



Agenda Item 11

DATE: September 14, 2004

TO: Board of Supervisors

FROM: Andrew E. Richter, Interim Director
Department of Public Works and Planning

SUBJECT: Public Protest Hearing to Consider Levying an Assessment for the Maintenance of West Dovewood Lane Benefiting Lots within Tract Map No. 5172 and for the Formation of Maintenance District No. 6

RECOMMENDED ACTION:

It is recommended that your Board conduct a public protest hearing to consider levying an assessment for the maintenance of West Dovewood Lane benefiting lots within Tract Map No. 5172 and for the formation of Maintenance District No. 6, located on the east side of North Van Ness Boulevard, between Barstow and Bullard Avenues.

1. Upon completion of the public protest hearing, approve item A or B:

- A. If owners of land in the proposed maintenance district owning less than 50% of the area of land included in the maintenance district protest in writing against the formation of the maintenance district and if 50% or more of the assessment ballots returned before or during the public protest hearing are in favor of the proposed assessment for road maintenance, adopt resolution approving the formation of Maintenance District No. 6 and the levying of an assessment on real property for road maintenance of West Dovewood Lane benefiting lots within Tract Map No. 5172. If a majority protest does not exist in any of the two noted categories and item 1A is approved, it is recommended that items 2 and 3 also be approved.

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE September 14, 2004 APPROVED AS RECOMMENDED X

Page 1 of 3
OTHER _____

APPROVED RECOMMENDED ACTION NOS. 1A, 2 AND 3 OF AGENDA ITEM.



Official Action of
Board of Supervisors

UNANIMOUS X

ANDERSON _____

ARAMBULA _____

CASE _____

LARSON _____

WATERSTON _____

- B. If owners of land in the proposed maintenance district owning 50% or more of the area of land included in the proposed maintenance district protest formation of the maintenance district in writing or if more than 50% of the assessment ballots returned during the public protest hearing are against the proposed assessment for road maintenance, terminate the proceedings.**
- 2. If the formation of Maintenance District No. 6 is approved under Recommendation No. 1A, authorize County staff to assist the property owners in the establishment of an Advisory Council for the maintenance district.**
- 3. Upon approval of Maintenance District No. 6, no road association or similar organization shall levy or impose assessments against property owners for private road maintenance, and Maintenance District No. 6 shall be the sole agency providing private road maintenance within the maintenance district.**

The recommended action will allow your Board to conduct a public protest hearing required before consideration of levying an assessment on real property for road maintenance and the formation of Maintenance District No. 6 in accordance with Article XIIID, Section 4, of the California Constitution and Streets and Highways Code Sections 5820 through 5856. Provision of maintenance for the newly created road is a condition of approval for Tract Map No. 5172 (see Exhibit "A").

FISCAL IMPACT:

There is no net cost to the County General Fund for the operation of this district. All operation, maintenance and County staff costs will be paid by the benefiting properties. The applicants have paid all formation fees in the amount of \$2,445 specified in the Fresno County Ordinance Code and required as a condition of development approval.

The requested road maintenance assessment is a condition of approval for the noted map. Six lots being created by this tract map will receive access from West Dovewood Lane and will be assessed for maintenance of the road through Maintenance District No. 6. The base rate of assessment per parcel for years one through three is proposed to be \$235.00. The base assessment will be reduced to \$205.00 in the fourth year of the assessment after collection of the reserve fund. The assessment rate may be adjusted each year for inflation not to exceed 3% each year for the first sixteen years of the assessment. The proposed maximum assessment, adjusted for inflation, is estimated to be \$297.25 in the sixteenth year and will remain at this same level unless the property owners approve an increase.

The proposed yearly assessment rate and budget for the maintenance of West Dovewood Lane benefiting lots within proposed Maintenance District No. 6 were prepared by the developer's / property owner's engineer and were reviewed by the Resources Division, Maintenance and Operations Division and Design Division of the Department of Public Works and Planning.

REGIONAL JOBS INITIATIVE IMPACT:

This action has no direct impact to the Regional Jobs Initiative.

DISCUSSION:

Your Board requires road maintenance as a condition of the subdivision / parcel map approval process after completion and acceptance by the County of a new subdivision's / parcel map's road construction. All required road maintenance will be performed by the developer for a period of one year.

All road maintenance work after the one-year period of maintenance by the developer will be performed by the Department of Public Works and Planning, or by contract administered by the Department. All costs for maintenance after the one-year period will be paid by the property owners through the Maintenance District assessments.

Generally, the maintenance of roads created by new tract or parcel maps is provided by a Zone of Benefit in County Service Area (CSA) No. 35. However, Tract Map No. 5172 is located within the sphere of influence of the City of Fresno. The boundaries of CSA 35 do not include areas within the city limits or sphere of influence boundaries of the cities within the County. Therefore, a CSA 35 Zone cannot be formed for this map. In the past the County has formed a Maintenance District in-lieu of a CSA 35 Zone to meet the requirements of providing road maintenance for these new roads created by a map within a city's sphere of influence. The Maintenance District will provide the same service as a CSA 35 Zone.

Formation of a Maintenance District requires the establishment of an owner's Advisory Council; however, this is a new development and does not currently have individual property owners. When the lots being created by this map are improved and occupied, County staff will work with the new owners to establish the Maintenance District No. 6 Advisory Council.

A notice was mailed to the developer / property owner 45 days prior to today's public protest hearing. A copy of the notice was posted ten days prior to this hearing in three public places. The notice and formation procedures meet all requirements of Article XIID, Section 4, of the State Constitution, the Government Code sections and the Streets and Highways Code sections governing the levying of an assessment and the formation of a Maintenance District.

A PORTION OF SECTION 7, T. 13 S., R. 20 E., M.D.B. & M. APN 415-350-15

NORTH 1/4 CORNER OF
SECTION 7, T. 13 S.,
R. 20 E., M.D.B. & M.

WEST BULLARD AVENUE

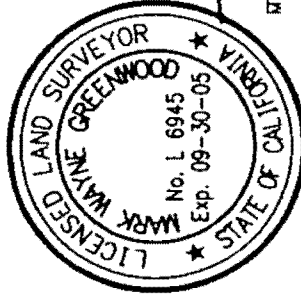
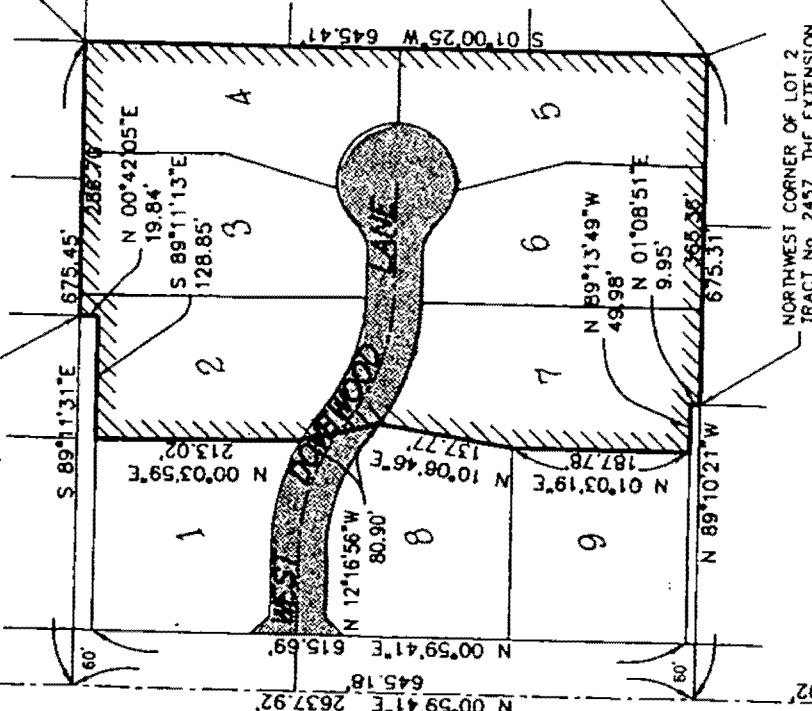
SOUTHEAST CORNER OF
LOT 8, TRACT No. 1947
NORTH VAN NESS ESTATES

POINT OF BEGINNING
NORTHWEST CORNER OF LOT 8
TRACT No. 2457, THE EXTENSION

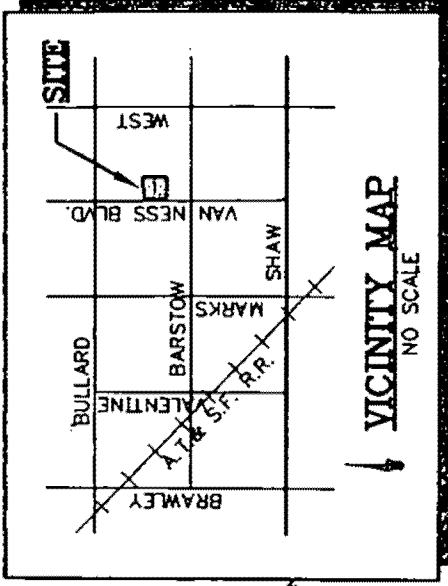
NORTH VAN NESS BOULEVARD

CENTER 1/4 CORNER OF
SECTION 7, T. 13 S.,
R. 20 E., M.D.B. & M.

WEST BARSTOW AVENUE



MARK W. GREENWOOD
LS 6945



SCALE: 1" = 200'



LEGEND

INDICATES MAINTENANCE DISTRICT
No. 6 BOUNDARY
MAINTAINED ROADWAY

EXHIBIT A

DEPARTMENT OF PUBLIC WORKS AND PLANNING

DESIGNED _____ DATE 06/01/04 CHECKED _____ DATE _____ SCALE _____ DRAWING No. _____

MAINTENANCE DISTRICT No. 6

Sheet No. 1
of 1 Sheets

REV. 07/01/04 P.W.
REV. 06/14/04 S.F.
PLOT VIEW: EXHIBIT M06
AUTOCAD ID: 02250MAP.DWG