

STAFF REPORT
City of Lancaster

CC 16
03/25/08
MVB

Date: March 25, 2008

To: Mayor Hearn and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Proposed Annexations to Lancaster Drainage Benefit Assessment District
Annexation Nos. 06-28, 07-32, and 07-49**

Recommendation:

- a. Adopt Resolution No. 08-25, 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 XIID (Annexation Nos. 06-28, 07-32, and 07-49);
- b. Adopt Resolution No. 08-26, 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 XIID (Annexation Nos. 06-28, 07-32, and 07-49).

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 March 25, 2008.

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.

ATTACHMENT A

Lancaster Drainage Benefit Assessment District Annexations

Annexation No.	Project	Location	Developer	Estimated 1st Year's Maintenance Cost
06-28	Permit No. 06-01227	3645 Camino Vista (single -family residential)	Stephen L. Payte and Lari L. Payte, husband and wife as community property with right of survivorship	\$56.46
07-32	Permit No. 07-01914	Southwest corner of Pillsbury Street and Cedar Avenue (duplex)	Gerado Herrera and Cindy Gutierrez, husband and wife as joint tenants	\$56.46
07-49	Conditional Use Permit No. 85-09	44662 15th Street West (commercial)	Desert Christian Ministries, Incorporated, a California Non-Profit Religious Corporation	\$264.91

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, 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 XIID (ANNEXATION NOS. 06-28, 07-32, AND 07-49)

WHEREAS, the petitioners (hereinafter referred to as the "Developers"), are the sole owners of that certain real property located in the City of Lancaster, County of Los Angeles, State of California, more particularly described in the petitions on file in the City Clerk's Office (hereinafter referred to as the "Property"); and

WHEREAS, the Developers are developing the Property as described in the petitions on file in the City Clerk's Office (hereinafter referred to as the "Projects"); and

WHEREAS, as a condition to its approval of the Projects, the City of Lancaster (hereinafter referred to as the "City") has required that drainage improvements (hereinafter referred to as the "Improvements") be constructed to remove the flood hazard from the Projects and to return the runoff carried through the Projects to its natural location; and

WHEREAS, the City has required that the Developers provide a means satisfactory to the City for assuring the continued maintenance, operation, and servicing of the Improvements; and

WHEREAS, the City is willing to accept the Improvements for public use and maintenance; and

WHEREAS, in response to the City's conditions to its approval of the Projects, the Developers have executed and filed petitions with the City Council wherein the Developers have, among other things, requested the formation of a drainage benefit assessment district to provide for the continued maintenance, operation, and servicing of the Improvements. Copies of the petitions are on file in the City Clerk's Office; and

WHEREAS, the City desires to initiate proceedings pursuant to and in accordance with the provisions of the "Benefit Assessment Act of 1982", as set forth in Chapter 6.1 of Part 1 of Division 2 (Section 54710 et seq.) of the Government Code of the State of California and Article XIID of the California Constitution, to annex to Lancaster Drainage Benefit Assessment District to provide for the payment of all costs and expenses incurred for the continued maintenance, operation, and servicing of the Improvements; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexation and assessment can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the public hearing, and a ballot for voting purposes; and

WHEREAS, the California Civil Code, Section 3513, allows anyone to waive the advantage of law intended solely for his benefit; and

WHEREAS, the Developers are the sole owners of the real property to be benefited by the maintenance, operation, and servicing of the Improvements and waive all statutory notices of public meeting and public hearing, conducting a public meeting, and all statutory hearings of objections and protests by interested property owners; and

WHEREAS, the Developers have submitted assessment ballots in favor of the annexations and assessments. Copies of the ballots are on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. Pursuant to Section 54710 of the Government Code of the State of California, the City hereby proposes to initiate proceedings for the annexation to Lancaster Drainage Benefit Assessment District pursuant to and in accordance with the provisions of the "Benefit Assessment Act of 1982", as set forth in Chapter 6.1 of Part 1 of Division 2 (Section 54710 et seq.) of the Government Code, to impose a benefit assessment to finance and provide for the payment of all costs and expenses incurred for the continued maintenance, operation, and servicing of the Improvements.

Section 2. The Improvements to the Property shall include all such storm drains and appurtenances required by the City. All costs of construction or otherwise installing the Improvements shall be borne by the Developers.

Section 3. The City will accept the Improvements for public use and maintenance after construction and/or installation and approval by the City.

Section 4. To ensure that the costs and expenses of maintaining, operating, and servicing the Improvements are borne by the owners of the Property to be benefited thereby, the City resolves that the proposed annexations to Lancaster Drainage Benefit Assessment District shall consist of the Property referenced in the recitals hereinabove.

Section 5. The service proposed to be financed through the revenue derived from the assessment shall consist of the costs and expenses of maintaining, operating, and servicing the Improvements.

Section 6. The distinctive designation for the proposed annexations to the assessment district pursuant to this Resolution shall be "Lancaster Drainage Benefit Assessment District, Annexation Nos. 06-28 (3645 Camino Vista), 07-32 (southwest corner of Pillsbury Street and Cedar Avenue), and 07-49 (44662 15th Street West)."

Section 7. The City hereby directs the City Engineer to prepare a written report (hereinafter referred to as the "Engineer's Report") and file it with the City Clerk pursuant to State Law.

Resolution No.

Page 3

PASSED, APPROVED, and ADOPTED this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

ENGINEER'S REPORT
REGARDING LEVYING OF AN ASSESSMENT FOR
LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ANNEXATION NOS. 06-28, 07-32, AND 07-49

FOR DRAINAGE MAINTENANCE PURPOSES PURSUANT TO
PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982
(CHAPTER 6.1, PART 1, DIVISION 2,
GOVERNMENT CODE, STATE OF CALIFORNIA)
AND
ARTICLE XIID OF CALIFORNIA CONSTITUTION

Prepared by

ASSESSMENT DISTRICT ENGINEER
CARLYLE S. WORKMAN, R.C.E. 45024

City of Lancaster
44933 North Fern Avenue
Lancaster, California 93534

Approved this ____ day of _____, 20____

ATTEST

GERI K. BRYAN, CMC, City Clerk
City of Lancaster

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ANNEXATION NOS. 06-28, 07-32, AND 07-49
ENGINEER'S REPORT

By action of the City Council of the City of Lancaster, a Resolution was adopted initiating proceedings for the levying of an annual assessment for Annexation Nos. 06-28, 07-32, and 07-49 (hereinafter referred to as the "Annexation") to Lancaster Drainage Benefit Assessment District (hereinafter referred to as the "District") for the payment of all costs required to provide for the continued maintenance, operation, and servicing of drainage improvements pursuant to provisions of the Benefit Assessment Act of 1982, being Chapter 6.1, Part 1, Division 2, of the Government Code of the State of California. In addition, the City Engineer was directed to prepare a written Engineer's Report and file it with the City Clerk pursuant to Section 54716 of the Government Code and Article XIID of California Constitution. This report was prepared in response to that directive.

There are parcels of property (as shown and described on Exhibits "A" and "B" attached hereto) within the proposed Annexations that are being developed. As a condition to its approval of the Projects, the City of Lancaster has required the developers to provide drainage improvements to be constructed to return the runoff carried through its property to its natural location. The City is willing to accept the drainage improvements for maintenance and the developers have submitted petitions requesting that the property be included in the District to provide sufficient funds for the continued maintenance, operation, and servicing of the drainage improvements.

Plans and specifications indicating the general nature, location, and extent of improvements are on file with the City Engineer of the City of Lancaster and are hereby made a part hereof by reference. The revenue derived from the proposed assessment will be used to maintain, operate, and service the drainage improvements.

The description of the property proposed to be subject to the benefit assessment is as described on Exhibits "B" attached hereto.

The Benefit Assessment Act of 1982 provides that a City may impose a benefit assessment to finance the maintenance and operation costs of drainage services. The Act also indicates that the assessment imposed on any parcel of property shall be related to the special benefit to the parcel which will be derived from the provisions of the service.

The developers of the property included within the Annexations are required to construct drainage improvements to remove the flood hazard from the property and/or to return the runoff carried through the property to its natural location. The drainage improvements provide flood hazard protection and a return of the runoff to its natural location for the parcel(s) owned by the developers.

The amount of the proposed assessment for each parcel is as shown on Exhibit "C", which is attached hereto and which is made a part hereof.

The annual aggregate amount of the assessment and the estimated annual cost of providing maintenance, operation, and servicing of the drainage improvements is shown on Exhibit "D", which is attached hereto and which is made a part hereof. All revenue derived from the assessment will not be used to pay the cost of any service other than the service for which the assessment is levied.

EXHIBIT "A"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
MAP INSERT

EXHIBIT "B"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ANNEXATION NO. 06-28
ENGINEER'S REPORT

LOT 25, OF TRACT NO. 44167, AS PER MAP RECORDED IN BOOK 1110 PAGE(S) 27 TO 33 INCLUSIVE OF MAPS, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM 50% OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE, WITHOUT HOWEVER, THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED RECORDED MARCH 25, 1957 AS INSTRUMENT NO. 2044 IN BOOK 54052 PAGE 290, OFFICIAL RECORDS, AND MARCH 28, 1957 AS INSTRUMENT NO. 2045 IN BOOK 54052 PAGE 289, OFFICIAL RECORDS.

EXHIBIT "B"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ANNEXATION NO. 07-32
ENGINEER'S REPORT

LOT(S) 7, IN BLOCK E. OF LANCASTER CHAMBER OF COMMERCE
SUBDIVISION NO. 1, AS PER MAP RECORDED IN BOOK 3, PAGE(S) 40
OF MAPS, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER
OF SAID COUNTY

EXHIBIT "B"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ANNEXATION NO. 07-49
ENGINEER'S REPORT

PARCEL 1 OF PARCEL MAP NO. 25858 AS PER MAP FILED IN BOOK 313 PAGES 16
AND 17 OF MAPS IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA.

EXHIBIT "C"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ENGINEER'S REPORT

ASSESSMENTS

Annexation No.	Assessor Map Book	Page	Parcel	Lots/Acres	Assessment
06-28	3111	018	031 and 032	1 lot	\$56.46
07-32	3134	026	007	1 lot	\$56.46
07-49	3122	008	024	1 lot	\$264.91

EXHIBIT "D"

LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT
ENGINEER'S REPORT
ANNUAL SERVICE ESTIMATE

Annexation No. 06-28

Total Funds Required	\$56.46
Funds to be Raised Through Assessment	\$56.46

Annexation No. 07-32

Total Funds Required	\$56.46
Funds to be Raised Through Assessment	\$56.46

Annexation No. 07-49

Total Funds Required	\$264.91
Funds to be Raised Through Assessment	\$264.91

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, 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 XIID (ANNEXATION NOS. 06-28, 07-32, AND 07-49)

WHEREAS, the City Council has, by Resolution No. _____, initiated proceedings for the annexation of territory into Lancaster Drainage Benefit Assessment District, generally described any proposed new improvements, and ordered the City Engineer to prepare a report relative to Lancaster Drainage Benefit Assessment District (Annexation Nos. 06-28, 07-32, and 07-49) (hereinafter referred to as "the District") pursuant to the Benefit Assessment Act of 1982 (Chapter 6.1, Part 1, Division 2, Government Code, State of California) and Article XIID of the California Constitution (hereinafter referred to as "the Act"); and

WHEREAS, the City Engineer has prepared said Engineer's Report and filed the same with the City Clerk, and said City Clerk has presented said Engineer's Report to this City Council for consideration; and

WHEREAS, the City Engineer has prepared diagrams (Exhibits "A") showing the boundaries of Annexation Nos. 06-28, 07-32, and 07-49, and said diagrams have been filed with the City Clerk, and the City Clerk has presented said diagrams to this City Council for consideration; and

WHEREAS, the City has required that the Developers provide a means satisfactory to the City for assuring the continued maintenance, operation, and servicing of the Improvements; and

WHEREAS, the Engineer's Report and the diagrams have been filed with the City Clerk and are open to the public for inspection and may be referred to for all details regarding the improvements, the boundary of Annexation Nos. 06-28, 07-32, and 07-49, the assessments, total costs, and a description of the parcels to be assessed; and

WHEREAS, the property proposed to be annexed shall be assessed for the first time (i.e., a new assessment); and

WHEREAS, State Law sets forth a procedure that must be followed in order to levy a new assessment; and

WHEREAS, said procedure requires the City Council to adopt a resolution declaring its intention to levy and collect assessments within the District including Annexation Nos. 06-28, 07-32, and 07-49 for each fiscal year that an assessment is to be levied after the approval of the Engineer's Report; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexation and assessment can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the public hearing, and a ballot for voting purposes; and

WHEREAS, notices have been prepared in accordance with State Law for notification and are on file in the City Clerk's Office; and

WHEREAS, the California Civil Code, Section 3513, allows anyone to waive the advantage of law intended solely for his benefit; and

WHEREAS, the Developers, as the sole owners of the real property to be benefited by the maintenance, operation, and servicing of the improvement areas, waive all statutory notices of public meeting and public hearing, conducting a public meeting, and all statutory hearings of objections and protests by interested property owners; and

WHEREAS, the Developers have submitted assessment ballots in favor of the annexations and assessments. Copies of the ballots are on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. Said Engineer's Report be and the same is hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said Engineer's Report and to file said Engineer's Report in the office of the City Clerk.

Section 2. Said diagrams be and the same are hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said diagrams and to file said diagrams in the office of the City Clerk.

Section 3. Said notices are hereby approved.

Section 4. March 25, 2008 at 6:00 p.m. in the City Council Chambers, City of Lancaster is hereby fixed as the time and place of said public hearing for approval of Annexation Nos. 06-28 (3645 Camino Vista), 07-32 (southwest corner of Pillsbury Street and Cedar Avenue), and 07-49 (44662 15th Street West) into, and enactment of the proposed assessments for, Lancaster Drainage Benefit Assessment District.

Section 5. This Council hereby declares its intention pursuant to and in accordance with the provisions of State Law to annex territory into the District and to provide for the servicing and maintenance of all drainage improvements within the District. Further this Council hereby declares its intention to levy and collect assessments to pay all the costs and expenses incurred for Fiscal Year 2007-2008, pursuant to and in accordance with the provisions of State Law. The proposed assessments are more particularly described in the Engineer's Report on file with the City Clerk.

Section 6. Generally, the proposed improvements are maintenance, servicing, and energy costs for drainage improvements within the District.

Section 7. The City Clerk shall notice the hearing in accordance with Section 22626 of said Act and Section 6061 and 54954.6 of the Government Code of the State of California and Article XIID of the California Constitution.

PASSED, APPROVED, and ADOPTED this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
