

RESOLUTION NO. 17-470

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2 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
3 **FRESNO INITIATING ASSESSMENT PROCEEDINGS UNDER THE UNIFORM**
4 **STANDBY CHARGE PROCEDURES ACT FOR LOCAL WATER AND SEWER**
5 **UTILITY SYSTEM READY-TO-SERVE OPERATIONS AND MAINTENANCE, UNDER**
6 **CHAPTER 2 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR STREET**
7 **LIGHTING, OPEN SPACE AND PUBLIC LANDSCAPE MAINTENANCE, AND**
8 **UNDER THE BENEFIT ASSESSMENT ACT OF 1982 FOR STORM DRAINAGE AND**
9 **ROAD MAINTENANCE, ALL FOR COUNTY SERVICE AREA 34, PROPOSED ZONE**
10 **D (RENAISSANCE AT BELLA VISTA), APPOINTING AND DESIGNATING AN**
11 **ASSESSMENT ENGINEER, AND DIRECTING THE PREPARATION AND FILING OF**
12 **AN ENGINEER'S REPORT**

13
14 WHEREAS, the Board of Supervisors (Board) formed County Service Area No.
15 34 (CSA 34) in 1986 to provide a wide variety of governmental services for the
16 community of Millerton New Town; and

17 WHEREAS, Tentative Tract Map No. 4968 (TTM 4968) lies wholly within the
18 boundaries of CSA 34; and

19 WHEREAS, to comply with a condition of approval of TTM 4968, a
20 developer/landowner has requested the formation of CSA 34, proposed zone D (CSA
21 34D), also known as Renaissance at Bella Vista; and

22 WHEREAS, for the reasons stated above, the formation of CSA 34D is proposed
23 under Article 8 of the County Service Area Law and to that end the Board is also, by
24 separate resolution today, declaring its intention to form CSA 34D;

25 WHEREAS, the facilities and services proposed to be provided by the County in
26 CSA 34D include: (1) maintaining water distribution piping system facilities and sewer
27 collection piping and pumping facilities in ready-to-serve status (collectively, Water and
28 Sewer Facilities); (2) paying for operations and maintenance of a street lighting system
owned by PG&E, providing street safety lighting along all of the Tract 4968 streets, to
maintain the visual presentation of those streets, and all work and expenses associated
with the maintenance of the open space and public right-of-way landscaping, installed
pursuant to the development of Tract 4968, to preserve the visual presentation of the
community (collectively, Lighting, Open Space and Landscape Maintenance); and (3)

1 storm drainage and road maintenance, including street paving, striping, signage
2 maintenance, repair and reconditioning to maintain all of the in-tract and off-site streets
3 constructed pursuant to the development of Tract 4968, including the funding of special
4 reserve funds created and funded as a condition of approval for Tract 4968, and
5 including inspection of street pavement to identify sections in need of immediate repair,
6 inspection of all street signage installed pursuant to the development of Tract 4968- and
7 replacement as needed of any damaged or degraded street signs and poles, inspection
8 and reconditioning of all street striping, and all related insurance and administrative
9 costs (collectively, Storm Drainage and Road Maintenance); and

10 WHEREAS, under Government Code section 25217.1, subdivision (d), before
11 the formation of CSA 34D may be approved by the Board, user fees and benefit
12 assessments to pay for the services described above must be approved by owners of
13 benefitted and specially benefitted properties as required by Proposition 218 (California
14 Constitution, Article XIII D, sections 4 and 6); and

15 WHEREAS, Government Code section 25215.6 authorizes the County to impose
16 benefit assessment in CSA 34D under the Uniform Standby Charge Procedures Act
17 (Government Code section 54984 through 54984.9) to pay for the costs of Water and
18 Sewer Facilities; and

19 WHEREAS, Government Code section 25215.3 authorizes the County to impose
20 a benefit assessment in CSA 34D under Chapter 2 of the Landscaping and Lighting Act
21 of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500)
22 to pay for the costs of the Lighting, Open Space and Landscape Maintenance; and

23 WHEREAS, Government Code section 25215.3 authorizes the County to impose
24 a benefit assessment in CSA 34D under the Benefit Assessment Act of 1982
25 (Government Code sections 54703 through 54720) to pay for the costs of Storm
26 Drainage and Road maintenance; and

27 WHEREAS, CSA 34D, which is shown on by a boundary line on the map attached
28 to this resolution as Exhibit A, is the territory where benefit assessments to pay for the

1 costs the Water and Sewer Facilities, the Lighting, Open Space and Landscape
2 Maintenance, and the Storm Drainage and Road Maintenance, are proposed for
3 imposition;

4 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF
5 FRESNO DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

6 **Section 1.** The above recitals are all true and correct.

7 **Section 2.** The Board hereby proposes to proceed under the Uniform Standby
8 Charge Procedures Act and to levy and collect a benefit assessment in CSA 34D for the
9 costs of the Water and Sewer Facilities, to proceed under Chapter 2 of the Landscaping
10 and Lighting Act of 1972 and to levy and collect a benefit assessment in CSA 34D for
11 the costs of the Lighting, Open Space and Landscape Maintenance, and to proceed
12 under the Benefit Assessment Act of 1982 and to levy and collect a benefit assessment
13 in CSA 34D for the costs of the Storm Drainage and Road Maintenance in CSA 34D.

14 **Section 3.** For purposes of the benefit assessment for Lighting, Open Space
15 and Landscape Maintenance, the area to be assessed, which is CSA 34D in its entirety,
16 the boundaries of which are described in Exhibit A, is designated as "Renaissance at
17 Bella Vista Lighting, Open Space and Landscape Maintenance District."

18 **Section 3.** The Board hereby appoints and designates Richard H. Heyman,
19 registered under the Professional Engineers Act (Division 3, Chapter 7 of the California
20 Business and Professions Code, beginning with Section 6700), as the Assessment
21 Engineer (Assessment Engineer) for all three of the proposed benefit assessments.

22 **Section 4.** The Assessment Engineer is hereby authorized and directed to
23 make and, no later than October 17, 2017, file with the Clerk to the Board a written report
24 (Engineer's Report) with regard to the proposed benefit assessments for the costs of
25 the Water and Sewer Facilities, the Lighting, Open Space and Landscape Maintenance,
26 and the Storm Drainage and Road Maintenance, which Engineer's Report shall comply
27 with the requirements of Section 4 of Article XIII D of the California Constitution,
28 Government Code section 54716 in the Benefit Assessment Act of 1982, and Chapter

1 1, Article 4 (beginning with section 22565 of the Streets and Highways Code) of the
2 Landscaping and Lighting Act of 1972.

3 **Section 5.** The Board hereby finds and determines that it took all of the
4 foregoing actions and made all of the foregoing findings in full compliance with the law,
5 including, without limitation, the Uniform Standby Charge Procedures Act, the Benefit
6 Assessment Act of 1982, the Landscaping and Lighting Act of 1972, and Article XIII D
7 of the California Constitution, and any other law referred to in this resolution.

8 **Section 6.** This resolution shall take effect immediately upon its adoption.

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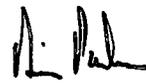
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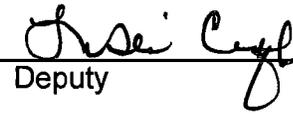
THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 17th day of October 2017, to-wit:

- AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None



BRIAN PACHECO, CHAIRMAN of the Board of Supervisors of the County of Fresno

ATTEST:
BERNICE E. SEIDEL
CLERK, BOARD OF SUPERVISORS

BY: 
Deputy

G:\4360Resources\SPECIAL DISTRICTS\CSA\CSA 34D\FIN\Prop 218\CSA 34D Local Assessment\ROI's\CSA 34D ROI - COMBINED Initiating ALL Services.docx

COUNTY SERVICE AREA No. 34 Zone D

SUBDIVISION MAP OF TRACT NO. 4968 IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

OUTLOT DESIGNATIONS

NAME	DESCRIPTION	AREA (AC)
OUTLOT "A"	OPEN SPACE	8.04
OUTLOT "B"	NET LANDS, CREEK AND BASIN	0.18
OUTLOT "C"	CULTURAL PRESERVE	0.18
OUTLOT "D"	CULTURAL PRESERVE	0.14
OUTLOT "E"	LANDSCAPE	0.24
OUTLOT "F"	LANDSCAPE	0.11

THIS PROPERTY IS SUBJECT TO THE FOLLOWING CONDITIONS

- RIGHTS, RESERVATIONS AND EXCEPTIONS IN THE PATENT RECORDED SEPTEMBER 16, 1892 IN BOOK Q, PAGE 5 AND NOVEMBER 16, 1892 IN BOOK S, PAGE 317, BOTH OF PATENTS.
- AN EASEMENT FOR POLES AND WIRES FOR A TELEPHONE LINE AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1907 IN BOOK 382 OF DEEDS, PAGE 82, IN FAVOR OF SAN JOAQUIN LIGHT & POWER CORPORATION. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR PUBLIC UTILITIES WITH THE RIGHT OF INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1907 IN BOOK 382 OF DEEDS, PAGE 82, IN FAVOR OF SAN JOAQUIN LIGHT & POWER CORPORATION. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR POLE LINES AND/OR UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 87-151908 OF OFFICIAL RECORDS. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 87-151908 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSULTING AGREEMENT EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC. A CALIFORNIA CORPORATION AND BDC DEVELOPMENT CORPORATION, A CALIFORNIA CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185586 OF OFFICIAL RECORDS. THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, ASSIGNMENT OF AGREEMENT, EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC., A CALIFORNIA CORPORATION AND BDC DEVELOPMENT CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185586 OF OFFICIAL RECORDS. THE INTEREST OF A. BEN EWELL, JR., WAS ASSIGNED TO THE CORPORATE ENTITY, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, CONSULTING AGREEMENT, EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC., RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185586 OF OFFICIAL RECORDS. THE INTEREST OF SIV AND BDC WAS ASSIGNED TO WESTCAL, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, MEMORANDUM OF AGREEMENT, EXECUTED BY AND BETWEEN SIV, BDC AND A. BEN EWELL, JR., RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185589 OF OFFICIAL RECORDS.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, MEMORANDUM OF AGREEMENT, EXECUTED BY AND BETWEEN SIV VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED SETTLEMENT AGREEMENT (INCLUDING COVENANTS RUNNING WITH THE LAND) BETWEEN WESTCAL, INC. AND SIV VENTURES, INC., CHRISTOPHER J. NOVA, CHRISTOPHER J. NOVA, CALIFORNIA CORPORATION AND BEN EWELL, JR., RECORDED AUGUST 1, 2007 AS INSTRUMENT NO. 07-146467 OF OFFICIAL RECORDS.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0860914 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA. AN EASEMENT AFFECTS PARCEL 2.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0860915 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA. AN EASEMENT AFFECTS PARCEL 2.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MINOR SUBDIVISIONS" RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040928 OF OFFICIAL RECORDS.

LEGEND

- BLUE BORDER INDICATES LIMITS OF THIS SUBDIVISION

