

2006-7931
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CITY OF ORLAND
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City of Orland
815 Fourth Street
Orland, CA 95963

OFFICIAL RECORDS
Vince T Minto Clerk-Recorder
Glenn County, CA

RESOLUTION NO. 2006-26

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND
ORDERING FORMATION OF A
MAINTENANCE ASSESSMENT DISTRICT
PURSUANT TO CHAPTER 12.16
OF THE ORLAND MUNICIPAL CODE
(MAINTENANCE DISTRICT No. 2006-05 - ORLAND PARK)**

Whereas, the City Council has received a petition for the formation of a maintenance district to be designed City of Orland Maintenance Assessment District No. 2006-05 (the "Maintenance Assessment District") which petition has been signed by all of the owners of the property which is proposed to be located within the Maintenance Assessment District; and

Whereas, the City Council conducted a protest hearing on the formation of the Maintenance District at the dates and times set forth in the notice for that hearing, which notice was provided in the manner required by Chapter 12.16 of the Orland Municipal Code. At that protest hearing, the City Council considered the petition requesting formation of the district, the City engineer's report and all comments and correspondence received relating to the formation of the assessment district. Additionally, the City Council received all ballots submitted for and against the formation of the Maintenance Assessment District and the tabulation of those ballots;

Whereas, the City Council now finds that, when weighted as required by Section 12.16.090 of the Orland Municipal Code, the ballots cast in favor of the formation of the Maintenance Assessment District exceed the ballots cast in opposition to the formation of the Maintenance District and that the establishment of the Maintenance Assessment District otherwise complies with the requirements of law and is warranted;

Whereas, the City Council has noted that a mitigated Negative Declaration concluding that no significant effect on the environment would be caused has previously been prepared and adopted for the project (Orland Park Tentative Subdivision Map No. 2004-04 which was conditioned on the formation of the Maintenance Assessment District).

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Orland hereby approves the formation of Maintenance Assessment District No. 2006-05. The boundaries of the

Maintenance Assessment District are as described in Exhibit "A & B" hereto. The public improvements and/or maintenance work to be funded in whole or in part by the assessments to be levied against the various lots and parcels within the boundaries of the district, the method of apportioning the assessments to be levied against the various lots and parcels located within the boundaries of the Maintenance Assessment District, and the annual assessment to be levied against each lot or parcel within the boundaries of the Maintenance Assessment District are set forth in Exhibit "C" hereto.

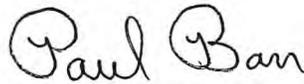
The foregoing resolution was adopted by the City Council of the City of Orland at its meeting held on the 6th Day of November, 2006, by the following vote:

AYES: Councilmembers Olney, Montague, Quarne, Yalow and Barr

NOES: None

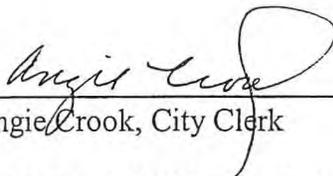
ABSENT: None

ABSTAIN: None



Paul Barr, Mayor

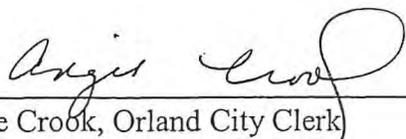
ATTEST:



Angie Crook, City Clerk

I, ANGIE CROOK, CITY CLERK of the CITY OF ORLAND, hereby certify that the attached is a true and correct copy of a Resolution duly made by the City Council at a regular meeting of said City Council, at Orland, California, on the 6th Day of November, 2006, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City Council of the CITY OF ORLAND.

Dated: 11/7/06



Angie Crook, Orland City Clerk
SEAL

EXHIBIT "A"
MAINTENANCE ASSESSMENT DISTRICT 2006-05

All that certain real property situate in the City of Orland, County of Glenn, State of California, described as follows:

A portion of the northwest quarter (NW 1/4) of the southeast quarter (SE 1/4) TOGETHER WITH a portion of the west half (W 1/2) of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4), all in Section 23, Township 22 North, Range 3 West, Mount Diablo Meridian, more particularly described as follows:

COMMENCING at the northwest corner of said SE 1/4 of Section 23;

THENCE South 01°15'40" East, along the west line of said SE 1/4 of Section 23, a distance of 52.96 feet to the TRUE POINT OF BEGINNING;

THENCE North 89°35'47" East, a distance of 1,209.36 feet to a point;

THENCE North 89°46'08" East, a distance of 744.28 feet to a point on the east line of W 1/2 NE 1/4 SE 1/4 of Section 23;

THENCE South 01°21'12" East, along said east line of the W 1/2 NE 1/4 S/E 1/4 of Section 23, a distance of 1,261.70 feet to the southeast corner of said W 1/2 NE 1/4 SE 1/4 of Section 23;

THENCE South 89°33'21" West, along the south line of said W 1/2 NE 1/4 SE 1/4 of Section 23 and along the south line of NW 1/4 SE 1/4 of Section 23, a distance of 1,955.62 feet to the southwest corner of said NW 1/4 SE 1/4 of Section 23;

THENCE North 01°15'40" West, along the west line of said NW 1/4 SE 1/4 of Section 23, a distance of 1,265.29 feet to the TRUE POINT OF BEGINNING;

Containing 56.72 acres, more or less.



Kenneth G. Skillman III

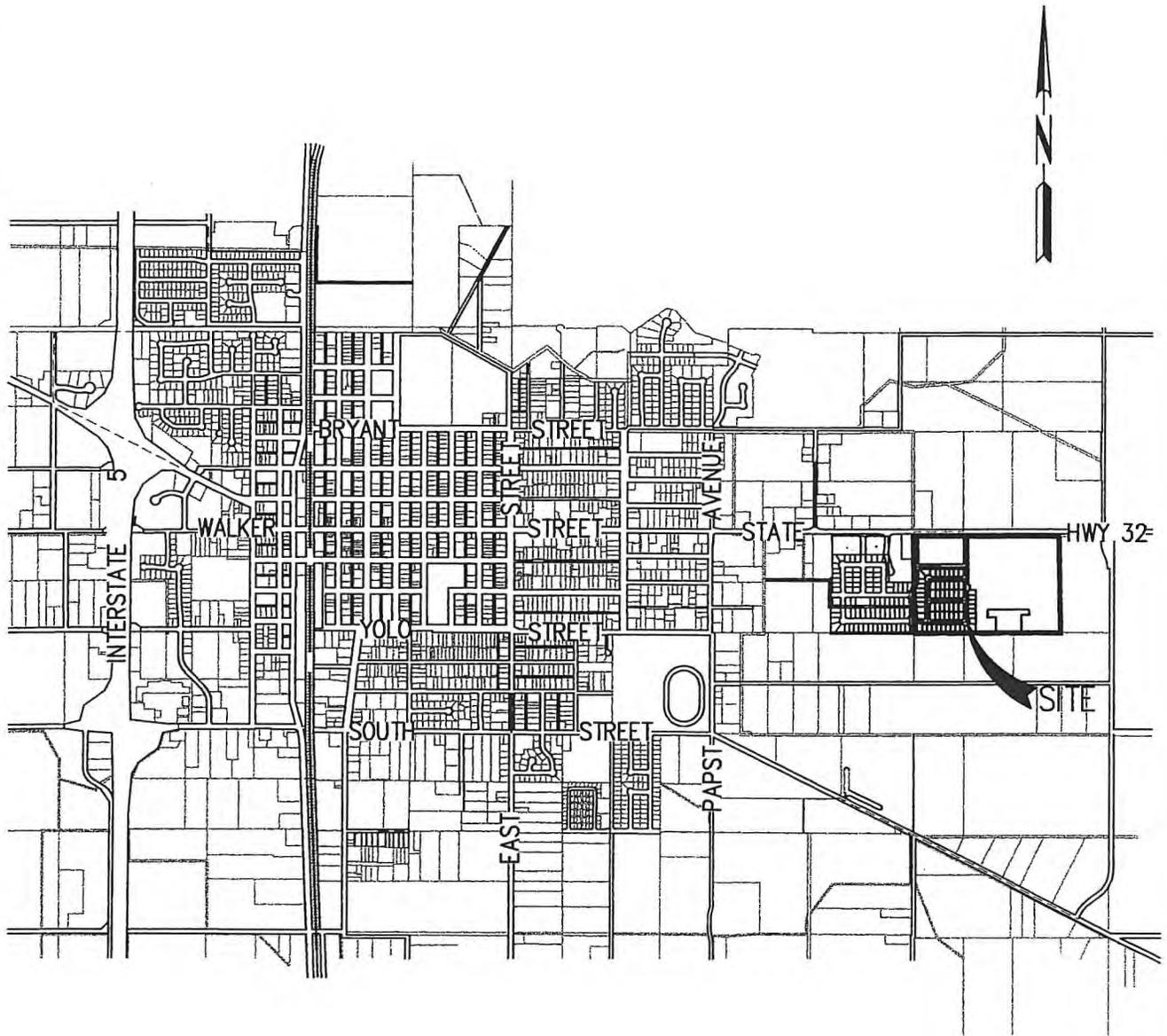
Kenneth G. Skillman III

City Surveyor

L.S. 7197

Expires: 12-31-07

Date: November 01, 2006



LOCATION MAP

NO SCALE

CITY OF ORLAND

DEPARTMENT OF PUBLIC WORKS

DRAWN BY: RAR DATE: OCTOBER, 2006
 CHECKED: *KG93* SCALE: AS SHOWN
 APPROVED: *Ke G. Sh... III* 11/01/06 7197
 CITY ENGINEER/SURVEYOR LS NO.

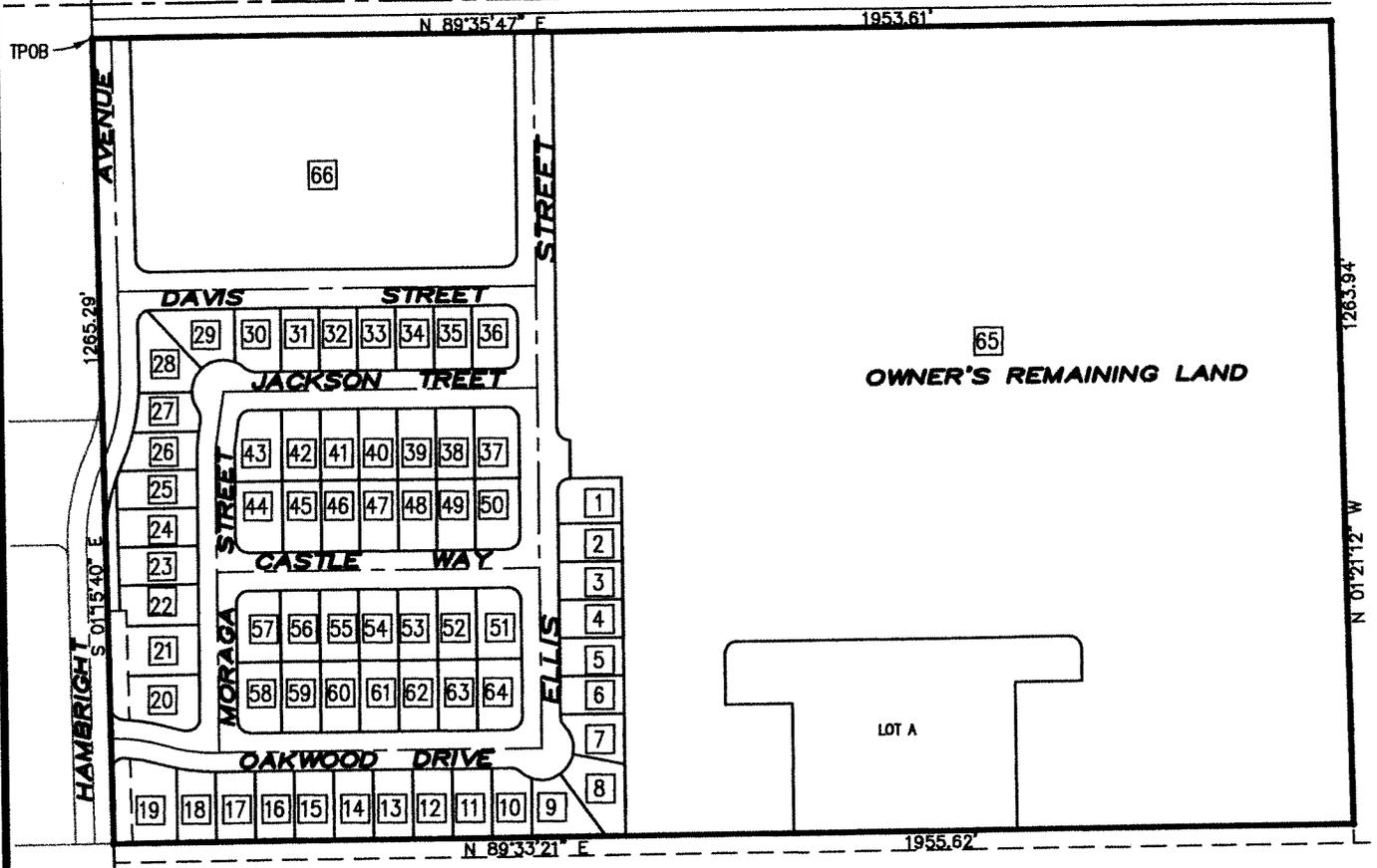
**MAINTENANCE ASSESSMENT DISTRICT
 DISTRICT NO. 2006-05
 ASSESSMENT DIAGRAM**

EXHIBIT "B"

SHEET 1 OF 2



STATE HIGHWAY 32



LEGEND

- 64 ASSESSMENT NUMBER
- MAINTENANCE DISTRICT BOUNDARY
- TPOB POINT OF BEGINNING

CITY OF ORLAND

DEPARTMENT OF PUBLIC WORKS

DRAWN BY: RAR DATE: OCTOBER, 2006
 CHECKED: KGS3 SCALE: AS SHOWN
 APPROVED: Ke G. Shill III 11/01/06 7197
 CITY ENGINEER/SURVEYOR LS NO.

**MAINTENANCE ASSESSMENT DISTRICT
 DISTRICT NO. 2006-05
 ASSESSMENT DIAGRAM**

EXHIBIT "B"
 SHEET 2 OF 2

2005 - 2006 CITY ENGINEER'S REPORT
(OMC, Chap. 12.16)

**CITY OF ORLAND
MAINTENANCE ASSESSMENT DISTRICT NO. 2006-05**

Assessment District Improvements

The annual assessment shall be used for the purpose of funding the annual costs of operating and maintaining the following public improvements: storm drainage facilities (drop inlets and leach lines), landscaping and irrigation of parks, bike paths and other common areas and street lighting.

Annual Assessment

The assessment cost breakdown is as follows:

Annualized replacement costs -	\$ 29,160/yr.
Annual operating & maintenance costs -	\$119,740/yr.
Annual administrative costs -	<u>\$ 3,000/yr.</u>
Total Annual Cost for the District	\$151,900/yr.

Method of Apportionment

The method of apportionment is based on an equally proportionate benefit received by each acre of land within the District boundary zoned for residential development and each acre of land within the District boundary zoned for commercial development.

Based upon 51.64 acres of land within the District boundary zoned for residential development and 5.08 acres of land within the District boundary zoned for commercial development, 91.04% of the total annual cost for the District is apportioned to the residential lots and 8.96% of the total annual cost for the District is apportioned to the commercial lots.

The method of apportionment for individual residential lots within the District boundary zoned for residential development is based upon an equally proportionate benefit received by each residential lot. Each of the 208 residential lots shall be apportioned an equal share of 91.04% of the total annual cost for the District. Assessment No. 65 will be reapportioned at such time as the land within it is further subdivided.

Annual Assessment per Lot

Assessment Nos. 1 through 64: $1/208 \times (91.04\% \text{ of } \$151,900) = 664.85$ per lot

Assessment No. 65: $144/208 \times (91.04\% \text{ of } 151,900) = \$95,739.06$

Assessment No. 66: $8.96\% \text{ of } \$151,900 = \$13,610.24$

(Total Assessment = $64 \times \$664.85 + \$95,739.06 + \$13,610.24 = \$151,899.70$)

Adjustment to Annual Assessments Based on Increases in Consumer Price Index

Any increase in the amount of the total annual assessment as well as any increase in an annual assessment levied against a particular lot or parcel within the boundaries of this assessment district to account for inflation shall be calculated in the following manner. If, on the first day of the City fiscal year commencing on July 1st following the establishment of a maintenance assessment district in the manner provided by Chapter 12.16 of the Orland Municipal Code, and on the first day of each fiscal year thereafter that the assessment district remains in effect, there is an increase in the cost of operating and maintaining the public improvements to be funded with assessment district revenues, as measured by an increase in the consumer price index during such period of time, then the total annual assessment levied against all properties within the assessment district, as well as the proportional annual assessment levied against each lot or parcel within the boundaries of the assessment district shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in such costs and the amount of the increase in such assessments which is proportional to the increase in such costs shall be made by the Public Works Supervisor and shall be based exclusively on the percentage increase during such period of time in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers -- U.S. Cities Average (all items) or such other measure employed by the U.S. Department of Labor Statistics in lieu of such consumer price index which measures the cost of living in U.S. cities.

Credits Against Annual Assessments Based on Prior Year Maintenance Costs

If the actual cost of operating and maintaining the public improvements funded by revenues from this assessment district during any year the assessment district remains in effect is less than the assessment levied for that year, the difference between the actual cost of operating and maintaining the public improvements and the assessment levied for that year shall be credited against the assessments levied during the next succeeding year in the manner prescribed as follows. If on the first day of the City fiscal year commencing on July 1st following the establishment of a maintenance assessment district in the manner provided by Chapter 12.16 of Orland Municipal Code, and on the first day of each fiscal year thereafter that the assessment district remains in effect, the total annual assessment levied during the preceding fiscal year exceeded the actual cost of operating and maintaining the public improvements to be funded with assessment district revenues during such preceding year, then the total annual assessment levied against the property within the assessment district during the ensuing fiscal year shall be reduced by a credit equal to the difference between the total annual assessment

levied during the preceding fiscal year and the actual cost of operating and maintaining the public improvements to be funded with assessment district revenues during such preceding fiscal year.

Credits (continued)

In particular, the total annual assessment levied against all property within the maintenance assessment district shall be reduced during the ensuing fiscal year, and only during the ensuing fiscal year, by an amount equal to the difference between the total annual assessment levied during the preceding fiscal year and the total cost of operating and maintaining the public improvements to be funded with assessment district revenues during such preceding fiscal year, and the annual assessment levied against each individual lot or parcel within the boundaries of the assessment district shall be reduced during the ensuing fiscal year, and only during such ensuing fiscal year, by a portion of such amount which is calculated by the Public Works Supervisor using the method of apportionment set forth in the City Engineer's Report as approved by the City Council at the time the district was established.

Termination Date of the Assessment District

Maintenance Assessment District No. 2006-05 shall continue from year to year until dissolved by the City Council of the City of Orland.