

STAFF REPORT
City of Lancaster

CC 24
11/13/07
RSL

Date: November 13, 2007

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Proposed Annexations to Lancaster Drainage Benefit Assessment District
Annexation Nos. 07-35 and 07-44**

Recommendation:

- a. Adopt **Resolution No. 07-196**, initiating proceedings for the annexation of territories to Lancaster Drainage Benefit Assessment District to be established pursuant to the Benefit Assessment Act of 1982 and California Constitution Article XIII D (Annexation Nos. 07-35 and 07-44);
- b. Adopt **Resolution No. 07-197**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Drainage Benefit Assessment District and to levy and collect assessments pursuant to provisions of the Benefit Assessment Act of 1982 and California Constitution Article XIII D (Annexation Nos. 07-35 and 07-44).

Fiscal Impact:

Estimated first year's maintenance cost for each project is shown on Attachment A and has been paid by the Developers, subsequent costs will be assessed against the benefiting properties.

Background:

The projects and locations are identified on Attachment A. Conditions of approval for the Developments state that the property must be developed in a manner that will return drainage to its natural condition. In order to satisfy this condition, storm drains, retention and detention basins, and appurtenances may be proposed and will be constructed by the developer at his expense, if required.

The overall drainage improvements necessary to return drainage to its natural condition will be constructed by the Developers as required. The Developers have requested that the City accept the drainage improvements for maintenance after they are constructed and approved.

In accordance with State Law, an Engineer's Report, including diagrams and assessments has been prepared indicating the properties to be benefited and the amount of the assessment to each individual property. Annual assessments may be levied by the City for each succeeding fiscal year.

State Law requires that the property owners within the area to be annexed and assessed be noticed 45 days in advance of the public hearing scheduled for November 13, 2007.

In response to the City's conditions of its approval of the Project, the Developers have executed and filed petitions with the City Council wherein the Developers have, among other things, proposed to construct drainage improvements and have requested the annexation of the Properties into the Lancaster Drainage Maintenance District (hereinafter referred to as the "District") to provide for the continued maintenance, operation, and servicing of the drainage improvements. The Developers are the sole owners of the properties being annexed. By signing the petitions, the Developers have waived the 45-day advance notice of public hearing, conducting a public meeting, noticing, and the right to majority protests at the public hearing. Additionally, the Developers have submitted assessment ballots in favor of the annexations.