

CITY OF YUBA CITY
STAFF REPORT

Date: December 15, 2020
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Diana Langley, Interim City Manager

Summary

Subject: Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit C_1 (Dollar General)

Recommendation: Adopt a Resolution confirming and ordering annexation of Zone of Benefit C_1 (Dollar General, 1500 and 1510 Garden Highway, APNs 54-010-057 and 54-010-058, respectively) into Yuba City Lighting and Landscape Maintenance District No. 6 and establishing a levy of assessments for the annexed territory.

Fiscal Impact: \$491.52 per parcel, \$983.04 total annual cost, with an inflation index.

Purpose:

To establish an assessment district to fund the ongoing maintenance, and administration of a City-owned shared access road/driveway.

Background:

As part of the Conditions of Approval for the Tentative Parcel Map 19-02 (Parcel Map 1235, Michael D. Smith and Julie M. Rogers), the property was required to enter into a Lighting and Landscape Maintenance District (LLMD) to maintain the easement area at an existing City-owned access road to the Wastewater Treatment Facility.

Pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code Section 22525, an improvement may be defined as “The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities” and/or “The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).”

After construction, the Dollar General Development will be the primary user of an 0.11 acre portion of existing City-owned shared-access road (improvement), and therefore will be creating the majority of the traffic impacts for the portion of access road and/or other improvements within the easement, adjacent to the Development. The maintenance district will fund the ongoing costs for the maintenance of the improvement adjacent to the proposed parcels.

The City has created and modified several LLMDs to encompass a number of commercial projects and subdivisions over the past few years. The process of annexing to an existing District consists of adopting multiple City Council resolutions, holding public hearings, and observing rights of majority protests.

Analysis:

The public notice procedure can be waived and an expedited process can be substituted at the request of the property owners requesting to be annexed into the District. The authorized representatives of the Dollar General development have requested to waive the public hearing proceedings, which has allowed the City to utilize the expedited process in order to annex Zone of Benefit C_1 into District No. 6.

The expedited process consists of the City Council adopting a single resolution which confirms and orders the annexation of the new Zone of Benefit into the existing district and order a levy of assessments for said Zone of Benefit. The levy amounts have been established by City staff through the creation of an Engineer's Report for the Zone of Benefit. The Engineer's Report contains a detailed estimate of annual costs to energize and maintain the streetlight, and to water and maintain landscaping and all related landscaping components, within the Zone of Benefit (Attachment 2).

Once the Resolution has been adopted, the City will file the Engineer's Report with the City Clerk. The information will then be provided to the Sutter County Auditor-Controller so that the properties can be assessed accordingly.

Fiscal Impact:

Revenue from the assessed parcels is to be used to provide maintenance services and district administrative costs. The Engineer's Report for the Yuba City Lighting and Landscape Maintenance District No. 6 Zone of Benefit C_1 has determined that the annual assessed amount for the proposed LLMD is \$983.04 and is subject to an annual inflation increase.

Alternatives:

1. Do not adopt the following Resolution and fund the operation and maintenance of the shared access road/driveway.
2. Direct staff to begin the typical longform Lighting and Landscape Maintenance District annexation procedure.

Recommendation:

Adopt a Resolution confirming and ordering annexation of Zone of Benefit C_1 (Dollar General) into Yuba City Lighting and Landscape Maintenance District No. 6 and establishing a levy of assessments for the annexed territory.

Attachments:

1. Resolution
 - a. Exhibit A – Assessment Roll
 - b. Exhibit B – Vicinity Map
 - c. Exhibit C – Driveway Maintenance Area
2. Engineer's Report – LLMD No. 6, Zone of Benefit C_1
3. Waive Public Hearing Letter

Prepared by:

/s/ Josh Wolfe
Josh Wolfe
Assistant Engineer

Reviewed by:

Finance
City Attorney

Submitted by:

/s/ Diana Langley
Diana Langley
Interim City Manager

SM

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING AND ORDERING ANNEXATION OF ZONE OF BENEFIT C_1 (DOLLAR
GENERAL, 1500 AND 1510 GARDEN HIGHWAY, APNS 54-010-057 AND 54-010-058,
RESPECTIVELY) INTO YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT NO. 6 AND ESTABLISHING A LEVY OF ASSESSMENTS FOR THE ANNEXED
TERRITORY**

WHEREAS, the City of Yuba City, pursuant to the provisions of the Lighting and Landscaping Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), previously established Yuba City Lighting and Landscape Maintenance District ("District") No. 6, and has levied and collected the annual assessments for said District No. 6; and

WHEREAS, assessments levied within the District provide revenue for the purpose of financing the maintenance of certain public projects eligible under the Act, including without limitation the operation, maintenance, and servicing of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities and other appurtenant facilities; and

WHEREAS, certain property owners have requested their property to be annexed into District No. 6; and

WHEREAS, in annexation proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be waived with the written consent of all of the owners of property within the territory to be annexed, and mailed notice may be dispensed with as to all property owners who shall have filed a written request for the annexation of their property; and

WHEREAS, pursuant to Section 22608 of the Streets and Highways Code, the property owners have provided written consent waiving such items, and acknowledging the amount of levy and collection of assessments; and

WHEREAS, the resolutions, report, notices of hearing, right of majority protest, and mailed notice have been properly waived; and

WHEREAS, the City Council desires to annex the territory of the property owners to existing assessment District No. 6; designate the portion of the annexed territory into District No. 6 as "Zone of Benefit C_1" for certain property, and set the levy and collection of assessments against the assessable lots and parcels of land for that portion of territory; and

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

Section 1. The above recitals are true and correct, and are hereby incorporated herein by this reference.

Section 2. The City Council finds that the hearing on said annexation of territory and levy of assessment was held in accordance with law and all persons desiring to speak were heard, and that there was no majority protest by the property owners of the same.

Section 3. The City Council orders the territory identified in Exhibit "B" is annexed into existing assessment district Yuba City Lighting and Landscape Maintenance District No. 6 ("District") which portion of territory is further designated as "Zone of Benefit C_1" of Lighting and Landscape Maintenance District No. 6.

Section 4. The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the levy of and to collect assessments against the assessable lots and parcels of property within Zone of Benefit C_1 of the existing assessment district designated "Yuba City Lighting and Landscape Maintenance District No. 6" pursuant to the provisions of the Act, for the remainder of the fiscal year commencing July 1, 2020 and ending June 30, 2021, to pay for the costs and expenses of the improvements for Zone of Benefit C_1, at the assessment rate(s) set forth in Exhibit "A."

Section 5. The City Council hereby determines that the territory within Zone of Benefit C_1 of the District, whose boundaries are set forth in Exhibit "B," will be the territory benefited by the maintenance and servicing of the improvements.

Section 6. The City Council hereby orders the levy of the assessments described in said Exhibit "A."

Section 7. The City Council finds that the assessment diagram showing Zone of Benefit C_1 of the District, and also the subdivision of land within the District, as contained in Exhibit "B," be and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements for that portion of the District, which are identified in Exhibit "C."

Section 8. The City Clerk shall file the diagram and assessment, as confirmed or certified copy thereof, with the Sutter County Auditor-Controller no later than December 22, 2020.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 15th day of December 2020.

AYES:

NOES:

ABSENT:

Marc Boomgaarden, Mayor

ATTEST

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

- Exhibit A – Assessment Roll
- Exhibit B – Vicinity Map
- Exhibit C – Driveway Maintenance Area

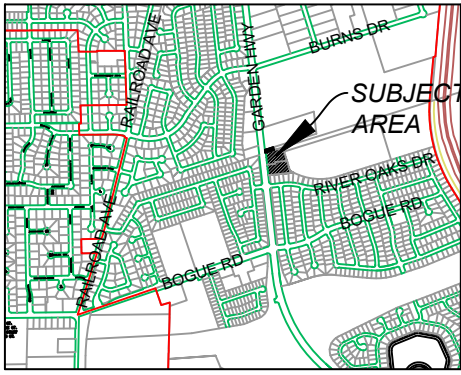
EXHIBIT A

**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 6
ZONE OF BENEFIT C_1
(Dollar General)**

Assessment #	Assessor's #	Amount of Assmt.
1	54-010-057	\$ 491.52
2	54-010-058	\$ 491.52

EXHIBIT B



SCALE: 1" = 400'

DOLLAR GENERAL
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 6
ZONE OF BENEFIT C_1



EXHIBIT C



SYMBOL LEGEND:

-  - ACCESS EASEMENT MAINTENANCE AREA
-  - AREA FOR ZONE OF BENEFIT C_1

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 6, ZONE OF BENEFIT C_1
DRIVEWAY MAINTENANCE AREA**



SCALE: 1" = 125'

ATTACHMENT 2

ENGINEER'S REPORT

YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6



2020-2021 ZONE OF BENEFIT C_1 (Dollar General)

**ENGINEER'S REPORT
FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6
ZONE OF BENEFIT C_1
(Dollar General)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

The undersigned respectfully submits the enclosed report as directed by the City Council.

Diana Langley, Engineer of Work
City of Yuba City

Dated : _____

By : _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with me on the ____ of _____, 2020.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was approved and confirmed by the City Council of the City of Yuba City, California, on the ____ of _____, 2020.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By : _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with the County Auditor of the County of Sutter, on the ____ of _____, 2020.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By : _____

ENGINEER'S REPORT
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6
ZONE OF BENEFIT C_1
(Dollar General)

(Pursuant to the Landscaping and Lighting Act of 1972)

Diana Langley, Engineer of work for the Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit C_1, City of Yuba City, County of Sutter County, California, makes this report as directed by City Council, pursuant to Section 22585 of the Streets and Highway Code (Landscape and Lighting Act of 1972).

Pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code Section 22525, an improvement may be defined as “The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities” and/or “The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).”

The improvements to be maintained subject to this report include the shared driveway and/or other improvements within the easement, defined as improvements per Streets and Highways Code Section 22525, associated with the Dollar General Development at 1500 and 1510 Garden Highway (assessor parcel numbers 54-010-057 and 54-010-058, respectively), located north of River Oaks Drive, south of Burns Drive, and east of Garden Highway.

This report consists of five parts, as follows:

Part A- Plans and specifications (the improvements to be maintained are not filed with the City Clerk, since this will be a maintenance district only).

Part B - An estimate of the cost of maintenance.

Part C - An assessment of the estimated cost of maintenance on each benefited parcel of land within the assessment district (see attached list).

Part D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

Part E - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part C by assessment number.

Respectfully submitted,

Diana Langley
Engineer of Work
City of Yuba City

**PART A
PLANS AND SPECIFICATIONS**

**YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6
ZONE OF BENEFIT C_1
(Dollar General)**

This is a maintenance district only -- no plans or specifications are required.

PART B
ESTIMATE OF ANNUAL COST OF MAINTENANCE
Yuba City Lighting and Landscape Maintenance District No. 6
Zone of Benefit C_1
(2 Parcels)

Basis of Calculation
Dollar General,

Shared Improvement Maintenance

Pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code Section 22525, an improvement may be defined as “The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities” and/or “The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).”

After construction, the Dollar General Development will be the primary user of an 0.11 acre portion of existing City-owned shared-access road (improvement), and therefore will be creating the majority of the traffic impacts for the portion of access road and/or other improvements within the easement, adjacent to the Development. Below are cost calculations for maintenance of the improvement:

Type II Slurry Seal Performed Every Seven Years:

Slurry Seal Cost: $\$3.50/\text{SY} \times (4,840 \text{ SY/Acre}) \times 0.11 \text{ Acre} \div 7 \text{ Years} = \266.20

6” Depth Pavement Repairs (Digouts) Over 33% of the 0.11 Acre Area at 21 Years:

Digout Cost: $\$75/\text{SY} \times (4,840 \text{ SY/Acre}) \times 0.11 \text{ Acre} \times 0.33 \div 21 \text{ Years} = \627.47

Subtotal Shared Improvement Maintenance Cost Per Year	= \$893.67
10% Administration	= \$ <u>89.37</u>
Subtotal Assessment	= \$ <u>983.04</u>
Per Lot Assessment (2 Lots)	= \$ <u>491.52</u>

**PART C
ASSESSMENT ROLL**

**Yuba City Lighting and Landscape Maintenance District No. 6
ZONE OF BENEFIT C_1
(Dollar General)**

Assessment #	Assessor's #	Amount of Assmt.
1	54-010-057	\$ 491.52
2	54-010-058	\$ 491.52

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT

Yuba City Lighting and Landscape Maintenance District No. 6
Zone of Benefit C_1
(Dollar General)

All areas within the LLMD will share equally in the maintenance costs of the shared driveway and/or other improvements within the easement, defined as an improvement per Streets and Highways Code Section 22525, associated with the Dollar General Development at 1500 and 1510 Garden Highway (assessor parcel numbers 54-010-057 and 54-010-058, respectively), located north of River Oaks Drive, south of Burns Drive, and east of Garden Highway. (\$983.04 per year). All additional lots added to this Zone of Benefit will benefit in like manner.

The proposed assessments upon assessable lots and parcels of land within the assessment district shall be adjusted annually on each January 1 to reflect changes from January of the previous year to January of the current year of the “All Urban Consumers” Consumer Price Index, US City Average, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

A 10% administration charge will be added to each assessment to cover the cost to administer the District.

Consumer Price Index

Year	Consumer Price Index	Multiplier
January 2020	257.971	1.000

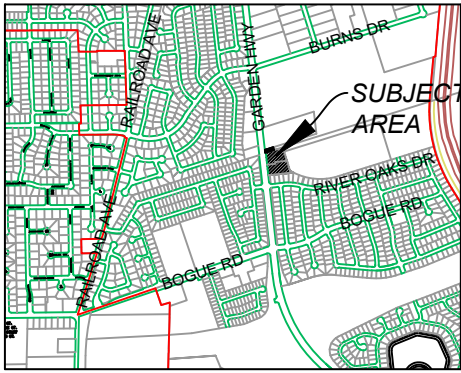
PART E

ASSESSMENT DIAGRAM

Yuba City Lighting and Landscape Maintenance District No. 6

ZONE OF BENEFIT C_1

(Dollar General)



SCALE: 1" = 400'

DOLLAR GENERAL
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 6
ZONE OF BENEFIT C_1





SYMBOL LEGEND:

-  - ACCESS EASEMENT MAINTENANCE AREA
-  - AREA FOR ZONE OF BENEFIT C_1

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 6, ZONE OF BENEFIT C_1
DRIVEWAY MAINTENANCE AREA**



SCALE: 1" = 125'

ATTACHMENT 3

Diana Langley
City of Yuba City
Public Works Department
1201 Civic Center Boulevard
Yuba City, CA 95993

Subject: Dollar General Development
Lighting and Landscape Maintenance District Assessment Formation

Dear Ms. Langley:

We are the owners/representatives of the property designated as Dollar General Development, which is described as Assessor Parcel Numbers: 54-010-057, and 54-010-058 in Yuba City.

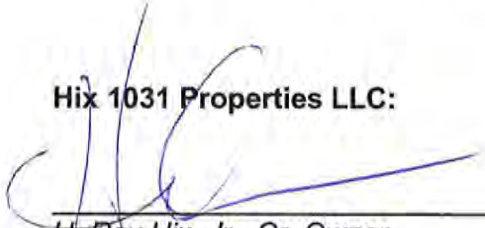
The subject property has been conditioned to request for the formation of a Lighting and Landscape Maintenance District, Zone of Benefit, as part of the conditions of approval of the subject property's Tentative Map (TM 19-02).

Pursuant to Section 22608 of the Streets and Highways Code, we are waiving any resolutions, report, notices of hearing, and right of majority protest regarding the annexation of the subject property described above into Lighting and Landscape Maintenance District 6, Zone of Benefit C_1. We also acknowledge and agree that the subject property will be subject to a levy of an initial assessment in the amount of \$983.04 per year, as may be adjusted by a levy of annual assessments per Streets and Highways Code Section 22620 et seq.

It is hereby certified that the below signatures are those of the individuals authorized to sign on behalf of the Dollar General Development. If you have any questions, please call Haymes Snedeker at (251) 243-0708.

Sincerely,

Hix 1031 Properties LLC:

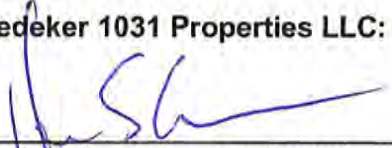


H. Ray Hix, Jr., Co-Owner

Date

9/23/2020

Snedeker 1031 Properties LLC:



Haymes Snedeker, Co-Owner

Date

9/23/2020