

ENGINEER'S REPORT

ENGINEER'S REPORT SUPPORTING A PROPOSED ROAD MAINTENANCE BENEFIT ASSESSMENT FOR COUNTY OF FRESNO COUNTY SERVICE AREA NO. 35, ZONE AJ (RENO ROAD)

The undersigned submits this written Engineer's Report to the Department of Public Works and Planning as follows:

1. **Engineer's Report:** This Engineer's Report supports a proposed road maintenance assessment by the County of Fresno, in County Service Area No. 35, in and around Zone AJ.
2. **Authorization:** This Engineer's Report is submitted under the County Service Area law found in Title 3, Division 2, Part 2, Chapter 2.5 of the Government Code (beginning with section 25210), particularly Government Code section 25215.3, the Benefit Assessment Act of 1982 found in Title 5, Division 2, Part 1, Chapter 6.4 of the Government Code (beginning with section 54703), particularly Government Code section 54716, and Article XIID, Section 4, of the California Constitution.
3. **Purpose of the Assessment:** The express purpose for which this benefit assessment is proposed is to establish a source of funding to provide road maintenance for East Reno Avenue. Twenty-four parcels within and adjacent to Zone AJ are specially benefitted by the road maintenance, including: all parcels within Zone AJ, the number of which will be increased by one (1), from 17 to 18, with the recordation of Variance Map No. 3952 (subdividing parcel 580-010-10S from one to two parcels); and six (6) existing adjacent parcels receiving a special benefit will be assessed for a total of twenty-four (24) parcels, collectively hereafter referred to as Zone AJ. Our client is subdividing parcel 580-010-10S into two (2) parcels creating one additional parcel and six adjacent parcels (Assessor's Parcel Numbers 580-010-22, 580-010-24, 580-010-18S, 580-010-15, 580-010-11S, and 580-010-25S) (collectively the Assessed Parcels. The assessment includes the cost for the County to maintain East Reno Avenue, including administrative costs, and the cost of the County liability insurance to insure the road.
4. **Current Funding:** There is no current funding from the County for maintenance of East Reno Avenue. The County cannot provide funds from the General Fund or the Road Fund for the maintenance of said roads.
5. **Determination of Necessity:** The level of road maintenance services which can be provided by the revenue raised from the benefit assessment is estimated to be adequate to meet the requirements of providing for the maintenance of the road to a level determined by the Director of Public Works & Planning of the County of Fresno. The entire budget to maintain the road, and for the administrative costs of Zone AJ, will be raised by the assessment proposed herein.

6. Limitation upon Expending Assessment Proceeds. Any funds collected from the benefit assessment proposed herein shall be expended only for such road maintenance services to benefit the Assessed Parcels, including administrative costs of Zone AJ. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
7. Levy: A benefit assessment to raise revenue to fund road maintenance services is hereby proposed to be levied upon real property that receives a special benefit from the maintenance of East Reno Avenue.
8. Assessment Rate: The rate of assessment for the first fiscal year and the maximum assessment of each year thereafter is proposed as follows:
 - A. The proposed assessment will be levied in fiscal year 2015-2016 in the amount of \$361.73 per parcel, and may be increased in each of the two subsequent years for inflation at a rate not to exceed the California Paving Asphalt Price Index (CPAPI) and in no case exceeding 3% over the prior year's assessment. The proposed assessment will reduce to \$308.23 per parcel in the fourth year (fiscal year 2018-2019) and may be increased each of the 12 subsequent years for inflation at a rate not to exceed the California Paving Asphalt Price Index (CPAPI) and in no case exceeding 3% of the prior year's assessment. After the sixteenth year (fiscal year 2031-2032), the yearly assessment will remain at the same amount as the sixteenth year assessment unless the property owners approve an increased assessment. The Assessed Parcels will pay 100% of the costs associated with the maintenance of East Reno Avenue, including the administrative costs of Zone AJ. See attached Exhibit "A" for the projected Zone AJ road maintenance budget. The maximum property assessments chargeable each year to each of the Assessed Parcels are as follows:

Budget Year	Maximum Annual Assessment Per Parcel (includes inflation increases)	Total Assessment
1	361.73	\$ 8,681.52
2	372.58	\$ 8,941.92
3	383.76	\$ 9,210.24
4	308.23	\$ 7,397.52
5	317.47	\$ 7,619.44
6	326.99	\$ 7,847.85
7	336.79	\$ 8,083.19
8	346.89	\$ 8,325.44
9	357.29	\$ 8,575.12
10	368.00	\$ 8,832.20
11	379.04	\$ 9,096.96
12	390.41	\$ 9,369.86
13	402.12	\$ 9,650.93
14	414.18	\$ 9,940.40
15	426.60	\$ 10,238.52
16	439.39	\$10,545.55
17 & after	439.39	\$10,545.55
Total		\$142,356.66 (Years 1-16 only)

- B. The lien will be that prescribed by law.
- C. The assessment schedule (Exhibit "A") is based on each of the twenty-four (24) Assessed Parcels having equal access to the road to be maintained. Therefore, each parcel receives an equal special benefit for the road maintenance service being provided. There is no general benefit derived by the proposed road maintenance because East Reno Avenue provides access to only the 24 Assessed Parcels. The assessment is proportional to the special benefit derived by each identified lot in relationship to the entirety of the cost of the road maintenance service being provided because each parcel is using East Reno Avenue as a main access to Auberry Road. No assessment exceeds the reasonable cost of the proportional special benefit conferred on each lot because the estimated maintenance cost is divided equally between equally benefited parcels.

The projected cost of road maintenance was prepared by the assessment engineer and provides for a first stage asphalt concrete overlay of the existing pavement after sixteen years. The proposed assessment also includes the estimated cost to maintain the existing road surface and drainage facilities each year before and after the pavement resurfacing. The maintenance plan is shown in detail in Exhibit "A" with projected costs for providing the maintenance. The projected costs include the yearly cost for the County to administer the budget and maintenance plan and the cost of County liability insurance to insure the road.

The estimated cost for each item shown in the road maintenance plan and projected cost budget is based on historical data. The total estimated cost for each fiscal year budget is divided by the twenty-four (24) Assessed Parcels to calculate an equal per lot assessment for each fiscal year.

- 9. Collection: The collection of the proposed assessment shall be by the County of Fresno on behalf of County Service Area No. 35, Zone AJ, in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by the County. The County's reasonable cost to collect the assessment each year is included in the road maintenance projected cost budget in Exhibit "A" and is part of the yearly County Administrative Fee line item shown in the projected cost budget for each year.
- 10. Contents: Article XIID. This written Engineer's Report, pursuant to Article XIID, Section 4 of the California Constitution, contains all of the following:
 - A. The attached Exhibit "A" identifies the projected cost budget and yearly assessment schedule for all Assessed Parcels, which are listed on page 1 of Exhibit B, and the Assessor's Parcel Number of the parcel that will be subdivided by Parcel Map Variance No 3952.
 - B. The attached Exhibit "B" identifies and describes all lots which have a special benefit conferred on them and on which the assessment will be imposed.

- C. It is my determination that the proportionate special benefit derived by each identified lot in relationship to the entirety of the cost of the road maintenance service to be provided is as set forth in Exhibit "A".
 - D. It is my determination that no assessment is imposed on any lot which exceeds the reasonable cost of the proportional special benefit conferred on that lot.
 - E. It is my determination that the only benefits assessed are special and that general benefits have been separated from the special benefits conferred on each lot.
 - F. It is my determination that no lot owned by any public agency, the State of California or the United States but not identified and described on the attached Exhibit "B", receives any special benefit from the proposed assessment.
11. Under current law, a distinct procedures must be followed by the County to determine whether a "majority protest" exists at the close of public hearing of protests, summarized as follows:

A. The Property Owner Assessment Ballot Procedure.

The County will give notice by mail to the record owner of each of the Assessed Parcels. The notice must include the total amount of the proposed assessment chargeable to the entire district, the amount chargeable to the record owner's parcel, the duration of the payments, the reason for the proposed assessment, and the basis upon which the amount of the proposed assessment was calculated. The notice will also include the date, time, and location of a public hearing on the proposed assessment. Each notice will also include, in a conspicuous place, a summary of the procedures for the completion, return, and tabulation of an assessment ballot, and a statement that the proposed assessment will not be imposed if the ballots submitted in opposition to the proposed assessment exceed the ballots submitted in favor, with ballots weighted according to the proportional financial obligation of each affected property. The notice will be sent at least 45 days before the public hearing on the proposed assessment. The face of the envelope enclosing the notice and ballot will say, in no smaller than 16-point bold type: "**OFFICIAL BALLOT ENCLOSED**".

An assessment ballot will be enclosed with each notice, along with a self-addressed, return envelope by which the assessment ballot may be returned to the Clerk to the Board of Supervisors. This assessment ballot may be used by the owner or owners of any parcel to express either support for or opposition to the proposed assessment. The assessment ballot will include a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. The assessment ballot instructions will describe the alternative methods for submitting the ballot either by mail or by personal delivery, either prior to or at the time of the public hearing of protests.

Immediately following the close of the public hearing of protests, the returned assessment ballots will be tabulated, both in support of and in opposition to the assessment, with assessment ballots being weighted in accordance with the amount of the proposed assessment, and the results will be announced; provided that, in the event the clerk requires opportunity to determine whether any assessment ballot has been properly signed by an owner or authorized representative of any owner, the Board of Supervisors reserves the right to continue the matter of announcing results to provide the clerk with such opportunity.

In the event that assessment ballots in opposition exceed assessment ballots in support, there will be a "majority protest" and the Board of Supervisors will be precluded from proceeding with the proposed assessment.

12. General Rules Regarding Protests

- A. All written protests must be filed with the Clerk to the Board of Supervisors at or before the time fixed for the hearing. Written protests may be withdrawn in writing at any time prior to conclusion of the hearing.
- B. Property owners wishing to preserve the opportunity to file a lawsuit challenging the assessment, if levied must file a written protest and state therein the specific grounds of protest. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.
- C. The validity of the assessment announced by the Board of Supervisors shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty days after the assessment is announced and adopted (Fresno County Ordinance Code Section 4.28.040).

Based on the foregoing the undersigned registered engineer submits this written Engineer's Report and recommends adoption of the assessment proposed in it.

Dated: 1-27-15

Dale H. Winn
Dale H. Winn

(Seal)



EXHIBIT "A"
Page 1 of 4
COUNTY SERVICE AREA NO. 35 ZONE "AJ"
PARCEL VARIANCE MAP NO. 3952
AND TWENTY-FOUR (24) EXISTING PARCELS
PROJECTED SIXTEEN YEAR ROAD MAINTENANCE COST

Zone AJ currently contains 0.947 miles of road that have been constructed to Fresno County Public Road Standards pursuant to the conditions of approval for Parcel Map 7644. An additional 0.11 miles of road widening will be constructed to Fresno County Public Road Standards pursuant to the conditions of approval for Parcel Variance Map 3952. Because Fresno County policy requires new public roads of local service function to be locally maintained, the property owners within Parcel Variance Map 3952 have requested a proceeding for a revised assessment for the cost of maintaining the road within the proposed district.

The name and length of road is:	East Reno Avenue	0.947 miles (Exist. Pavement)
	Total	0.947 miles

The County proposes to assess the specially benefitted properties \$361.73 per parcel in years one, plus optional limited increases for inflation in years two and three and \$308.23 per parcel in years four, plus optional limited increases for inflation in years five through sixteen, for total maintenance and operation expenses, including administrative costs for Zone AJ, liability insurance, either by the County's self-insurance program or by commercial carrier, and engineering services provided for road maintenance such as the proposed overlay in year 16 and/or emergency maintenance responses e.g., washouts.

East Reno Avenue is currently in good condition with no acute maintenance needs. Maintenance will be provided annually or in extraordinary circumstances as needed.

Public Works engineering and management personnel will be available to assist the Zone AJ Citizen's Advisory Committee with problems pertinent to the provision of road maintenance service through Zone AJ. Sufficient monies have been budgeted to cover the cost of quarterly mailings of financial reports to all specially benefitted property owners.

The proposed assessment includes amounts necessary to build the reserve fund required by the Board of Supervisors to 40% of the annual maintenance budget within the first three years. The contingency fund is ten percent of the annual budget and is maintained to cover unforeseen expenses.

The annual cost and program estimates were prepared based upon actual pavement surface areas and current economic and experience cost factors, so there should be reasonable assurance that the work can be performed within the budget estimate.

EXHIBIT "A"
Page 2 of 4
COUNTY SERVICE AREA NO. 35 ZONE "AJ"
PROJECTED SIXTEEN YEAR ROAD MAINTENANCE COST
Parcel Variance Map No. 3952 and Twenty-four (24) Benefiting Parcels
Estimated Annual Budget years One through Three

Clean & maintain drainage facilities (lump sum)	\$ 70.00
Signs & miscellaneous (\$75/mile)	\$ 50.00
Pavement overlay (\$0.70/s.f., 0.10'thick ea. 16 year period) (106510 s.f.)	\$ 4660.00
County Service Area Administration (1)	\$ 1445.00
Insurance (\$500/mile/year)	\$ 500.00
Reserve Fund (accumulate over three years)	\$ 1167.16
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Budget Subtotal	\$ 7892.16
Contingency fund (10% annual income)	\$ 789.21
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Estimated total annual cost	\$ 8681.37

- (1) Direct County Charges
 - A. County Service Area Administration
 - B. Auditor's Fee, Budgeting (annual reporting to State)
 - C. Postage

\$ 8681.37 divided by 24 lots = \$ 361.73/lot

EXHIBIT "A"
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COUNTY SERVICE AREA NO. 35 ZONE "AJ"
PROJECTED SIXTEEN YEAR ROAD MAINTENANCE COST
Parcel Variance Map No. 3952 and Twenty-four (24)
Benefiting Parcels Estimated Annual Budget years Four through Sixteen

Clean & maintain drainage facilities (lump sum)	\$ 70.00
Signs & miscellaneous (\$75/mile)	\$ 50.00
Pavement overlay (\$0.70/s.f., 0.10'thick ea. 16 year period) (100,060 s.f.)	\$ 4660.00
County Service Area Administration (1)	\$ 1445.00
Insurance (\$500/mile/year)	\$ 500.00
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Budget Subtotal	\$ 6725.00
Contingency fund (10% annual income)	\$ 672.50
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Estimated total annual cost	\$ 7397.50

- (2) Direct County Charges
 - D. County Service Area Administration
 - E. Auditor's Fee, Budgeting (annual reporting to State)
 - F. Postage

\$ 7397.50 divided by 24 lots = \$308.23/lot

EXHIBIT "A"

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IDENTIFICATION OF EACH PARCEL TO ASSESS
FOR ROAD MAINTENANCE OF EAST RENO AVENUE
ZONE "AJ" OF COUNTY SERVICE AREA NO. 35
Parcel Variance Map No. 3952

The existing seventeen parcels within Zone "AJ" that take access to East Reno Avenue along with the one new parcel being created by Parcel Variance Map 3952 and the 6 additional parcels adjacent to Zone AJ but receiving a special benefit from the maintenance of East Reno Avenue will all share equally in the maintenance of East Reno Avenue. Since Parcel Variance Map 3952 is a new subdivision of an existing parcel into two new parcels and the parcel map has not been approved, the two new parcels do not have Assessor's Parcels Numbers (APN) for identification. Therefore, the assessment for the developing parcel (APN: 580-010-10S) will be assessed the equivalent of two parcels until the parcel map is approved and individual APN's are assigned. Once the parcel map is approved and the two new parcels have individual APN's, the yearly assessment will be applied to both individual parcels.

EXHIBIT "B"
Page 1 of 1
PARCELS ASSESSED
PARCEL VARIANCE MAP NO. 3952

APN:

580-010-02S	580-010-41S	580-010-07S	580-010-40S	580-010-05S	580-010-03S
580-010-16S	580-010-11S	580-010-25S	580-010-42S	580-010-09S	580-010-20S
580-010-19S	580-010-08S	580-010-06S	580-010-17S	580-010-04S	480-010-43S
580-010-10S	580-010-22	580-010-24	580-010-18S	580-010-10S (Map No. 3952)	