

**TO:** James L. App, City Manager  
**FROM:** Ronald Whisenand, Community Development Director  
**SUBJECT:** Intent to Annex to Landscape and Lighting District PD 06-025 (Regency)  
**DATE:** July 7, 2009

---

**Needs:** That the City Council take the initial steps towards annexation to the Landscape and Lighting District PD 06-025, Golden Hills Plaza.

**Facts:**

1. In accordance with conditions of approval of the subdivision of PD 06-025, the applicant, Regency Centers, has requested that the lots within the development, known as Golden Hills Plaza and Tract 3016, be annexed to the Landscape and Lighting District (see Vicinity/Reduction tract map, Attachment 1).
2. Improvements to be maintained by the Landscape and Lighting District include maintenance of the landscaping along Highway 46E, the traffic signal at the project entrance on Golden Hill Road and all streets lights adjacent to the development.

**Analysis  
and**

**Conclusion:** PD 06-025 was approved by the Planning Commission on August 12, 2008. Annexation to the Landscape and Lighting District is a condition of approval imposed by the Planning Commission.

**Policy**

**Reference:** General Plan  
California Government Code Section 22500 (“Streets and Highways Code”)

**Fiscal**

**Impact:** None.

**Options:** That the City Council take the following actions:

- a. Adopt Resolution No. 09-xxx initiating proceedings for the annexation of PD 06-025, known as the Golden Hills Plaza and Tract 3016, to the Paso Robles Landscape and Lighting Maintenance District No 1; and the levy and collection of assessments related thereto commencing with fiscal year 2010/2011; and
- b. Adopt Resolution No. 09-xxx declaring its intention to annex PD 06-025, known as Golden Hills Plaza and Tract 3016, to the Paso Robles Landscape and Lighting Maintenance District No. 1; and declaring its intention to conduct a property owner protest ballot proceeding on the matter of the new assessments related thereto commencing with fiscal year 2010/2011.
- c. Amend, modify or reject the above option.

Attachments: (4)

- 1) Vicinity/Reduced size tract map
- 2) Engineer’s Report Sub-Area 118
- 3) Resolution Initiating Proceedings
- 4) Resolution of Intention

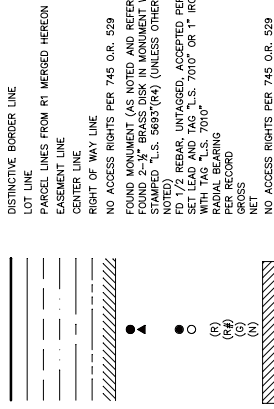
# BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PARCEL MAP IS BETWEEN TWO FOUND MONUMENTS, ONE BEING A 3/4" IRON PIPE AND THE OTHER A 2" BRASS DISK IN A MONUMENT. THE PARCEL MAP CO 77-96 FILED IN BOOK 24 OF PARCEL MAPS, PAGE 54 AND THE BEARING BEING NORTH 88°30'34" WEST.

## REFERENCES:

- (R1) PARCEL MAP PR 79-223 (03 PM 24)
- (R2) PARCEL MAP CO 77-96 (24 PM 54)
- (R3) TRACT 2005 (19 MB 82)
- (R4) RECORD OF SURVEY (62 BS 15)
- (R5) TRACT 2782 (30 MB 87)
- (R6) PARCEL MAP (18 PM 84)

## LEGEND:



## NOTES:

PROPERTY ACQUIRED BY AMORTIZATION EASEMENT PER 9083 O.R. 505. THE 30' OFFER OF DEDICATION PER BOOK 33 PAGE 24 OF MAPS NOT SHOWN HEREON IS ABANDONED BY SEPARATE INSTRUMENT. SET LEAD AND TAG "L.S. 7010" OR "1" IRON PIPE WITH TAG "L.S. 7010" AT ALL INTERIOR LOT CORNERS, BC AND EC POINTS.

# TRACT 3016

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCELS A, B AND C OF PARCEL MAP NO. PR 79-252, IN BOOK 33, PAGE 24 OF PARCEL MAPS, TOGETHER WITH PARCEL 2 AND A PORTION OF PARCEL 4 OF PARCEL MAP CO 77-96, IN BOOK 24, PAGE 54 OF PARCEL MAPS, RECORDS OF SAID COUNTY.

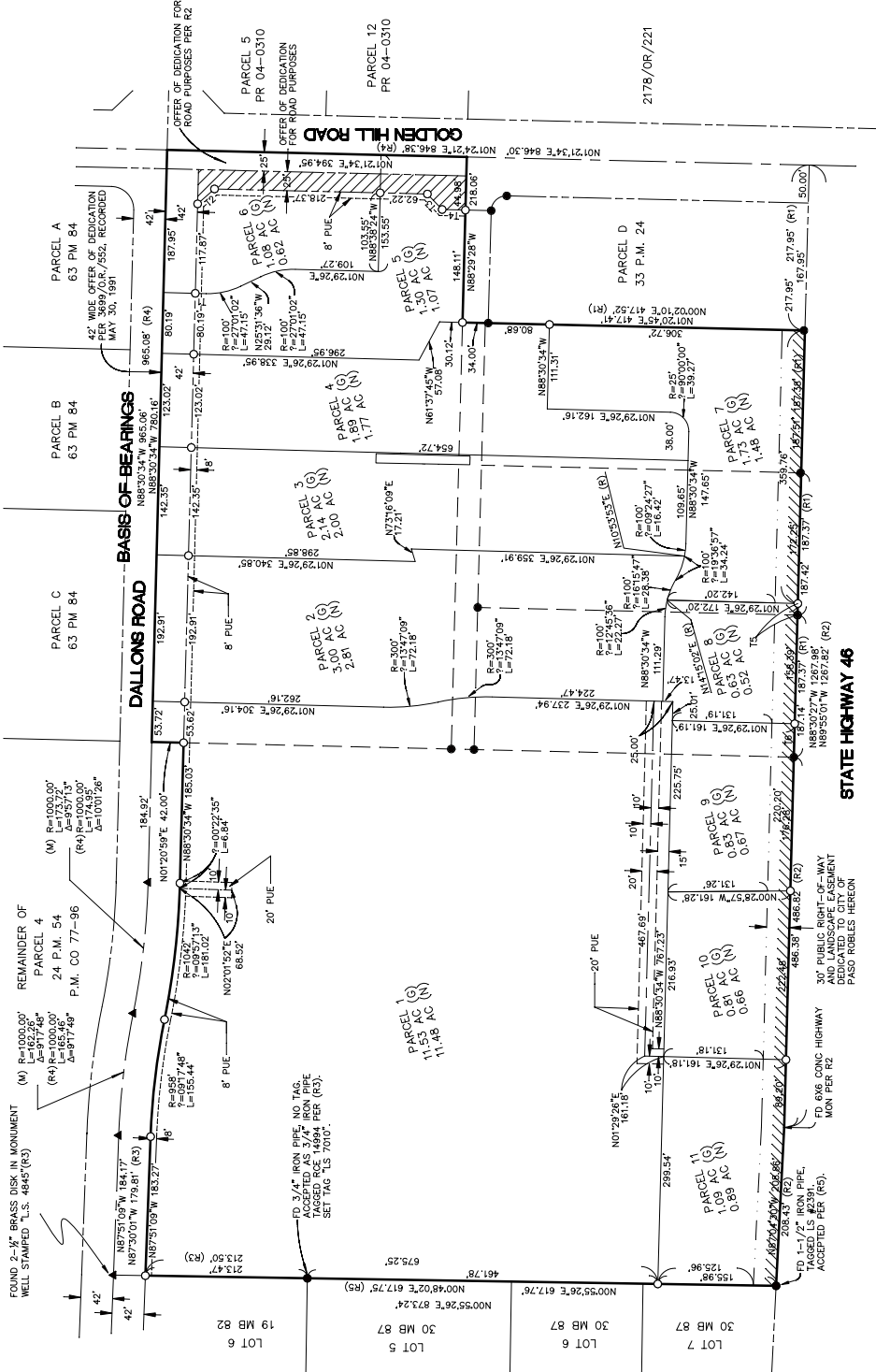


**SACRAMENTO**  
**201 CREEKSIDE RIDGE CT, STE 100, ROSELVILLE CA 95678**  
**TEL (916) 877-8800 FAX (916) 877-8820 www.cardnowg.com**  
**PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS**

MAY 2009

SHEET 2 OF 2

LINE TABLE	LINE TABLE
12 N172°59'29"E 146.27'	12 N172°59'29"E 146.27'
13 N45°56'03"E 281.77'	13 N45°56'03"E 281.77'
14 N89°59'27"W 153.56'	14 N89°59'27"W 153.56'
15 N89°59'27"W 153.56'	15 N89°59'27"W 153.56'
16 N89°59'27"W 43.92'	16 N89°59'27"W 43.92'



## SURVEYORS' NARRATIVE

THE SOUTH LINE OF THE LANDS BEING SUBDIVIDED WAS ESTABLISHED BY A "BEST FIT" LINE THROUGH THE MONUMENTS FOUND ALONG THE SOUTH LINE. THE 6"X CONCRETE MONUMENT WAS HELD AS THE ANGLE POINT IN THE SOUTH LINE. THE SOUTH LINE WAS EXTENDED THE RECORD DISTANCE EASTERLY FROM THE CENTERLINE OF GOLDEN HILLS ROAD. THE CENTERLINE OF GOLDEN HILLS ROAD WAS ESTABLISHED BETWEEN THE POINT ESTABLISHED ABOVE AND THE FOUND MONUMENT AT THE INTERSECTION OF DALLONS ROAD AND GOLDEN HILLS ROAD. THIS LOCATION LIES 50 FEET NORTH OF THE CENTERLINE OF GOLDEN HILLS ROAD. THE CENTERLINE OF THE NORTH SIDE OF PARCEL D OF 33 PM 24 AGREES WITH THE INTENT OF THAT MONUMENT.

THE NORTH LINE OF THE LANDS SUBDIVIDED ON THIS MAP WAS ESTABLISHED FROM FOUND WELL MONUMENTS ALONG THE CENTERLINE OF DALLONS ROAD. THE WEST LINE OF THE LANDS SUBDIVIDED WAS ESTABLISHED BETWEEN ACCEPTED FOUND MONUMENTS ALONG THE WEST LINE SHOWN HEREON. THE LINE WAS EXTENDED A RECORD DISTANCE TO THE NORTHERLY RIGHT-OF-WAY PERCE OF HIGHWAY 46.

THE WEST LINE OF PARCEL D OF 33 PM 24 WAS ESTABLISHED FROM FOUND MONUMENTS ALONG THE NORTH LINE OF SAID PARCEL.

**CITY OF EL PASO DE ROBLES**  
**ENGINEER'S REPORT**  
**ANNEXATION OF**  
**TRACT 3016 (GOLDEN HILLS PLAZA)**  
**TO**  
**LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1**  
**AS SUB-AREA 118**  
**FISCAL YEAR 2010-2011**



Intent Meeting: July 7, 2009

Public Hearing: September 1, 2009



***Corporate Office***

27368 Via Industria  
Suite 110  
Temecula, CA 92590  
Tel: (951) 587-3500  
Tel: (800) 755-MUNI (6864)  
Fax: (951) 587-3510

***Office Locations***

Anaheim, CA	Orlando, FL
Lancaster, CA	Phoenix, AZ
Memphis, TN	Sacramento,
Oakland, CA	Seattle, WA

[www.willdan.com](http://www.willdan.com)

**ENGINEER'S REPORT AFFIDAVIT**

**Annexation of**

**Tract 3016 (Golden Hills Plaza)**

**to**

**Landscape and Lighting Maintenance District No. 1**

**As Sub-Area 118 (Golden Hills Plaza)**

**and**

**The Establishment of Annual Assessments**

This Report outlines the proposed annexation of the commercial development known as the Golden Hills Plaza to Landscape and Lighting District No. 1; said development being comprised of the parcels identified as Tract 3016 and for purposes of this Report is referred to as the Annexation Territory. The Annexation Territory shall be established as Sub-Area 118 within the District commencing with Fiscal Year 2010-2011 and shall be levied annual assessments connected therewith pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code, and in compliance with the substantive and procedural requirements of Article XIIID of the California State Constitution. This Report includes a description of the improvements, an assessment diagram, an estimate of the annual expenses and assessments proposed for said Annexation Territory. Reference is hereby made to the San Luis Obispo County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each parcel within the Annexation Territory. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Willdan Financial Services  
Assessment Engineer  
On Behalf of the City of Paso Robles

By: \_\_\_\_\_  
Jim McGuire  
Senior Project Manager

By: \_\_\_\_\_  
Richard Kopecky  
R. C. E. # 16742

# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	1
<b>PART I — PLANS AND SPECIFICATIONS</b> .....	4
Description of the Annexation Territory.....	4
Improvements and Services.....	4
<b>PART II — METHOD OF APPORTIONMENT</b> .....	7
Benefit Analysis .....	7
Assessment Methodology.....	7
Assessment Range Formula.....	9
<b>PART III — BUDGET</b> .....	10
<b>PART IV — ASSESSMENT DIAGRAM</b> .....	11
<b>PART V — ASSESSMENT ROLL</b> .....	13

## INTRODUCTION

---

Pursuant to the provisions of the *Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the “1972 Act”), and in compliance with the substantive and procedural requirements of *Article XIID of the California State Constitution* (hereafter referred to as the “California Constitution”), the City Council of the City of Paso Robles, County of San Luis Obispo, State of California (hereafter referred to as the “City”), has previously formed and annually levied special benefit assessments within the **Paso Robles Landscape and Lighting Maintenance District No. 1** (hereafter referred to as the “District”) for the maintenance and operation of local street lighting and landscape improvements that provide special benefits to the properties therein. Within this District, numerous Sub-Areas have been established based on variations in the nature, location, and extent of the specific local improvements that provide special benefits to the properties within each of those Sub-Areas. In addition to the Sub-Area designations, thirteen (13) Zones have been established that are comprised of one or more of the District’s Sub-Areas based on similarity and/or shared special benefits from various improvements provided and maintained by the District. However, many of the District’s Sub-Areas are considered stand-alone benefit areas that have specific improvements that provide a direct and special benefit to only the properties within each of those respective Sub-Areas.

This Engineer’s Report (“Report”) has been prepared in connection with the proposed annexation of specific parcels of land within the City (Assessor’s Parcel Numbers 025-391-037, 025-391-038, 025-391-039, 025-391-063, and 025-391-067) to the District pursuant to *Chapter 2, Article 2* of the 1972 Act. These five parcels comprise the commercial development known as Golden Hills Plaza and identified as Tract 3016. Accordingly, the City Council has by resolution, initiated proceedings for the annexation of the parcels of land within Tract 3016 to the District as Sub-Area 118 (hereafter referred to as the “Annexation Territory”).

This Report provides the required documentation that describes the Annexation Territory, the improvements and assessments related thereto as required pursuant to *Chapter 1, Article 4* of the 1972 Act and the provisions of the California Constitution. The approved development plans and specifications for Tract 3016 and subsequently the Annexation Territory are on file in the City’s Community Development Department, and by reference these plans and specifications are made part of this Report. The City Council proposes to annex the parcels of land within the Annexation Territory to the District as Sub-Area 118 and to levy and collect annual assessments on the County tax rolls on parcels therein commencing in Fiscal Year 2010-2011 to fund the costs and expenses to service and maintain the local landscaping and lighting improvements that provide special benefits to those parcels.

This Report describes the Annexation Territory, the improvements, and the proposed assessments to be imposed upon properties in connection with the special benefits the properties will receive from the maintenance and servicing of the improvements. The annual assessments to be levied on such properties together with the assessment range formula, will provide the necessary funding for the continued operation and maintenance of local landscaping and lighting improvements that benefit those properties and such assessments as described herein are made pursuant to the 1972 Act and the substantive and procedural provisions of the California Constitution.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (“APN”) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses APNs and specific fund numbers to identify properties to be assessed on the tax roll for special benefit assessments.

Pursuant to the provisions of *Article XIIIID, Section 4* of the California Constitution the City shall conduct a property owner protest ballot proceeding (referred to as “Ballot Proceeding”) for the proposed levy of new assessments as described in this Report. In conjunction with this Ballot Proceeding, the City Council will conduct a noticed public hearing to consider public testimonies, comments and written protests regarding the annexation, and the levy of the proposed new assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists:

*“A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.”*

After completion of the ballot tabulation, the City Council will confirm the results of the balloting. If majority protest exists, proceedings for the annexation and levy of assessments shall be abandoned. If tabulation of the ballots indicates that majority protest does not exist for the assessments and the assessment range formula presented and described herein, the City Council may approve this Report, as submitted or amended; the assessment diagram and assessments contained therein; and order the annexation of Tract 3016 (Annexation Territory) to the District as Sub-Area 118. In such case, the assessments for the Annexation Territory as outlined herein, shall be reviewed and confirmed by the City Council at the annual public hearing for the entire District commencing with Fiscal year 2010-2011. The annual assessments approved and adopted pursuant to those proceedings shall be consistent with the assessments described herein and shall be submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each affected parcel.

Each fiscal year, an engineer’s report for the District (including Sub-Area 118) shall be prepared and presented to the City Council. Said Report shall address any proposed changes to the improvements, budgets and assessments related to the District and Sub-Area 118 for that fiscal year. The City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the levy of assessments for that fiscal year.

This Report consists of five (5) parts:

## Part I

**Plans and Specifications:** A description of the boundaries of the Annexation Territory (Tract 3016) and the proposed improvements associated with said Annexation Territory.

## Part II

**Method of Apportionment:** A discussion of benefits the improvements and services provide to properties within the Annexation Territory and the method of calculating each property’s

proportional special benefit and annual assessment. This section also identifies and outlines an assessment range formula that provides for an annual adjustment to the maximum assessment rate that establishes limits on future assessments, but also provides for reasonable cost adjustments due to inflation without the added expense of additional balloting.

### Part III

**Budget:** An estimate of the initial annual costs to operate, maintain, and service the landscaping, lighting, and appurtenant facilities associated with the Annexation Territory. This budget includes an estimate of direct annual maintenance costs, installments for long term maintenance activities and incidental expenses authorized by the 1972 Act including, but not limited to, administration expenses and collection of appropriate fund balances. The maximum assessment rate identified by this budget and the amount to be balloted for each parcel with the Annexation Territory represents that parcel's proportional special benefit of the net annual costs to provide the improvements and excludes any costs that are considered general benefit or are funded by other revenue sources. The proposed maximum assessment rate identified in the budget of this Report establishes the initial maximum assessment for fiscal year 2010-2011 and shall be adjusted annually by the Assessment Range Formula described in Part II of this Report.

### Part IV

**Assessment Diagram:** A Diagram showing the exterior boundaries of the Annexation Territory that encompasses each parcel receiving special benefits from the improvements. Parcel identification, and the lines and dimensions of each lot and parcel of land within the Annexation Territory, is inclusive of the lots and parcels of land currently identified as Parcels 37, 38, 39, 63 and 67 on Page 391 of Book 025 of the San Luis Obispo County Assessor's Parcel Maps, and shall include any subsequent subdivisions, lot line adjustments, or other parcel changes therein. Reference is hereby made to the San Luis Obispo County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each lot and parcel of land within the Annexation Territory.

### Part V

**Assessment Roll:** A listing of the parcels and proposed assessment amount (initial maximum assessment amount) to be presented to the property owner(s) of record in the Ballot Proceedings required pursuant to the provisions of the California Constitution. The proposed maximum assessment amount for each parcel is based on the parcel's proportional special benefit as outlined in the method of apportionment and the proposed initial maximum assessment rate established by the budget presented herein. Each parcel's actual assessment amount commencing with Fiscal Year 2010-2011, shall be based on the budget and assessment rates approved and adopted by the City Council as part of the annual levy of assessments for the entire District prior to the submittal of such assessments to the County of San Luis Obispo for inclusion on the County Tax Rolls, and such assessments may be less than or equal to the adjusted maximum assessment calculated by the assessment range formula described in the method of apportionment.



# PART I — PLANS AND SPECIFICATIONS

---

## Description of the Annexation Territory

The Annexation Territory referenced in this Report consists of the lots and parcels of land within the commercial development known as the Golden Hills Plaza identified as Tract 3016. The Annexation Territory is generally located west of Golden Hill Road, north of State Highway 46, and south of Dallons Road. The Annexation Territory incorporates the parcels currently identified on the San Luis Obispo County Assessor's Parcel Maps as Book 025; Page 391; Parcels 37, 38, 39, 63, and 67; which total approximately twenty five acres (24.8 acres).

## Improvements and Services

### *Improvements and Services Authorized by the 1972 Act*

As generally defined by the 1972 Act, the improvements and services applicable to Sub-Area 118 of the District (the Annexation Territory), may include one or more of the following:

- ❖ The installation or planting of landscaping;
- ❖ The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- ❖ The installation or construction of public lighting facilities including, but not limited to street lights and traffic signals;
- ❖ The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- ❖ The acquisition of land for park, recreational, or open-space purposes or any existing improvement otherwise authorized pursuant to this section.
- ❖ The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
  - Repair, removal, or replacement of all or any part of any improvements;
  - Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
  - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
  - The removal of trimmings, rubbish, debris, and other solid waste;

- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
  - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
  - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- ❖ Incidental expenses associated with the improvements including, but not limited to:
- The costs of the report preparation, including plans, specifications, estimates, diagram, and assessment;
  - The costs of printing and advertising, and publishing, posting and mailing of notices;
  - Compensation payable to the County for collection of assessments;
  - Compensation of any engineer or attorney employed to render services;
  - Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
  - Costs associated with any elections held for the approval of a new or increased assessment.

## **Annexation Territory Improvements**

The properties and parcels within the Annexation Territory represent a new commercial development within the City with local landscaping and lighting improvements installed in connection with the development of such properties. The purpose of this annexation is to ensure the appropriate and adequate funding for the maintenance, operation and servicing of those local landscaping and lighting improvements for which these properties receive special benefits. The improvements to be provided and maintained generally include median landscaping on Golden Hill Road, a traffic signal on Golden Hill Road that allows for safe access into the development, parkway landscaping on State Highway 46, and street lighting adjacent to the development.

The maintenance and servicing of the improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation, as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed to provide for the growth, health, and beauty of landscaping and/or the proper operation and functioning of lighting, irrigation and drainage systems. Detailed maps and descriptions of the location and extent of the improvements to be maintained are on file at the City in the Community Development Department, and by reference are made part of this Report.

## **Landscape Improvements**

The local landscape improvements to be funded by the assessments may include, but are not limited to: turf; shrubs and plants; trees; ground cover (both hardscape and vegetation); weed and vector control; irrigation and drainage systems; related hardscapes and associated appurtenant facilities that

have been or will be installed in connection with and/or for the direct and special benefit of the properties within the Annexation Territory (Sub-Area 118), including but not limited to the:

- ❖ Median islands on Golden Hills Road, located between State Highway 46 and Dallons Road, totaling approximately 9,250 square feet of decorative concrete:
- ❖ Landscaped parkway frontage adjacent to the development along State Highway 46, totaling approximately 40,830 square feet of turf and/or plants and trees.

### **Public Street Lighting Improvements**

Local street lighting improvements associated with the Annexation Territory include six (6) street lights and one (1) traffic signal installed as part of the property development. The maintenance and operation of these lights may include, but are not limited to: the furnishing of electrical energy; and the maintenance, repair or replacement of the related lighting fixtures, poles, meters, conduits, electrical cable, and associated appurtenant facilities. Specifically the street lights for the Annexation Territory include:

- ❖ Four (4) street lights located on the south side of Dallons Road which are adjacent to the development.
- ❖ Two (2) street lights located on the west side of Golden Hills Road adjacent to the development.
- ❖ One (1) traffic signal located on Golden Hills Road that has been installed solely for the safe ingress and egress of the development.

## PART II — METHOD OF APPORTIONMENT

---

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which includes the construction, maintenance, and servicing of public lights, landscaping, parks and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and have been established pursuant to the 1972 Act and the provisions of the California Constitution. The formula used for calculating assessments in the Annexation Territory and ultimately Sub-Area 118 (Golden Hills Plaza), reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on the proportional special benefits to each parcel or lot.

### Benefit Analysis

The improvements to be maintained for the Annexation Territory (Sub-Area 118) and for which properties shall be assessed resulted from the development of those properties. It has been determined that the improvements were necessary, desired and required only for the orderly development of such properties to their full potential and best use, consistent with the development plans and applicable portions of the City's General Plan and would otherwise not have been constructed and installed. As such the condition of these improvements and the level of service associated with such improvements directly affect only the properties within the Annexation Territory and the ongoing maintenance and operation of such improvements are clearly a special benefit to those properties and are not considered to be a benefit (special or general) to any of the surrounding properties. Furthermore, although the improvements are within public right-of-ways or easements that may be visible to the public at large, the construction and installation of these improvements were only necessary for the development of these properties and any public visibility or use of these local improvements is directly associated with the properties themselves and provide no measurable benefit (special or general) to the public at large.

Therefore, the annual costs of ensuring the maintenance and operation of the improvements are considered entirely the financial obligation of the properties within the Annexation Territory, and such improvements provide a distinct and special benefit to only those properties.

### Assessment Methodology

The method of apportionment (also referred to as the “method of assessment”) established herein is based on the premise that each assessed parcel receives similar special benefits from the improvements considering their overall proximity to the improvements and land use (commercial

use). It has been determined that the security, use, access, appearance and desirability of each parcel is enhanced by the presence of adequate street lighting, traffic controls, and well-maintained landscaping in close proximity to those parcels and such enhancements are a direct and distinct special benefit.

Since the parcels within the Annexation Territory (Sub-Area 118) contain only commercial properties, it is reasonable to conclude that the improvements will provide substantially similar special benefits to each parcel, but the proportionality of such benefits is not necessarily equal. In reviewing the overall development and the improvements, it has been determined that the proportionality of each parcel's special benefit compared to other parcels is best reflected by the acreage of each parcel (size of the property) because it provides a combined consideration of each parcel's relative street frontage, potential use and ultimately the need for such improvements. The following formulas are used to arrive at the levy amount for each parcel within the Annexation Territory.

$$\frac{\text{Total Balance to Levy}}{\text{Total Acres of all Parcels}} = \text{Assessment Amount per Acre (Rate)}$$

**Then**

$$\text{(Rate per Acre) x Parcel's Acreage} = \text{Annual Assessment Amount (for each Parcel)}$$

## Assessment Range Formula

It is recognized that the annual cost of providing the improvements (identified by various budgetary line items) will be impacted by inflation in subsequent years. In an effort to minimize this impact and ensure adequate funding in future years, a formula for an inflationary adjustment is included as part of the assessments to be presented to the property owner(s) of record within the Annexation Territory for approval. This formula, referred to as the "Assessment Range Formula", allows for annual inflationary adjustments to be made to budget and the resulting maximum assessment rate outlined in this Report for the Annexation Territory. This Assessment Range Formula is consistent with the inflationary adjustments previously approved for many of the existing Sub-Areas within the District.

The Assessment Range Formula provides for reasonable incremental increases to the maximum assessment rate each year to address typical cost increases over time resulting from inflation without requiring the costly noticing and balloting procedures, which would otherwise add to the overall costs and assessments. The Assessment Range Formula provides for an annual adjustment to the Maximum Rate based on the percentage change in the Consumer Price Index as reported by United States Bureau of Labor and Statistics for the Urban Wage Earners and Clerical Workers in the San Francisco-Oakland-San Jose area.

The Maximum Assessment Rate shall be adjusted annually by this assessment range formula, and is calculated independent of the annual budget and resulting proposed annual assessment rate(s). Commencing with Fiscal Year 2011/2012) and then each fiscal year thereafter, the Maximum Assessment Rate identified in this Report will be recalculated and a new (adjusted) Maximum Assessment Rate will be established for Sub-Area 118. Although the Maximum Assessment will increase each year, the actual assessment rate and resulting assessments may be less than the maximum rate.

## PART III — BUDGET

The following budget outlines the estimated costs to maintain the planned improvements described in this Report and the resulting initial Maximum Assessment per acre (Maximum Assessment Rate) based on the planned development within the Annexation Territory.

BUDGET ITEMS	Budget Sub-Area 118 Establishing the (Maximum Assesment)
<b>DIRECT COSTS</b>	
Street Lighting (Energy, Maintenance & Repair)	\$ 1,030
Traffic Signal (Energy, Maintenance & Repair)	2,750
Landscape Maintenance (Parkway)	14,125
Landscape Maintenance (Medians)	425
Landscape Water	5,470
Landscape Electricity	650
Landscape Materials & Miscellaneous Repairs	360
<b>Direct Costs (Subtotal)</b>	<b>24,810</b>
<b>ADMINISTRATION COSTS</b>	
District Administration	3,100
County Administration Fee	10
<b>Total Administration Expenses</b>	<b>3,110</b>
<b>LEVY ADJUSTMENTS</b>	
Operational Reserves & Rehab	2,790
Contributions from General Fund	-
<b>Total Levy Adjustments</b>	<b>2,790</b>
<b>Balance to Levy</b>	<b>\$ 30,710</b>
<b>Balloted Amount</b>	<b>\$ 30,752</b>
<b>SUB-AREA STATISTICS</b>	
Total Parcels	5
Total Assessable Parcels	5
Total Acres (Assessed Acres)	24.8
Total Acreage	24.8
<b>Calculated Assesment Rate per Acre</b>	<b>\$ 1,238.31</b>
<b>Proposed Maximum Rate per Acre (Balloted)</b> (Commencing Fiscal Year 2010-2011)	<b>\$1,240.00</b>

## **PART IV — ASSESSMENT DIAGRAM**

---

The parcels within the Annexation Territory consist of all lots and parcels of land within and associated with the commercial development known as Golden Hills Plaza, Tract 3016.

The parcels of land within the Annexation Territory are inclusive of San Luis Obispo County Assessor's Parcel Map Book 025; Page 31; Parcels 37, 38, 39, 63, and 67 and by reference this map and the lines and dimensions described therein are made part of this Report.

The following page provides a boundary map that displays parcels within the Annexation Territory addressed by this Report, as the same existed at the time this Report was prepared. The combination of this map and the assessment roll contained in Part V of this Report constitute the Assessment Diagram for the Annexation Territory and the newly established Sub-Area 118 in the Paso Robles Landscape and Lighting Maintenance District No. 1.



PROPOSED BOUNDARIES OF THE ANNEXATION OF TRACT 3016  
AS SUB-AREA 118 (GOLDEN HILLS PLAZA) INTO THE  
PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1

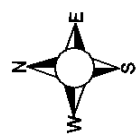
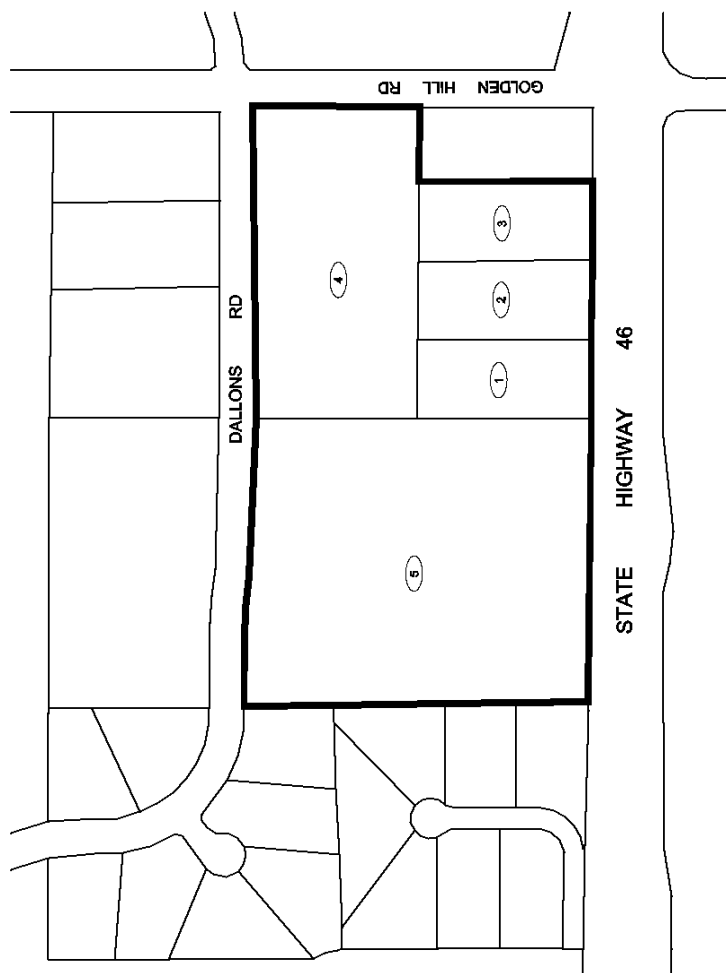
CITY OF PASO ROBLES  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2008.

CITY CLERK  
CITY OF PASO ROBLES

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM  
SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE SAN LUIS OBISPO  
COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE SAN LUIS OBISPO COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL  
DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Map Reference Number	Assessor's Parcel Number
1	026-391-037
2	026-391-038
3	026-391-039
4	026-391-063
5	026-391-067

**LEGEND**

— ANNEXATION BOUNDARY

① MAP REF. NO.



## PART V — ASSESSMENT ROLL

---

Parcel identification for each lot or parcel within the Annexation Territory is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office. A listing of the existing parcels (APNs) to be assessed within this Annexation Territory, along with the Maximum Assessment (Amount to be balloted) is provided herein:

APN	Acreage	Land Use	(Balloted) Initial Maximum Assessment
025-391-037	1.8	Commercial	\$ 2,232.00
025-391-038	1.8	Commercial	\$ 2,232.00
025-391-039	1.8	Commercial	\$ 2,232.00
025-391-063	6.2	Commercial	\$ 7,688.00
025-391-067	13.2	Commercial	\$ 16,368.00
<b>Totals:</b>	<b>24.8</b>		<b>\$ 30,752.00</b>

If any APN submitted for collection of the assessments is identified by the San Luis Obispo County Auditor/Controller, to be an invalid parcel number for any fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved and adopted by the City Council.

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

**CITY ENGINEER  
COMMUNITY DEVELOPMENT DEPT.  
CITY OF EL PASO DE ROBLES  
1000 SPRING STREET  
PASO ROBLES, CA 93446**

RESOLUTION NO. 09-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TRACT 3016 (GOLDEN HILLS PLAZA) AS SUB-AREA 118 OF THE PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1; AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2010/2011

---

WHEREAS, the City Council of the City of Paso Robles (the "City") has by previous resolutions established and levied annual assessments for the Paso Robles Landscape and Lighting District No. 1 (hereinafter referred to as the "District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (hereinafter referred to as the "Act") that provides for the collection of assessments by the County of San Luis Obispo on behalf of the City to pay for the annual maintenance and servicing of local landscaping and lighting improvements and facilities related thereto; and,

WHEREAS, the City Council desires to initiate proceedings for the annexation of Tract 3016 (Golden Hills Plaza) (hereinafter referred to as the "Annexation Territory"), to the District as Sub-Area 118, and to levy and collect annual assessments against lots and parcels of land within the Annexation Territory commencing in fiscal year 2010/2011 to pay for the operation, maintenance and servicing of local landscaping and lighting improvements, and appurtenant facilities related thereto that will provide special benefits to those properties pursuant to the Act and the provisions of the California Constitution Article XIID(hereinafter referred to as the "California Constitution"); and,

WHEREAS, the City has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the annexation of the Annexation Territory, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with Chapter 4 Article 2 of the Act and the provisions of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF EL PASO de ROBLES AS FOLLOWS:

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Annexation Territory: The territory of land to be annexed to the District is inclusive of San Luis Obispo County Assessor's Parcel Numbers 025-391-037, 025-391-038, 025-391-039, 025-391-063, and 025-391-067, which incorporates all of the lots and parcels of land within the commercial development designated as Tract 3016 (Golden Hills Plaza).

SECTION 3. Improvements: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the local landscaping and lighting improvements within the public right-of-ways or easements associated with the development of properties within the Annexation Territory and subsequently Sub-Area 118 of the District which may include but are not limited to the: Median islands on Golden Hills Road; the landscaped parkway frontage along State Highway 46; the street lights on Dallons Road and Golden Hills Road; and the traffic signal on Golden Hills Road north of State Highway 46, all of which shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

SECTION 4. Assessments: The City Council hereby determines that in order to provide an appropriate level of maintenance and related services and activities for the improvements associated with the Annexation Territory as generally described in section 3 of this resolution, it is necessary to levy annual special benefit assessments on the lots and parcels within the Annexation Territory identified in section 2, commencing in fiscal year 2010/2011.

SECTION 5. Engineer's Report: The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk an Engineer's Report concerning the proposed annexation of the Annexation Territory to the District, and the proposed levy of special benefit assessments for properties beginning the fiscal year commencing July 1, 2010 and ending June 30, 2011, in accordance with Chapter 3 Section 22622 of the Act. Said Engineer's Report shall establish the estimated budget of anticipated expenses and the resulting proposed maximum assessments including an annual inflationary adjustment, that will be necessary to provide ongoing funding for the maintenance and servicing of the improvements being proposed; and the assessments so described may only be imposed pursuant to the provisions of the Act and the California Constitution, Article XIID.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of July, 2009 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Duane Picanco, Mayor

ATTEST:

---

Cathy M. David, Deputy City Clerk

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

**CITY ENGINEER  
COMMUNITY DEVELOPMENT DEPT.  
CITY OF EL PASO DE ROBLES  
1000 SPRING STREET  
PASO ROBLES, CA 93446**

RESOLUTION NO. 09-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, DECLARING ITS INTENTION TO ANNEX PARCEL MAP TRACT 3016 AS SUB-AREA 118 (GOLDEN HILLS PLAZA) OF THE PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1; AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER PROTEST BALLOT PROCEEDING ON THE MATTER OF THE NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2009/2010

---

WHEREAS, the City Council of the City of Paso Robles (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the annexation of Tract 3016 (Golden Hills Plaza) (hereinafter referred to as the "Annexation Territory") as Sub-Area 118 of the Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District"), and the proposed levy and collection of annual special benefit assessments related thereto commencing in Fiscal Year 2010/2011; and,

WHEREAS, the City Council desires to annex to the District the Annexation Territory, and to levy and collect annual assessments against lots and parcels of land within said territory to pay the cost and expenses related to the maintenance, servicing and operation of local landscaping and lighting improvements that provide special benefits to the parcels of land therein as authorized by the Act and the provisions of the California Constitution Article XIIIID (hereafter referred to as the "California Constitution"); and,

WHEREAS, the Assessment Engineer of Work has prepared and filed with the City Clerk an Engineer's Report (hereafter referred to as the "Report") in connection with such annexation proceedings and the proposed levy of assessments commencing with fiscal year 2010/2011 (said fiscal year beginning July 1, 2010 and ending June 30, 2011); in accordance with the Act and the California Constitution; and said Report has been presented to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals: The above recitals are true and correct.

Section 2. Annexation Territory: The territory of land to be annexed to the District is inclusive of San Luis Obispo County Assessor's Parcel Numbers 025-391-037, 025-391-038, 025-391-039, 025-391-063, and 025-391-067, which incorporates all of the lots and parcels of land within the commercial development designated as Tract 3016 (Golden Hills Plaza).

Section 3. Improvements: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the local landscaping and lighting improvements within the public right-of-ways or easements associated with the development of properties within the Annexation Territory and subsequently Sub-Area 118 of the District which may include but are not limited to the: Median islands on Golden Hills Road; the landscaped parkway frontage along State Highway 46; the street lights on Dallons Road and Golden Hills Road; and the traffic signal on Golden Hills Road north of State Highway 46, all of which shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

Section 4. Engineer's Report: The Report as presented consists of the following:

- 4a) A Description of the Improvements (Plans and Specifications); and,
- 4b) The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" that provides for an annual inflationary adjustment to the maximum assessment rate; and,
- 4c) The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed initial "Maximum Assessment Rate"; and,
- 4d) An Assessment Diagram (Boundary Map); and,
- 4e) An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the Annexation Territory based on the maximum assessment rate and method of apportionment described therein.

Section 5. Report Approval: The Report presented is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 6. Intention: The City Council hereby declares its intention to annex the territory of land designated as the Annexation Territory to the District, and to levy and collect annual assessments against parcels of land within said territory to fund the ongoing cost and expenses of maintaining, operating and servicing the improvements determined to be of special benefit to the parcels of land therein as outlined in the Report prepared in connection therewith, commencing with fiscal year 2010/2011; and,

The City Council further declares its intention to conduct a public hearing regarding the annexation of the Annexation Territory to the District, and the proposed levy of assessments connected therewith; and calls for a property owner protest balloting proceeding in accordance with the provisions of the California Constitution Article XIII D. The City Council finds that the public's best interest requires such action and levy of assessments.

Section 7. Public Hearing: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the Annexation Territory in accordance with Government Code, Section 54954.6 and California Constitution, Article XIII D, Section 4(e); and,

Notice is hereby given that a public hearing on these matters will be held by the City Council on Tuesday, September 1, 2009 at 7:30 P.M., or as soon thereafter as feasible in the City Council Chambers, located at 1000 Spring Street, Paso Robles CA 93446. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 8. Assessment Balloting: Pursuant to Article XIII D of the California Constitution, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessments for the Annexation Territory. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and property owner or owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for these matters.

Section 9. Notice and Ballots: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing and property owner protest ballots to the property owners of record regarding the proposed assessments including the assessment range formula as outlined in the Report, for return receipt prior to the date and time of the public hearing set forth in this Resolution; and,

The notice of the hearing and ballot shall be distributed by first class mail to the property owner(s) of record for each parcel within the Annexation Territory subject to an assessment, not less than 45 days before the date of the public hearing pursuant to the California Constitution.

Section 10. Protest Proceedings: The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owners' approval or rejection of the annual levy of assessments and assessment range formula described in the Report presented and previously approved by the City Council. Each property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing scheduled for Tuesday, September 1, 2009. After the close of the Public Hearing, pursuant to Section 4(e) of the California Constitution, the City Clerk or their designee shall open and tabulate the ballots returned to determine if majority protest exists. Only those ballots issued by or on behalf of the City and signed by the property owner of record or authorized representative, shall be considered as valid ballots and shall be weighted according to the proportional financial obligation of each affected property. Majority protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and,

In addition to the ballot proceedings, property owners may also file a separate written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed such protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of July, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Duane Picanco, Mayor

ATTEST:

---

Cathy M. David, Deputy City Clerk