

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Public Works *Hugh*

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE March 3, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on April 14, 2009 at 9:20 A.M. Regarding the Formation of the North McHenry #2 Lighting District and the Levy of a Specific Benefit Assessment

STAFF RECOMMENDATIONS:

1. Set a Public Hearing on April 14, 2009 at 9:20 A.M., or as soon thereafter as the matter may be heard, regarding the formation of the North McHenry #2 Lighting District and the levy of a specific benefit assessment.
2. Approve the Engineer's Report for the formation of the North McHenry #2 Lighting District.
3. Authorize an Assessment Ballot Procedure in conformance with Proposition 218 for the North McHenry #2 Lighting District.
4. Order that notice of the Public Hearing be given pursuant to Government Code Section 57353(B), and the Highway Lighting District Act Code Section 19050.

FISCAL IMPACT:

Based upon estimated operating costs and revenues for the proposed district in Fiscal Year 2009-2010, the Public Works Department projects a need for a special specific benefit assessment in the total amount of \$815 for the parcel's proportional benefit beginning Fiscal Year 2009-2010. The administration cost of conducting the required hearing is included within the assessment that is noted herein.

BOARD ACTION AS FOLLOWS:

No. 2009-137

On motion of Supervisor Chiesa, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-43-2

Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on April 14, 2009 at 9:20 A.M. Regarding the Formation of the North McHenry #2 Lighting District and the Levy of a Specific Benefit Assessment

## **DISCUSSION:**

The proposed formation of the North McHenry #2 Lighting District is located north of Modesto on McHenry Avenue, north of Bangs Avenue, and intersects Spyres and Galaxy Way. The proposed 9.52 acre formation will operate and maintain a total of eight (8) existing lights that were installed during the construction phase of the developed parcel; four (4) 100 watt sodium vapor luminaries, (3) 150 watt sodium vapor luminaries, and one (1) 200 watt sodium vapor luminary.

The lighting district is being established per the Conditions of Approval for Parcel Map 2004-30 for the Valley Lexus developed area to generate funds to pay for the operation and maintenance of the streetlights. The owner of the property within the proposed boundary of the North McHenry #2 Lighting District has consented to the formation of the said district.

The streetlights will only provide a special benefit to the parcels within the district. Stanislaus County does not provide street lighting to unincorporated areas without the formation of a lighting district; therefore, no general benefit has been assigned to the assessment calculation.

Proposition 218 was a statewide initiative approved by the voters in November, 1996. It required that the property owners of the proposed district or existing district, through a ballot procedure, approve specific benefit assessments and any increase of said assessment. The assessment ballot will be mailed out with a notice of the proposed assessment. This notice will describe the specific benefit of the proposed district, the total amount thereof chargeable to the entire district, the amount chargeable to the owners' particular parcel, the duration of the payments, the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of the public hearing.

The operation and maintenance costs will include all expenses associated with the maintenance of the streetlights and the Modesto Irrigation District utility costs. The lights will be owned and maintained by the North McHenry#2 Lighting District. The formula includes a charge to cover administration costs and to create and maintain an operational reserve. The reserve would be used to pay for unexpected or emergency expenses incurred by the district that were neither contemplated nor estimated as part of the district operation and maintenance.

If the district operation and maintenance costs are less than expected, the fund balance will be carried forward to reduce the amount needed to be collected the following year. Although some special districts receive a portion of the property tax collected by the County, the district is not expected to receive a portion of the property tax revenue in the future. However, if the district does receive any property tax revenue in the future, it will reduce or offset the amount of operation and maintenance costs that must be collected by the annual assessment.

Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on April 14, 2009 at 9:20 A.M. Regarding the Formation of the North McHenry #2 Lighting District and the Levy of a Specific Benefit Assessment

The formula to calculate the annual assessment is written as follows:

AMOUNT OF ANNUAL ASSESSMENT LEVIED: (Estimated Operations and Maintenance) plus (Administration and Operational Reserve costs) minus (Fund Balance from the previous year and the Estimated Assessment Revenue for Current Year).

The formula used to calculate the proportional benefit to each parcel within the district begins with a basic Equivalent Benefit Unit (EBU). From this base unit, parcels are analyzed according to their actual equivalent benefit within the district. There is one (1) commercial parcel within the proposed district.

This parcel is deemed to receive a proportional special benefit from the operations and maintenance of the streetlights.

If the district is formed and the formula approved, the total amount of assessments chargeable to the district for the Fiscal Year 2009-2010 is \$815.

Specifically, each parcel receives 3.50 EBU's per acre (see table in the attached Engineer's Report). The total acreage of the parcel within the district is 9.52 acres. The total EBU's for this parcel within the district is 33.32 (3.5 x 9.52). Using the formula listed above, the levied amount for this district is a total of \$24.46 per EBU. Therefore, the assessment for this parcel would be \$815 for the fiscal year. In the case of future annexations, not all parcels within the district have the same dimensions therefore each parcel's proportional benefit may not be the same, and the assessment will be dependent upon its lot size. The total amount of the annual assessment that would be levied against each parcel for the 2009-2010 Tax Year is shown on Exhibit "C" of the Engineer's Report.

The fiscal year is the 12-month period commencing on July 1 and ending on the following June 30. However, the assessments are collected in December and April. This means the fiscal year starts on July 1 but the first installment of the assessments will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the streetlights. Therefore, a sufficient amount of money collected by the assessments will be carried forward as a general reserve. Initially, in order to operate the district, the developer was required to deposit the first years operating costs for the streetlights. This will provide the source of revenue so the streetlights may be energized July 1, 2009.

The expressed purpose of the annual assessment is to provide a continued source of funding for the North McHenry #2 Lighting District.

Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on April 14, 2009 at 9:20 A.M. Regarding the Formation of the North McHenry #2 Lighting District and the Levy of a Specific Benefit Assessment

**POLICY ISSUES:**

State of California Streets and Highway Code Section 19030 authorizes the Board of Supervisors to establish lighting districts. The Board should consider if the recommended action is consistent with their priorities of providing a safe community, a healthy community, and a well planned infrastructure system.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

DF:jg  
H:\SERVICES\Districts\LD\LD North McHenry # 2\Set Hearing

NOTICE OF HEARING REGARDING FORMATION OF  
THE NORTH MCHENRY #2 LIGHTING DISTRICT  
AND THE LEVY OF AN ANNUAL ASSESSMENT

NOTICE IS HEREBY GIVEN that on Tuesday, April 14, 2009, at the hour of 9:20 A.M., or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the City/County Administration Building, 1010 10<sup>th</sup> Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding formation of The formation of the North McHenry #2 Lighting District, ballot procedure, and the levy of an annual assessment on the parcel of land within proposed district. The North McHenry #2 Lighting District will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows:

All that certain real property situate in the northeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of said Section 5;

Thence along the east line of said Section 5, South 01°14'33" East 1157.64 feet to the easterly extension of the north line of the 9.04 Acre Parcel shown on the Record of Survey filed November 1, 2004 in Book 28 of Surveys, at page 70, Stanislaus County Records and the Point of Beginning; thence continuing along said east line of said Section 5, South 01°14'33" East 386.50 feet to the easterly extension of the south line of said 9.14 Acre Parcel; thence along said easterly extension of the south line and said south line of the 9.04 Acre Parcel, North 88°42'03", West 1076.58 feet to the southwest corner of said 9.04 Acre Parcel; thence along the west line of said 9.04 Acre Parcel, north 01°09'37" West 384.85 feet to the northwest corner of said 9.04 Acre Parcel; thence along the north line of said 9.04 Acre Parcel and the easterly extension of said north line, South 88°47'14" East 1075.95 feet to the point of beginning.

Containing 9.52 acres, more or less.

Basis of bearing of this description was referenced to said Book 46 of Parcel Maps, at Page 11, Stanislaus County Records.

Formation No. \_\_\_\_\_

**Formation of North McHenry Lighting District No. 2**

**Geographic Description**

All that certain real property situate in the northeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

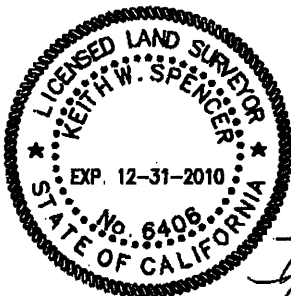
Commencing at the northeast corner of said Section 5;

- 1) thence along the east line of said Section 5, South 01°14'33" East 1157.64 feet to the easterly extension of the north line of the 9.04 Acre Parcel shown on Record of Survey filed November 1, 2004 in Book 28 of Surveys, at Page 70, Stanislaus County Records and the **Point of Beginning**;
- 2) thence continuing along said east line of Section 5, South 01°14'33" East 386.50 feet to the easterly extension of the south line of said 9.04 Acre Parcel;
- 3) thence along said easterly extension of the south line and said south line of the 9.04 Acre Parcel, North 88°42'03" West 1076.58 feet to the southwest corner of said 9.04 Acre Parcel;
- 4) thence along the west line of said 9.04 Acre Parcel, North 01°09'37" West 384.85 feet to the northwest corner of said 9.04 Acre Parcel;
- 5) thence along the north line of said 9.04 Acre Parcel and easterly extension of said north line, South 88°47'14" East 1075.95 feet to the point of beginning.

Containing 9.52 acres, more or less.

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

END DESCRIPTION

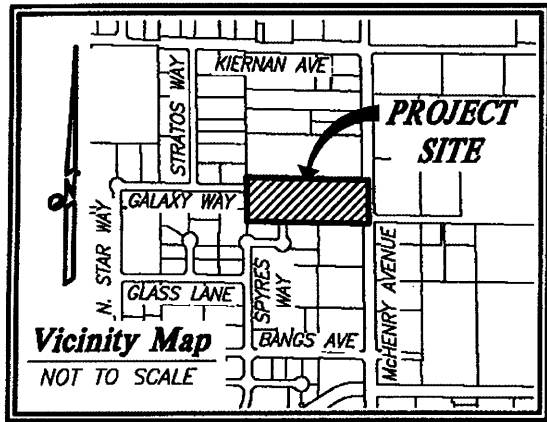
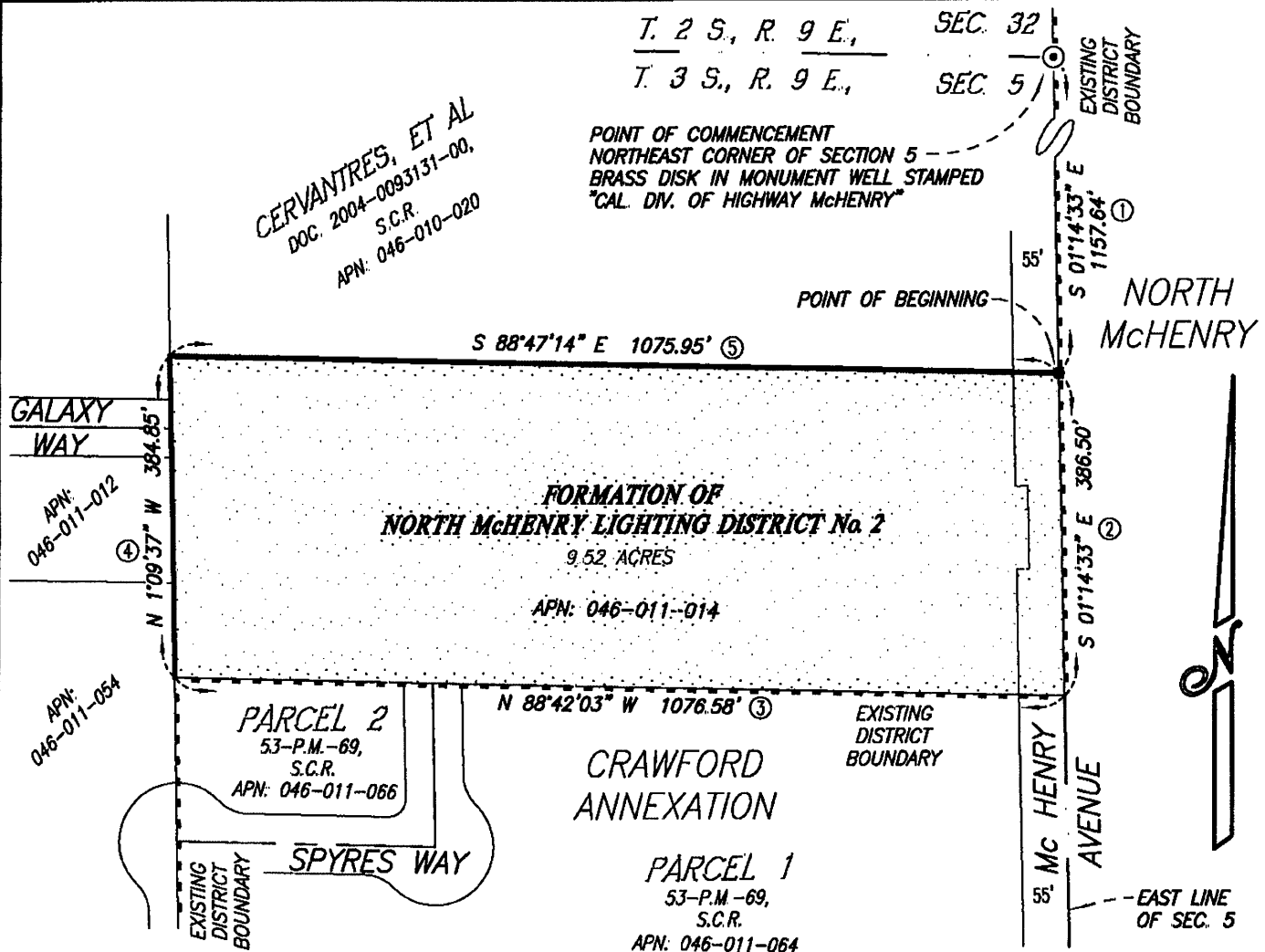


1/29/2009  
*[Handwritten signature]*

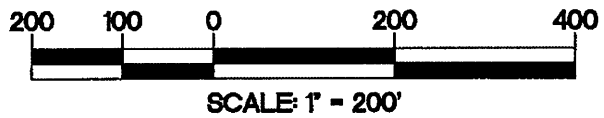
T. 2 S., R. 9 E., SEC. 32  
 T. 3 S., R. 9 E., SEC. 5

CERVANTES, ET AL  
 DOC. 2004-0093131-00,  
 S.C.R.  
 APN: 046-010-020

POINT OF COMMENCEMENT  
 NORTHEAST CORNER OF SECTION 5 -  
 BRASS DISK IN MONUMENT WELL STAMPED  
 "CAL. DIV. OF HIGHWAY McHENRY"



———— PROPOSED NORTH McHENRY LIGHTING DISTRICT No. 2 BOUNDARY  
 - - - - EXISTING NORTH McHENRY LIGHTING DISTRICT BOUNDARY



FORMATION NO. \_\_\_\_\_  
 PLAT TO ACCOMPANY LEGAL DESCRIPTION

**North Star**  
 Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •  
 909 14th Street Modesto, CA 95354  
 (209) 524-3525 Phone (209) 524-3526 Fax

JOB NO: 04-237  
 SCALE: 1" = 200'  
 DR BY: RRM  
 CK BY: KWS  
 FILE: Annex-01  
 DATE: January 29, 2009



SIGNATURE: *[Handwritten Signature]*



**DEPARTMENT OF PUBLIC WORKS**

**Matt Machado, PE**  
Director

**Laurie Barton, PE**  
Deputy Director, Engineering/Operations

**Diane Haugh**  
Assistant Director, Business/Finance

1010 10th Street, Ste. 3500, Modesto, CA 95354  
Phone: 209.525.6550/email: publicworks@stancounty.com

**NORTH MCHENRY #2 LIGHTING DISTRICT  
ANNUAL ENGINEER'S REPORT  
FISCAL YEAR 2009/2010**

**INTRODUCTION:**

The North McHenry #2 Lighting District is being established per a requirement set forth in the Conditions of Approval. The formation of this district is to generate funds, for a Lighting District, to pay for the operation and maintenance of streetlights for the Valley Lexus developed area North of Modesto. The streetlights will only provide a special benefit to the parcels within the district, so no general benefit has been assigned.

**PART I - PLANS AND SPECIFICATIONS**

**A. Description of the Lighting District**

There is 1 parcel within this 9.52 acre proposed district that will receive the special proportional benefit from the streetlights. The proposed formation of the North McHenry #2 Lighting District is located north of Modesto on McHenry Avenue, north of Bangs Avenue, and intersects Spyres and Galaxy Way. The legal description and the boundary of the district is shown on Exhibit "A".

**B. Description of Improvements and Services**

The purpose of this Lighting District is to provide streetlights that will improve the area by deterring crime, promoting traffic safety and aiding law enforcement efforts. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance, and servicing of the service area's improvements including, but not limited to the materials, equipment, labor and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. The improvements to be maintained and funded entirely or partially through the service areas assessments are generally described as:

- Operate and maintain a total of 8 existing lights, four (4) 100 watt sodium vapor luminaries, Three (3) 150 watt sodium vapor luminaries and one (1) 200 watt sodium vapor lights.



- Periodic inspection, maintenance, and bulb replacement as needed.

## PART II- METHOD OF APPORTIONMENT

### A. BENEFIT ANALYSIS

The method of apportionment described in this report for allocation of special benefit assessments utilizes commonly accepted engineering practices. The formula used for calculating assessments reflects the composition of the parcels and improvements provided to fairly apportion the costs based on special benefits to each parcel. Furthermore, pursuant to the Constitution Article XIIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and a parcel may only be assessed for special benefits received.

All the improvements and services associated with the lighting District, have been identified as necessary, required and/or desired for the orderly development of the properties within the district to their full potential and consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties. The ongoing operation, servicing and maintenance of the improvements and facilities would be the financial obligation of those properties. Therefore, the streetlights, and the annual costs of ensuring the maintenance and operation of these improvements provide special benefits to the properties within the North McHenry #2 Lighting District. The streetlights will only provide a special benefit to the parcels within the district, so no general benefit has been assigned.

Each equivalent benefit unit represents an equal proportional benefit from the streetlights. The streetlights only provide a special benefit to the parcels within the North McHenry #2 Lighting District; therefore, no general benefit has been assigned.

### B. Assessment Methodology

The method of apportionment for the Lighting District (LD) calculates the receipt of special benefits from the respective improvements based on the actual or the proposed land use of the parcels within the district. The special benefit received by each lot or parcel is equated to the overall land use of the parcels within the LD based on the parcel's actual land use or proposed development.

Upon review of the proposed improvements it has been determined that this specific commercial parcel within the LD receives special benefits from all of the improvements to be funded by annual assessments. The parcels within the LD may be identified by one of the following land use classifications and is assigned a weighting factor known as Equivalent

Benefit Unit (EBU). The EBU calculated for a specific parcel defines the parcel's proportional special benefits from the LD's improvements, facilities and services.

### **Equivalent Benefit units (EBU):**

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of all other property in the LD. The EBU method of apportioning assessments uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU. All other land uses are converted to EBU's based on an assessment formula that equates the property's specific development status, type of development (land use) and size of property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as the most appropriate and equitable assessment methodology, as the benefits to each parcel from the improvements are apportioned as a function of land use type, size and development. Not all land use types described in the following are necessarily applicable to the development of properties within the LD, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the district.

### **EBU Application by Land Use:**

**Single Family Residential-** This land use is defined as a fully subdivided residential home site with or without structure. This land use is assessed 1.00 EBU per parcel or lot. This is the base value that all other properties are compared and weighted against.

**Multi-family Residential-** This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property typically includes apartments, duplexes, triplex etc. It does not typically include condominiums, town-homes, or mobile home parks). Based on average population densities and the size of the structure as compared to a typical single family residential unit, multi-family residential parcels shall be proportionally assessed for the parcels total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single family residence (sample sources: Institute of transportation Engineers Informational report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Addition). These Various studies indicate the most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in

proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by the LD, it has been determined that an appropriate allocation of special benefit for multifamily residential properties as compared to a single family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 5 units; 0.50 EBU per unit for units 6 through 50: and 0.25 EBU per unit for all remaining units.

**Condominium/Town-Home Units-** Condominiums and town-homes tend to share attributes of both a single family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU pr unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to the APN. There is no adjustment factor with parcels with more than five units.

**Planned-Residential Development-** This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the LD. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionally for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out (the EBU assigned to each parcel shall represent the combination of single family, condominium, multifamily units to be developed).

**Exempt Parcels-** This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County)
- Private properties that cannot be developed independently for an adjacent property, such as common areas, bifurcated lots or properties with very restrictive development use

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

**Special Cases-** in many LD's where multiple land use classifications are involved, there is usually one or more properties that the standard land use classifications or usual calculation of benefit will not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a vacant residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel. The following table provides a summary of land use types, the EBU factors used to calculate each parcels individual EBU as outlined above.

**Land use and Equivalent benefit units**

<b>Property type</b>	<b>EBU</b>	<b>Multiplier</b>
<b>Single Family Residential</b>	<b>1.0</b>	<b>Per unit/lot (parcel)</b>
<b>Multi-Family Residential</b>	<b>0.75</b>	<b>Per unit for the first 5 units</b>
	<b>0.50</b>	<b>Per unit for units 6 thru 50</b>
	<b>0.25</b>	<b>Per units &gt; 50</b>
<b>Condominium/Town- Home Units</b>	<b>0.75</b>	<b>Per Unit</b>
<b>Planned Residential Development</b>	<b>1.00</b>	<b>Per planned Residential lot</b>
	<b>0.75</b>	<b>Per planned Condominium</b>
	<b>0.75</b>	<b>Per unit for the first 5 units</b>
	<b>0.50</b>	<b>Per unit for units 6-50</b>
	<b>0.25</b>	<b>Per unit &gt;50</b>
<b>Vacant Residential Land</b>	<b>1.00</b>	<b>Per Acre</b>
<b>Public park</b>	<b>0.40</b>	<b>Per Acre</b>
<b>Public Storm Drain Basin)</b>	<b>0.40</b>	<b>Per Acre</b>
<b>Public School</b>	<b>0.40</b>	<b>Per Acre</b>
<b>Industrial/commercial Parcel</b>	<b>3.50</b>	<b>Per Acre</b>
<b>Exempt Parcels</b>	<b>0.00</b>	<b>Per parcel</b>

The following formula is used to calculate each parcel's EBU (proportional benefit):

**Parcel Type EBU x Acres or Units= Parcel EBU**

The total number of EBU's is the sum of all individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (assessment rate) for the improvements is established by taking the total cost of the improvements and dividing the amount by the total number of EBU's of all benefiting parcels from the improvements. The rate is then applied back to each parcel's individual EBU to determine the parcels proportionate benefit and

assessment obligation for the improvements.

The formula that will be used to calculate the annual assessment, approved with the proposition 218-ballot procedure, will be the following:

$$\begin{array}{|c|} \hline \text{Estimated} \\ \text{Operation \&} \\ \text{Maintenance} \\ \text{Costs for Current} \\ \text{year} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Estimated} \\ \text{Dry Period} \\ \text{Reserve for} \\ \text{Next Year} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Fund} \\ \text{Balance} \\ \text{From} \\ \text{Previous} \\ \text{Year} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Estimated} \\ \text{Property} \\ \text{Tax} \\ \text{Revenue} \\ \text{For Current} \\ \text{Year} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Total} \\ \text{Balance to} \\ \text{Levy} \\ \hline \end{array}$$

**EBU X Total Acreage = Total EBU's**

**Total Balance to Levy/ Total EBU's = Levy per EBU**

**Levy per EBU x Parcel EBU (parcel acreage x EBU) = Parcel Levy Amount**

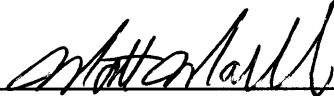
The fiscal year is the 12-month period commencing on July 1 and ending on the following June 30. However, the assessments are collected in December and April. This means the fiscal year starts on July 1 but the first installment of the assessments will not be collected until December. This creates a 6-month lag in receiving the money necessary to operate and maintain the streetlights. Therefore, a sufficient amount of money collected by the assessments will be carried forward as a general reserve. Initially, in order to operate the district, the developer was required to deposit the first years operating costs for the streetlights. This will provide the source of revenue so the streetlights may be energized July 1, 2009.

Using the current Modesto Irrigation District Schedule (lighting district "owned" lights) rate of \$6.07 per month for a 100 watt High Pressure Sodium street lights, \$8.23 per month for a 150 watt High Pressure Sodium street lights and \$10.56 per month for a 200 watt High Pressure Sodium street light. With the addition of administration costs the total estimated costs to operate the proposed district is \$815.00 per year.

EXPENSE DESCRIPTION	TOTAL BUDGET
<b>ADMINISTRATION</b>	
County Administration	\$100
Miscellaneous/Other Admin Fees	\$0
Total	\$100
<b>UTILITY DISTRICT</b>	
Utilities/Street Lights	\$715
Total	\$715
Capital Improvement Reserve	\$0
Total Administration, and District Budget	\$815
<b>Fund Balance Information</b>	
Beginning Fund Balance (Estimated for 2008/09)	\$715
Capital Improvement Reserve (-)	\$0
Available Fund Balance	\$715
<b>Adjustments to Available Fund Balance</b>	
General Fund (or PW) Loan Repayment/Advance (+)	\$0
Other Revenues/General Fund (Contributions I.e. Grants) (+)	\$0
Capital Improvement Expenditure (pumps etc.) (-)	\$0
6 Months Operating Reserve (-)	\$408
Total Adjustments	\$408
Remaining Available Fund Balance	\$308
Total Administration, and District Budget	\$815
Use of Fund Balance (-)	\$0
Balance to Levy	\$815
<b>District Statistics</b>	
Total Parcels	1
Total EBU	3.50 X 9.52
Assessment per EBU	\$24.4600

The parcels subject to the assessment are listed on Exhibit "C" that is attached hereto and made a part of this report.



  
\_\_\_\_\_  
Matt Machado, Director Stanislaus County  
Department of Public Works

January 5, 2009

**EXHIBIT "C"**

**NORTH MCHENRY #2 LIGHTING DISTRICT  
FISCAL YEAR ASSESSMENT**

The Assessor's parcels listed below are subject to the annual assessment:

<b>A.P.N.</b>	<b>ACREAGE</b>	<b>E.B.U.</b>	<b>ASSESSMENT</b>
046-011-014	9.52	33.32	\$815.00
	9.52	33.32	\$815.00



NOTICE OF HEARING REGARDING FORMATION OF  
THE NORTH MCHENRY #2 LIGHTING DISTRICT  
AND THE LEVY OF AN ANNUAL ASSESSMENT

NOTICE IS HEREBY GIVEN that on Tuesday, April 14, 2009, at the hour of 9:20 A.M., or as soon thereafter as the matter may be heard, in the Basement Chambers located in the City/County Administration Building, 1010 10<sup>th</sup> Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding formation of The formation of the North McHenry #2 Lighting District, ballot procedure, and the levy of an annual assessment on the parcel of land within proposed district. The North McHenry #2 Lighting District will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows:

All that certain real property situate in the northeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of said Section 5;

Thence along the east line of said Section 5, South 01°14'33" East 1157.64 feet to the easterly extension of the north line of the 9.04 Acre Parcel shown on the Record of Survey filed November 1, 2004 in Book 28 of Surveys, at page 70, Stanislaus County Records and the Point of Beginning; thence continuing along said east line of Section 5, South 01°14'33" East 386.50 feet to the easterly extension of the south line of said 9.14 Acre Parcel; thence along said easterly extension of the south line and said south line of the 9.04 Acre Parcel, North 88°42'03", West 1076.58 feet to the southwest corner of said 9.04 Acre Parcel; thence along the west line of said 9.04 Acre Parcel, north 01°09'37" West 384.85 feet to the northwest corner of said 9.04 Acre Parcel; thence along the north line of said 9.04 Acre Parcel and the easterly extension of said north line, South 88°47'14" East 1075.95 feet to the point of beginning.

Containing 9.52 acres, more or less.

Basis of bearing of this description was referenced to said Book 46 of Parcel Maps, at Page 11, Stanislaus County Records.

BY ORDER OF THE BOARD OF SUPERVISORS

Dated: March 3, 2009

ATTEST:  
CHRISTINE FERRARO TALLMAN  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By: Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Mar 31, 2009, Apr 07, 2009

**NOTICE OF HEARING REGARDING  
FORMATION OF THE NORTH MCHEN-  
RY #2 LIGHTING DISTRICT AND THE  
LEVY OF AN ANNUAL ASSESSMENT**

NOTICE IS HEREBY GIVEN that on Tuesday, April 14, 2009, at the hour of 9:20 A.M. or as soon thereafter as the matter may be heard, in the Basement Chambers located in the City/County Administration Building, 1010 10th Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding formation of The formation of the North McHenry #2 Lighting District, ballot procedure, and the levy of an annual assessment on the parcel of land within proposed district. The North McHenry #2 Lighting District will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows: All that certain real property situate in the northeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

*Commencing at the northeast corner of said Section 5; Thence along the east line of said Section 5, South 01°14'33" East 1157.64 feet to the easterly extension of the north line of the 9.04 Acre Parcel shown on the Record of Survey filed November 1, 2004 in Book 28 of Surveys, at page 70, Stanislaus County Records and the Point of Beginning; thence continuing along said east line of Section 5, South 01°14'33" East 386.50 feet to the easterly extension of the south line of said 9.14 Acre Parcel; thence along said easterly extension of the south line and said south line of the 9.04 Acre Parcel, North 88°42'03" West 1076.58 feet to the southwest corner of said 9.04 Acre Parcel; thence along the west line of said 9.04 Acre Parcel, north 01°09'37" West 384.85 feet to the northwest corner of said 9.04 Acre Parcel; thence along the north line of said 9.04 Acre Parcel and the easterly extension of said north line, South 88°47'14" East 1075.95 feet to the point of beginning. Containing 9.52 acres, more or less. Basis of bearing of this description was referenced to said Book 46 of Parcel Maps, at Page 11, Stanislaus County Records.*

BY ORDER OF THE BOARD OF SUPERVISORS Dated: March 3, 2009

ATTEST: CHRISTINE FERRARO  
TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By: Elizabeth A. King, Assistant Clerk  
Pub Dates Mar 31, Apr 7, 2009

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I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California** on

April 7th, 2009

(Signature)



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