

## ZONE NUMBER 16 – RUSH CREEK

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### **ENGINEER'S REPORT PROPOSING ASSESSMENT FOR THE RUSH CREEK LANDSCAPING AND LIGHTING DISTRICT**

The undersigned submits this Engineer's Report to the Board of Supervisors in their official capacity as the Board of Directors of the Rush Creek Landscaping and Lighting District.

1. Engineer's Report. This Engineer's Report proposes an assessment to continue to administer, maintain and operate equestrian paths, bike paths, draining ditches, storm drain structures, park, and landscaping within the common areas of Rush Creek Development.

2. Authorization. This Engineer's Report is submitted pursuant to Sections 22622, 22623, and 22567 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) and recently enacted Proposition 218 adding Section C & D to Article 13 of the California Constitution. "However, this assessment is exempt from the procedures and requirements of the California Constitution, Article 13D, Section 4 pursuant to the exemption contained in Article 13D, Section 5(b). Additionally, the proposed assessment is the same assessment as last year."

3. Purpose of Assessment. The express purpose for which this benefit assessment is proposed is for the operation and maintenance of the following areas:

Common area landscaping; bike and equestrian paths; neighborhood park; common area trees; and drainage ditches. In addition the District will also be responsible for fire preventative maintenance. The Rush Creek Development is located in the Novato area. Its borders include Atherton Avenue and Bugeia Lane on the South, Bahia Valley Memorial Park on the East, and Marin County Open Space District on the West and North sides.

4. Current Funding. Landscape and lighting services are totally being funded by Landscaping and Lighting District assessments.

5. Determination of Necessity. The level of the landscape services which can be provided by existing revenue sources is estimated to be reasonably adequate to meet existing needs.

6. Limitation upon Expending Assessment Proceeds. Any funds collected from the benefit assessment proposed herein shall be expended only for such landscape services to benefit the District. 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 continue to fund landscape services is hereby proposed to be levied upon real property within the District.

8. Assessment Rate. The rate of assessment for the fiscal year 2010-2011 and the maximum rate for each year thereafter is proposed as follows:

A. Assessment per Parcel: \$949.00

B. The lien date shall be that prescribed by law.

C. The foregoing schedules and rates are based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel. All of the property listed below will be assessed at the same per parcel rate.

Use Code	Description
10	Single Family Residential - Unimproved
11	Single Family Residential - Improved

Total Parcels 89

9. Collection. The collection of the proposed assessment shall be made and distributed by the Marin County Tax Collector and Auditor Controller on behalf of the District in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of the District. The County may deduct its reasonable costs incurred for that service before resubmittal of the balance to the District's budget.

10. Contents: More specifically this written Engineer's Report proposing assessments contains all of the following:

- A. The attached map, Exhibit B, identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed;
- B. It is my determination that the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the landscape service is equal for each parcel and all assessments levied will be the same;

- C. It is my determination that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel;
- D. 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 parcel;
- E. It is my determination that no parcel owned by any agency, the State of California or the United States which is not identified and described on the attached schedule, receives any special benefit from the proposed assessment.

11. Contents: Streets and Highways Code Section, 22622, 22623, and 22567. Additionally this written Engineer's Report proposing assessments prepared pursuant to Streets and Highways Code Sections 22622, 22623, 22567 contains all of the following:

- A. The attached schedule, Exhibit A, sets forth a description of each lot or parcel of property proposed to be subject to a landscape and lighting assessment;
- B. The attached schedule, Exhibit A, sets forth the amount assessment for each lot or parcel for the 2010-2011 fiscal year;
- C. The schedule, listed in Section 11 E, also sets forth the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year;
- D. Except as otherwise required under the Landscaping and Lighting Act of 1972, Streets and Highways Code Section 22620 et seq., the duration of the assessment is each year hereafter without express durational limit.
- E. The basis of the assessment is follows:

#### 1. ESTIMATE OF COST

Insurance		\$	463.00
Miscellaneous Fee			176.00
Utilities			668.00
Contract Services			79,556.00
Water			9,000.00
Indirect County Overhead			<u>5,307.00</u>
Service and Supplies	Totals	\$	95,170.00

Paving Contingency	<u>80,000.00</u>
Totals	<b>\$ 175,170.00</b>

## 2. COST ANALYSIS

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1. Total Expenses	\$ 175,170.00
2. Income	
1. Carry over from 2007	180,000.00
2. Delinquent Assessments	0.00
3. Interest	<u>1,867.00</u>
4. Total Income	<b>\$ 181,867.00</b>
3. Total Excess	\$ 6,697.00
4. Total from \$949.00/parcel x 89 parcels	\$ 84,461.00
5. Difference which will be added to the general contingency fund.	\$ 91,148.00

Number of Parcels in:	Use Code	Number of Parcels
	10 Single Family Residential – Unimproved	0
	11 Single Family Residential - Improved	89
	<b>TOTAL</b>	<b>89</b>

### F. The schedule process is as follows:

April 22, 2010	Initial Resolution initiating process.
June 15, 2010	Resolution of Intention.
July 20, 2010	Public Information Meeting
May 4, 2010	Public Protest Hearing. Resolution Confirming Assessment or Continuation.
By 3rd Monday in August	Filing with county auditor to place assessment on tax rolls.

**ALL PUBLIC MEETINGS WILL BE HELD IN THE MARIN  
COUNTY BOARD OF SUPERVISORS CHAMBERS, MARIN**

**COUNTY CIVIC CENTER, 3501 CIVIC CENTER DRIVE, SAN  
RAFAEL, CA.**

G. A description specifying the requirements for written and oral protests and the thresholds necessary for, or abandonment of, the proposed assessment pursuant to Streets and Highways Code Sections 22622, 22626, 22628, 22629, 22630, 22630.5, and 22631 are as follows:

Under current law, protest procedures must be followed by the District to determine whether a “majority protest” exists at the close of the public hearing of protest, which is summarized as follows:

**The Written Protest Procedure.**

Any interested person may file a written protest with the Clerk of the Board at the Clerk’s office, at the address set forth in paragraph stated below, at or before the time set for the protest hearing. Each protest must contain a description of the property in which the signer is interested, sufficient to identify the property, and must specify the grounds of protest.

Written protests are governed by the provisions of Streets and Highways Code Sections 22628, 22629, and 22630.5

The mailing address of the Clerk of the Board of Supervisors is:

**Clerk of the Board of Supervisors  
Room 325  
Marin County Civic Center  
San Rafael, Ca. 94903**

Property owners wishing to preserve the opportunity to file a lawsuit challenging the assessment, if levied, are required by law to file a written protest and to state herein the specific grounds of protest. Any grounds of protest not stated in 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.

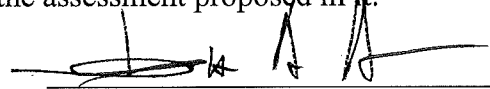
Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution.

12. Contents: Streets and Highways Code Sections 22622, 22623, and 22567 Engineer’s Report proposing assessments pursuant to Government Code Sections 22622, 22623, and 22567 contains all of the following:

- A. The estimated amount of the assessment per parcel. If there is any proposed increase, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase. **There is no proposed increase.**
- B. A general description of the purpose or improvements that the assessment will fund.
- C. The address to which property owners may mail a protest against the assessment.
- D. The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.
- E. A statement that a majority protest will cause the assessment to be abandoned if the assessment act so provides. Notice must also state the percentage of protests required to trigger an election, if applicable.
- F. The dates, times, and locations of the public information meeting and public protest hearing.

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

Dated: 6/3, 2010

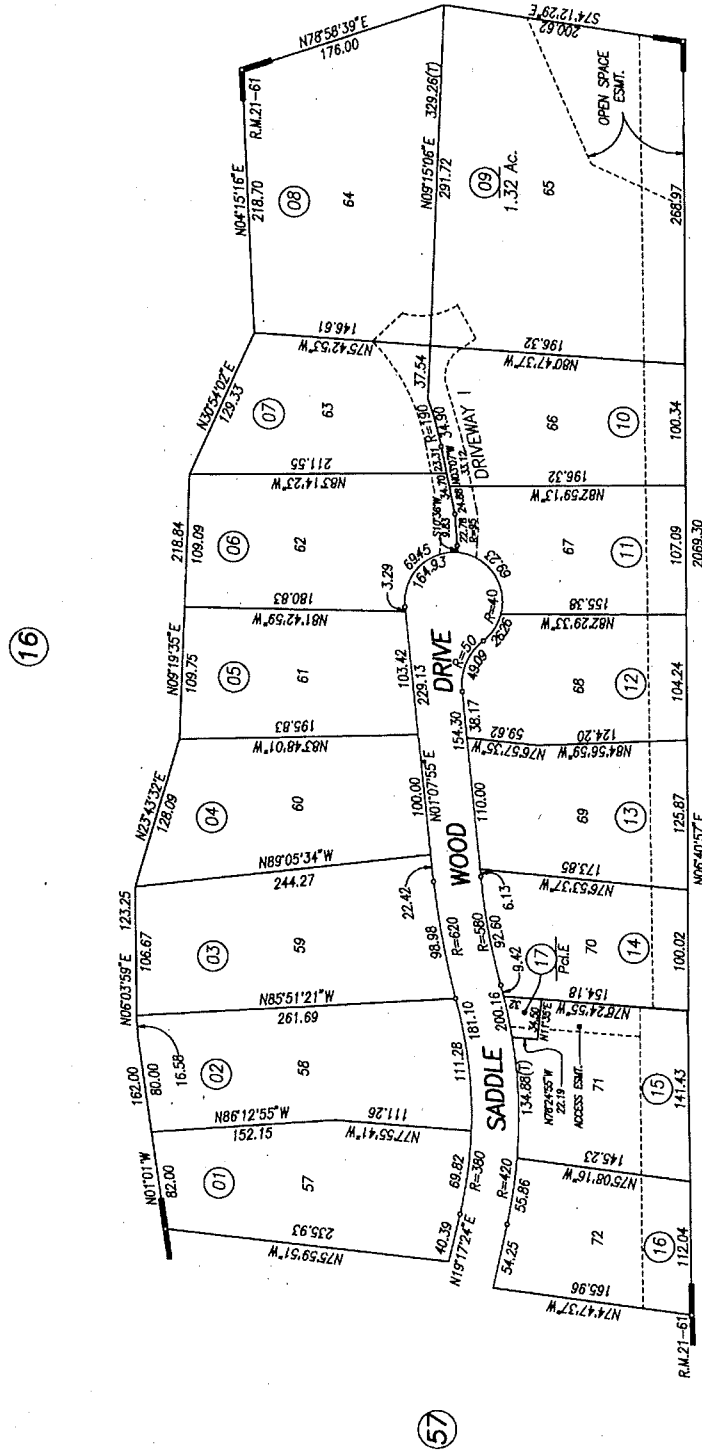
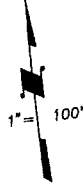


John A. Avots  
Civil Engineer

(SEAL)



PTN. RANCHO DE NOVATO



Assessor's Map Bk. 143 Pg. 58  
County of Marin, Calif.

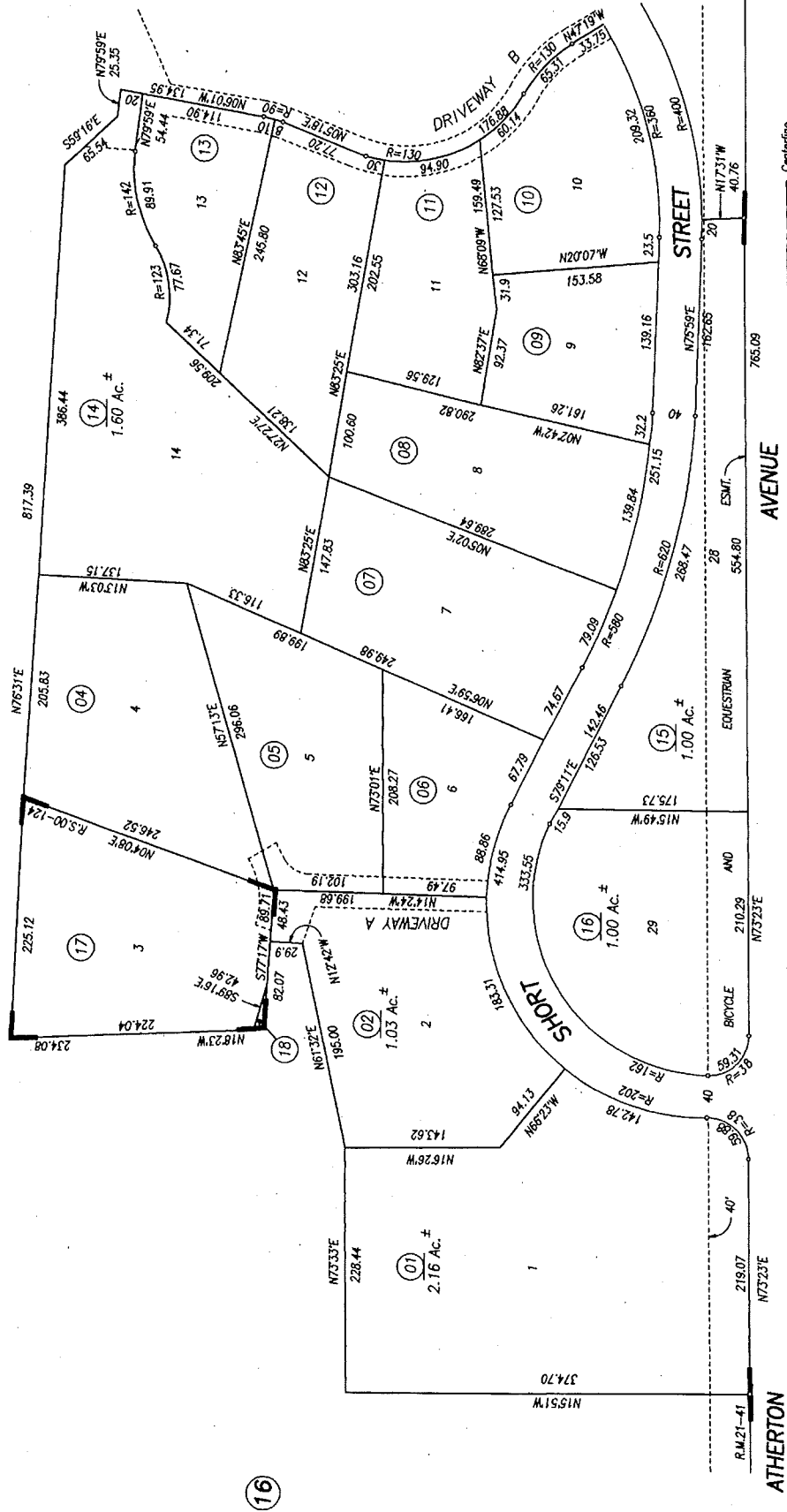
NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Rush Creek Phase 2, R.M. Bk. 21-Pg. 61

ASSESSOR'S CADASTRAL MAP			
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.			
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.			
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.			
Need/New Pg.	8-5-97	MDS	
REVISION (C)	DATE	BY	

PTN. RANCHO DE NOVATO

(16)



REVISION	DATE	BY
1	08-00	MDS
2	11-95	MDS
3	08-00	MDS

ASSESSOR'S COASTAL MAP  
1. THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY.  
2. NO LIABILITY IS ASSUMED FOR  
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3. ASSESSOR'S PARCELS MAY NOT  
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OR BUILDING SITE ORDINANCES.

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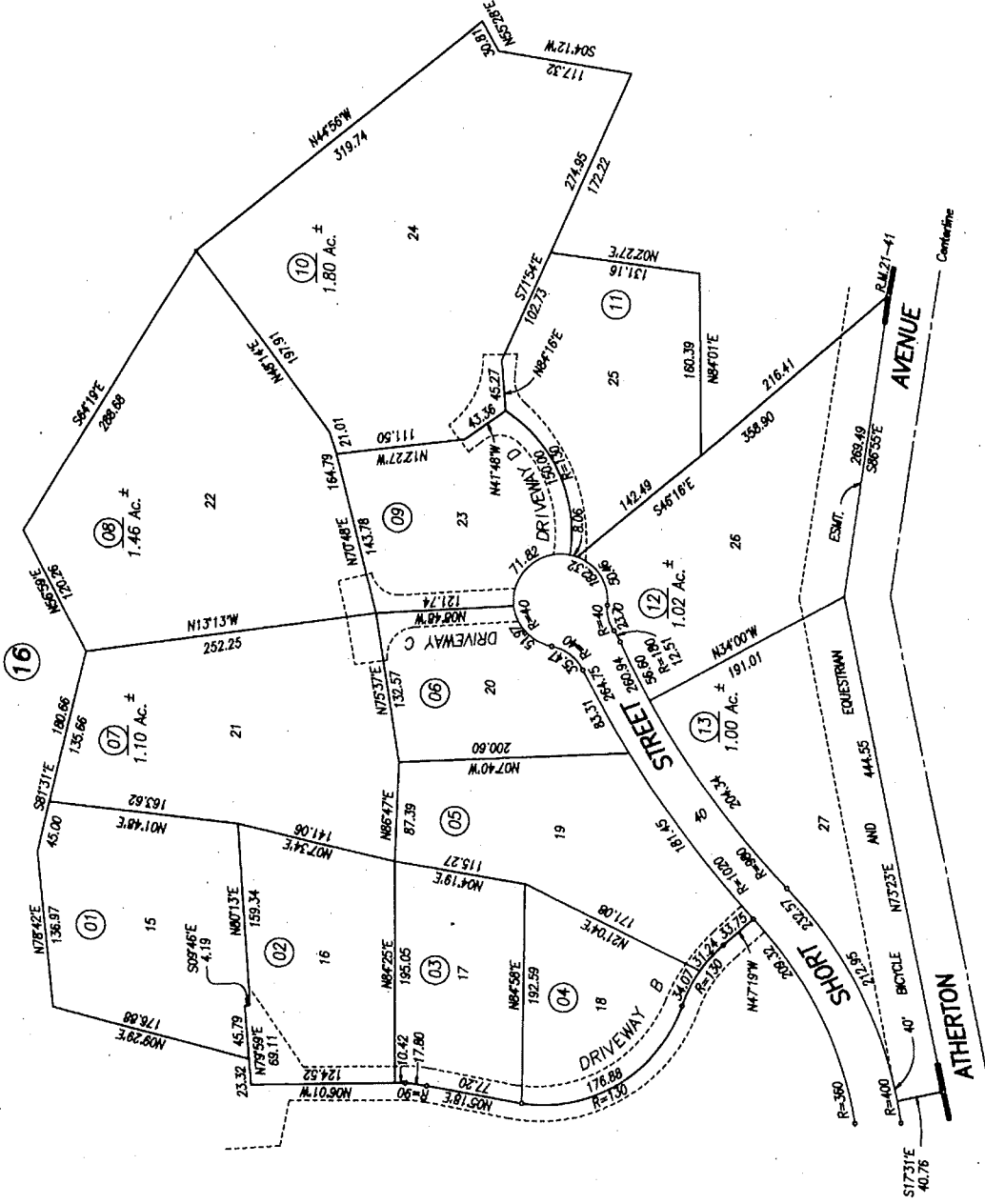
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Tax Rate Area  
77-047

PTN. RANCHO DE NOVATO

143-54



Assessor's Map	11-95	MDS
Revision	(C)	DATE BY

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
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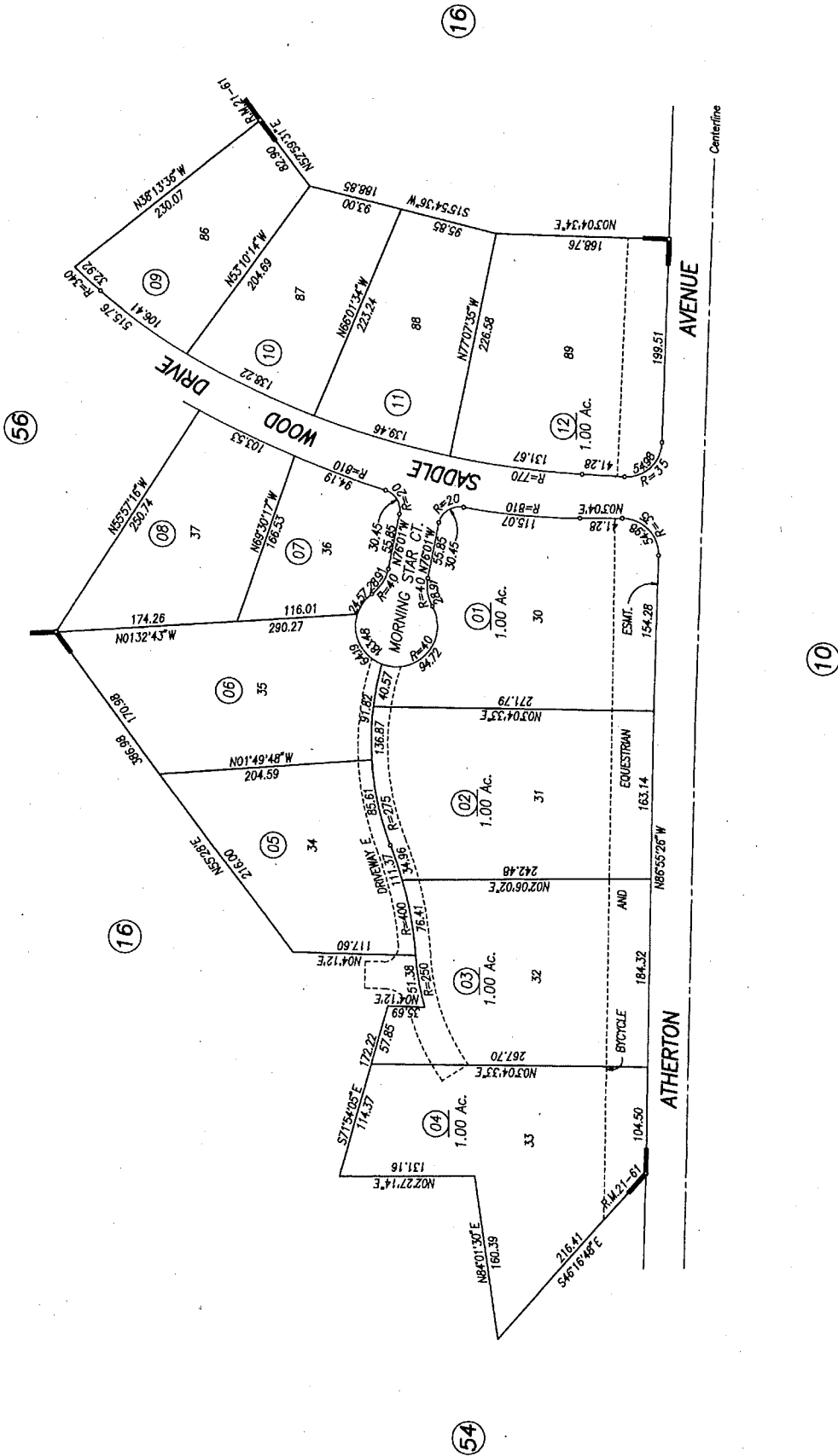
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Assessor's Map Bk. 143 Pg. 54  
County of Marin, Calif.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Rusn Creek Phase 1, R.M. Bk.21-Pg.41

Tax Rate Area  
77-047



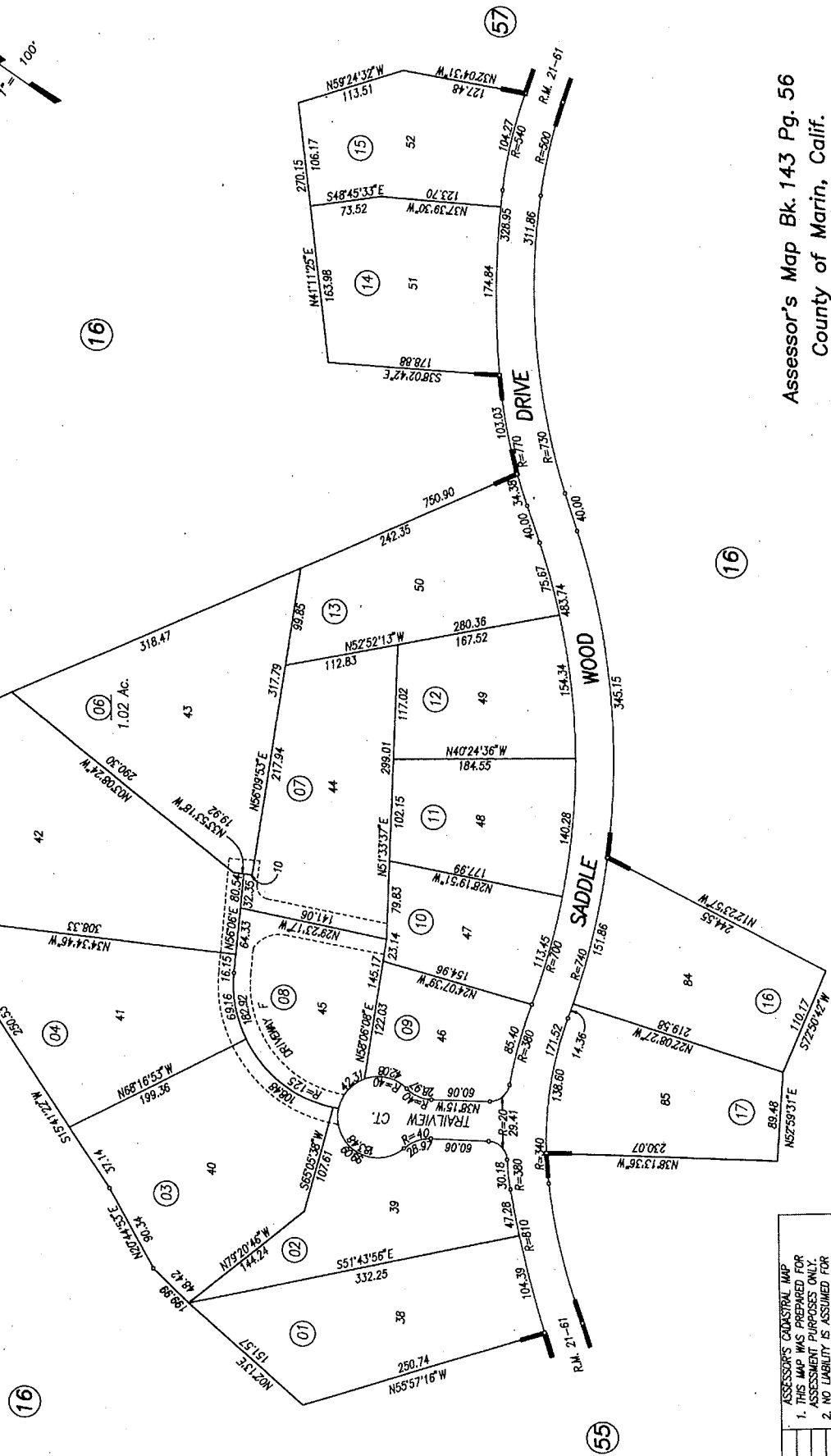
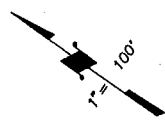
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Assessor's Map Bk. 143 Pg. 55  
County of Marin, Calif.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Rush Creek Phase 2, R.M. Bk. 21-Pg. 61

PTN. RANCHO DE NOVATO

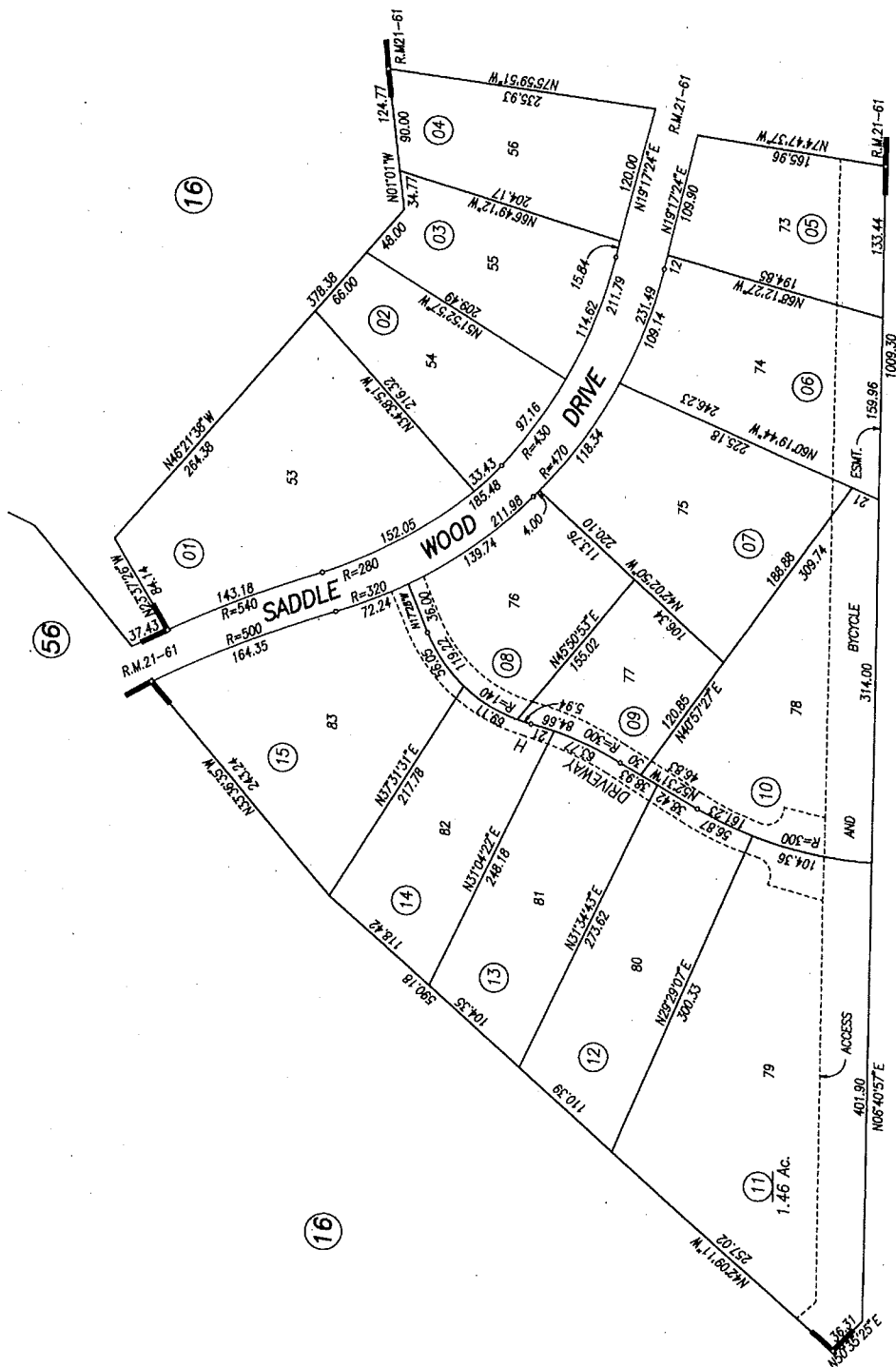
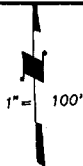


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1	8-5-97	MUS
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Assessor's Map Bk. 143 Pg. 56  
County of Marin, Calif.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Rush Creek Phase 2, R.M. Bk. 21-Pg. 61



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Rush Creek Phase 2, R.M. Bk.21-Pg.61

Assessor's Map Bk. 143 Pg. 57  
County of Marin, Calif.