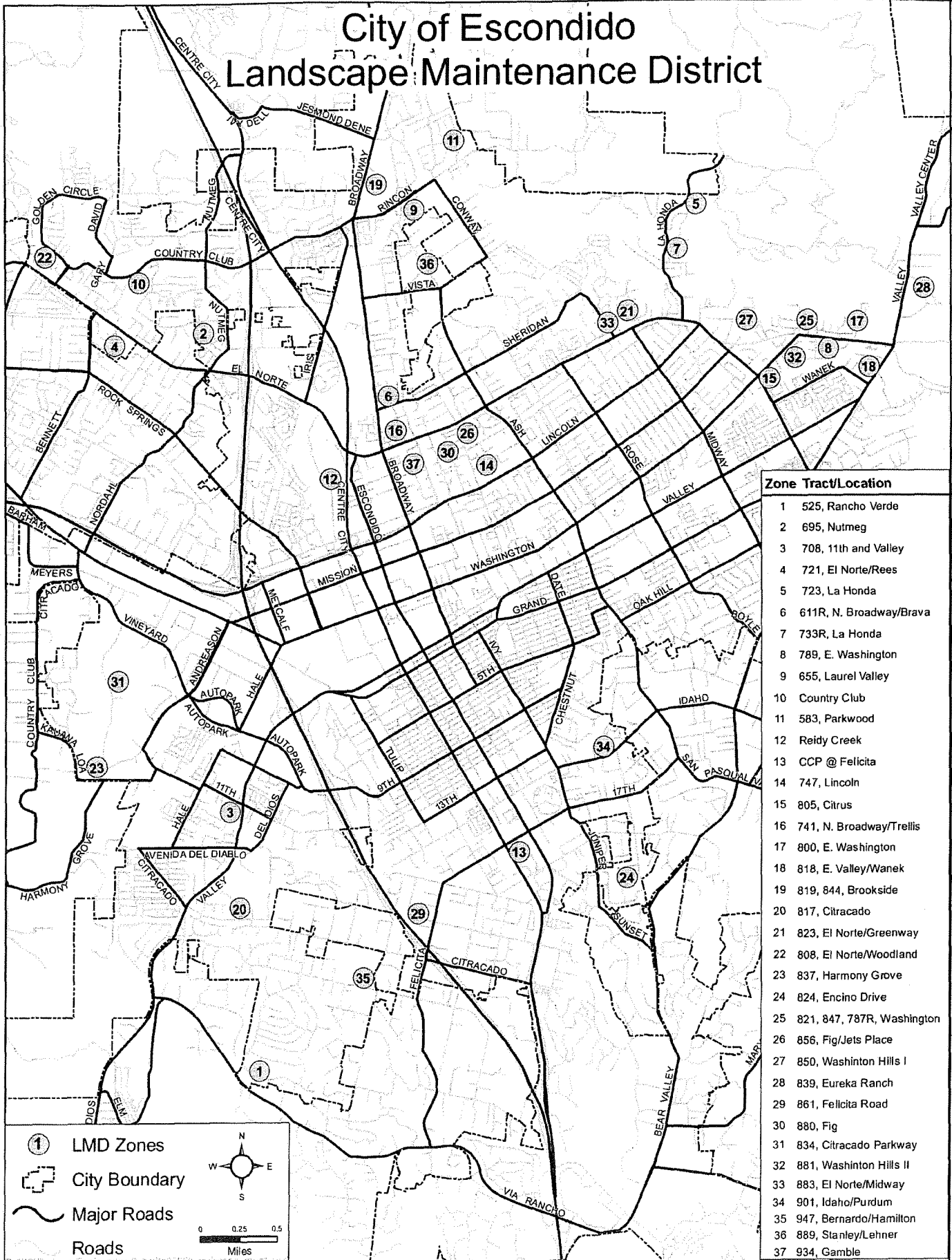
Assessor's Parcel No.	Property Owner Name	Situs	Mailing Address	City/St/Zip	Equivalent Dwelling Units	Assessment Levy
229-071-07-00	Switgall Emilia S Revocable	00000 Gamble St North	260 W Crest St #c	Escondido CA 92025	5.000	\$5,277.50
Totals:		Parcels:	1		5.000	\$5,277.50

**CITY OF ESCONDIDO  
LANDSCAPE AND MAINTENANCE ASSESSMENT DISTRICT**

**APPENDIX III**

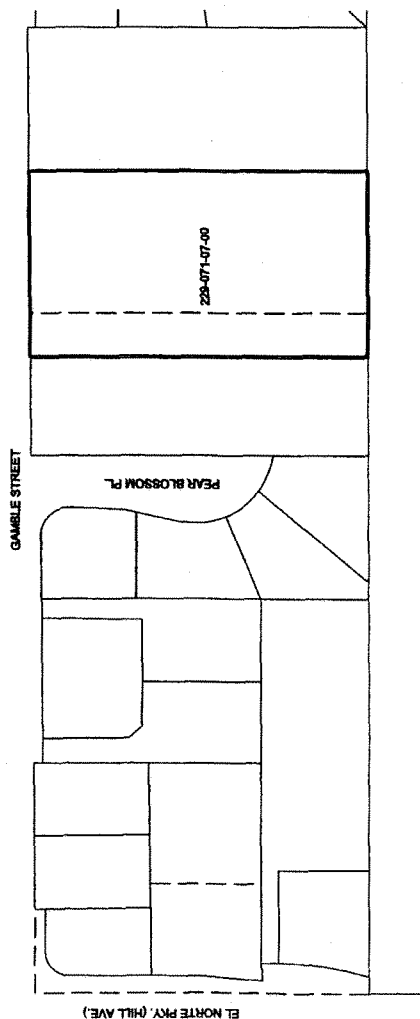
**DIAGRAM OF LANDSCAPE MAINTENANCE DISTRICT BOUNDARIES**

# City of Escondido Landscape Maintenance District



PROPOSED BOUNDARIES OF  
ANNEXATION TO  
LANDSCAPE MAINTENANCE DISTRICT NO.1  
ZONE 37 (TRACT 934)  
CITY OF ESCONDIDO  
COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA

LEGEND:  
ANNEXATION BOUNDARY



Resolution No. 2011-43  
EXHIBIT A  
Page 18 of 18

SHEET 1 OF 1  
DATE MARCH 2011  
JOB NO. LMD01-0311

NOTE: FOR PARTICULARS OF LINES AND  
DIMENSIONS OF ASSESSOR'S PARCELS,  
REFERENCE IS MADE TO THE SAN DIEGO  
COUNTY ASSESSOR'S PARCEL MAPS.



**SDFA**  
SPECIAL DISTRICT FINANCING  
& ADMINISTRATION

487 WEST GRAND AVENUE  
ESCONDIDO, CALIFORNIA 92025  
TELEPHONE: (760)233-2630  
FAX: (760)233-2631