

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

DEPT: Public Works *Abuf*

BOARD AGENDA # 9:10 a.m.

Urgent Routine

AGENDA DATE July 26, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Formation of the Kenwood Park Lighting District and the Levy of a Special Benefit Assessment

STAFF RECOMMENDATIONS:

1. Find that the requirements for the notice of Public Hearing and Assessment Ballot were given pursuant to California Government Code section 53753(B), and the Highway Lighting District Act Code section 19051 & 2.
2. Approve the Revised Engineer's Report for the proposed Kenwood Park Lighting District (changes made to page 9 Assessment Summary to agree with final budget on page 8).

(Continued on Page 2)

FISCAL IMPACT:

Upon voter approval, ongoing operation and maintenance costs associated with the Kenwood Park Lighting District will be borne by the district through annual assessments estimated to generate approximately \$3,005.94. The annual assessment for Fiscal Year 2011-2012 is calculated to be \$58.94 per parcel.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-450

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

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:

ATTEST:

Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

File No. DL-45-02

Public Hearing to Consider the Formation of the Kenwood Park Lighting District and the Levy of a Special Benefit Assessment

STAFF RECOMMENDATIONS (Continued):

3. Conduct the Public Hearing to receive comments regarding:
 - A. The proposed formation of the Kenwood Park Lighting District.
 - B. The levy of an annual assessment to pay for the lighting services.
4. Find that the California Constitution Article XIII D, "Proposition 218" requirements for Public Hearing and Assessment Ballot Procedure have been completed upon closure of this public hearing regarding this matter.
5. Authorize the Clerk of the Board to oversee the opening of the sealed ballots and to tabulate and submit the results to the Board of Supervisors at the next scheduled Board meeting on August 2, 2011.

FISCAL IMPACT (Continued):

One time start up costs associated with this project are estimated to be \$7,500 and include staff project time for the ballot procedure, Engineer's Report, public meetings, and coordination with the Turlock Irrigation District; and State Board of Equalization fees of \$800. A portion of these costs are recommended to be covered through funding from the Community Development Fund (Initiate Proceeding on May 24, 2011 - Staff Recommendation #3 approved the use of up to \$6,000) and is consistent with the goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit."

One-time costs of \$1,500 over and above the \$6,000 allotment from Community Development Funds will be borne by the Kenwood Park Lighting District as part of their annual assessment. The \$1,500 will be recovered with a payback period extending over the first five years after formation of the district.

DISCUSSION:

The proposed Kenwood Park Lighting District is located in a "County Island" in Northeast Turlock in the vicinity of the intersections of Kenwood Avenue and Mitchell Avenue with Starr Avenue. The 12.39-acre residential neighborhood contains 51 parcels. Attachment "A" shows the recommended boundary of the district and includes its legal description.

The formation of this lighting district is based upon a request from Supervisor Vito Chiesa and the residents and landowners within the proposed boundary of the district. Supervisor Chiesa and his staff have contacted the property owners and residents within the boundary of the proposed Kenwood Park Lighting District and they have indicated approval of the formation of the district by signing a petition in support of the proposal. Those signing the petition believe that street lighting will improve the community as a whole by aiding law enforcement efforts while deterring unwanted activities.

Public Hearing to Consider the Formation of the Kenwood Park Lighting District and the Levy of a Special Benefit Assessment

To achieve adequate lighting levels while minimizing costs, it is estimated that a maximum of 14 lights would need to be installed upon existing Turlock Irrigation District utility poles. The exact number of lights installed may actually be less and depends upon field placement issues such as clearances on existing utility poles, tree cover, and nearby lighting. This project will use operating and maintenance costs for 14 new 100-watt sodium vapor luminary streetlights as the basis for calculating Fiscal Year 2011-2012 assessments.

Operating and maintenance costs include all routine expenses associated with the streetlight service such as monthly utility cost and bulb, lens, and sensor replacement as needed. Also included in expenses is a charge to cover administrative costs. There will also be an operational reserve created to cover the six-month period between the start of the fiscal year in July and the receipt of the first assessment revenue in December.

Stanislaus County (County) does not provide streetlights to unincorporated areas without the formation of a lighting district; and as a result there is no general lighting benefit to the public at large. The County does, however, manage Lighting Districts formed at the request of property owners or developers to provide street lighting for specific areas. This proposed lighting will provide a direct, distinct, and special benefit only to the parcels within the Lighting District therefore; the burden of funding them must rest solely upon the District.

The source of the Lighting District's funding is an assessment specific to the District that is approved by the District's parcel owners. The funds are used only by and for the District to pay for the ongoing operation and maintenance of its streetlights.

The total amount of the annual assessment to be levied each year will be based upon the following formula:

Total Balance To Levy = Estimated Operating & Maintenance Costs for Current Year
+ Estimated Dry Period Reserve for Next Year
- Fund balance from Previous Year
- Estimated Property Tax Revenue for Current Year

The proposed formula adjusts each year to variations between expenses and fund balances. As a consequence, the total amount to levy, and therefore property assessments, will respond going up or down as necessary to fund and operate the district.

The calculation formula proposed for use in arriving at each parcel's assessment is: **Total Balance to Levy / Total Parcels = Levy Per Parcel.**

The assessment for each parcel has been rounded up to the nearest even cent for ease in calculating the semi-annual assessment. Additional detailed information by parcel may be found in attachment "B" of this report titled "Proposed Assessment List by Parcel Number".

Public Hearing to Consider the Formation of the Kenwood Park Lighting District and the Levy of a Special Benefit Assessment

California Constitution Article XIII D "Proposition 218" requires an assessment ballot procedure and public hearing preceded by an Engineer's Report before a new assessment may be levied. Because a new lighting district, assessment, and method to calculate that assessment are proposed, a ballot procedure is required to obtain approval of the landowners within the proposed district. It also requires a notice of public hearing be delivered to all property owners of record as of the date of the last assessment roll.

To fulfill the requirements of Proposition 218, an Assessment Ballot Package was mailed to the District's property owners of record as of the date of the last assessment roll. The Assessment Ballot Package was mailed on June 9, 2011, more than 45 days in advance of the public hearing. It included three documents, a "Notice of Public Hearing", Ballot Instruction Sheet, and an Assessment Ballot, along with a return envelope addressed to the Clerk of the Board of Supervisors. Information contained in the three documents included: information advising them of the ballot procedure, how to submit their vote, a disclosure statement regarding the effect of a majority protest, the specific benefit of the Lighting District, the total amount chargeable to the entire Lighting District, the amount chargeable to the owners' particular parcel, the duration of the payments, the reason and basis upon which the proposed assessment was calculated, and the date, time, and location of the public hearing. An example of the Assessment Ballot Package, including ballot, can be found in attachment "C". Also, a "Notice of the Public Hearing" was also published in a local, general circulation, newspaper on July 12, 2011 and July 19, 2011, attachment "D". This meets the requirements of the Highway Lighting District Act, Code sections 19051 & 19052.

A tabulation of the ballots cannot be done until the Board of Supervisors concludes the required Public Hearing. The Board of Supervisors must hold the Public Hearing to receive any comments regarding the proposal. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public hearing, balloting will be closed and the Clerk of the Board of Supervisors will tabulate the results for presentation at the next scheduled meeting on August 2, 2011.

If the assessment ballot procedure to increase the assessments fails, the matter will be closed. If approved, the new district will be formed and the new assessment will take effect in Fiscal Year 2011-2012. The assessment formula will be used indefinitely and allow annual assessments to increase or decrease as expenses fluctuate without further assessment ballot procedures being required. It is anticipated that the streetlights will be installed and energized prior to the end of August 2011. The Turlock Irrigation District will conduct the installation.

POLICY ISSUES:

State of California Streets and Highways Code section 19130 authorizes the Board of Supervisors to be the governing body for Lighting Districts within their county.

This action is consistent with the Board's policy of providing A Safe Community and A Well Planned Infrastructure System by commencing the formal process to bring a proposal before property owners to enhance the level of service provided.

Public Hearing to Consider the Formation of the Kenwood Park Lighting District and the Levy of a Special Benefit Assessment

STAFFING IMPACT:

Staffing impact is limited to the time required to prepare Board reports and their supporting materials, conduct the ballot procedure, and coordinate the project with the Turlock Irrigation District.

CONTACT PERSON:

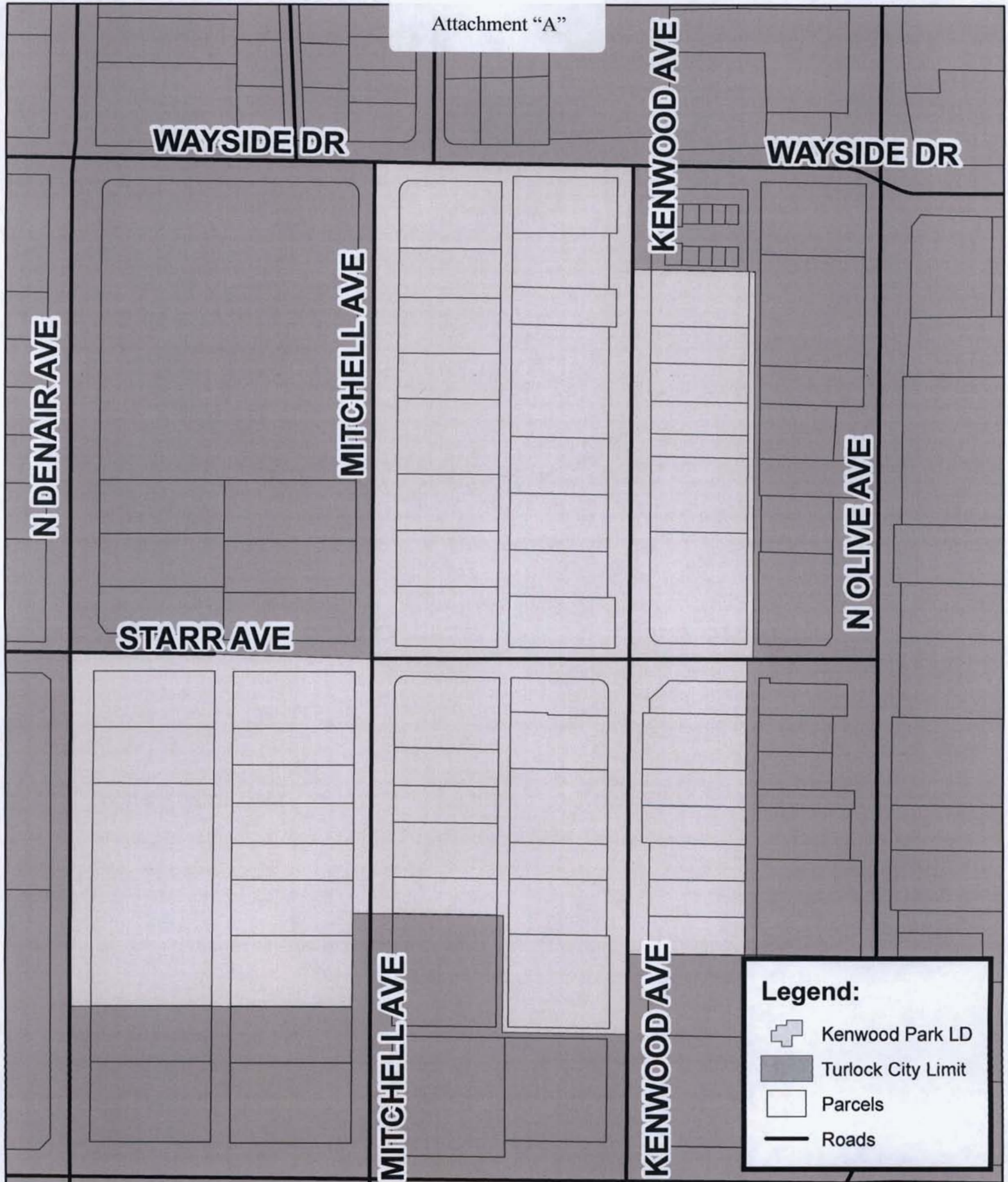
Mike Wilson, Senior Engineering Technician, Stanislaus County Public Works. Telephone (209) 525-4190.

MW:lc





H:\SERVICES\Districts\LD Formation\LD Kenwood Park\Action Agendas\Hold Public Hearing Kenwood Park LD_BOS7.26.11

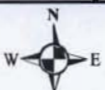
Proposed Kenwood Park Lighting District

Attachment "A"



Legend:

-  Kenwood Park LD
-  Turlock City Limit
-  Parcels
-  Roads



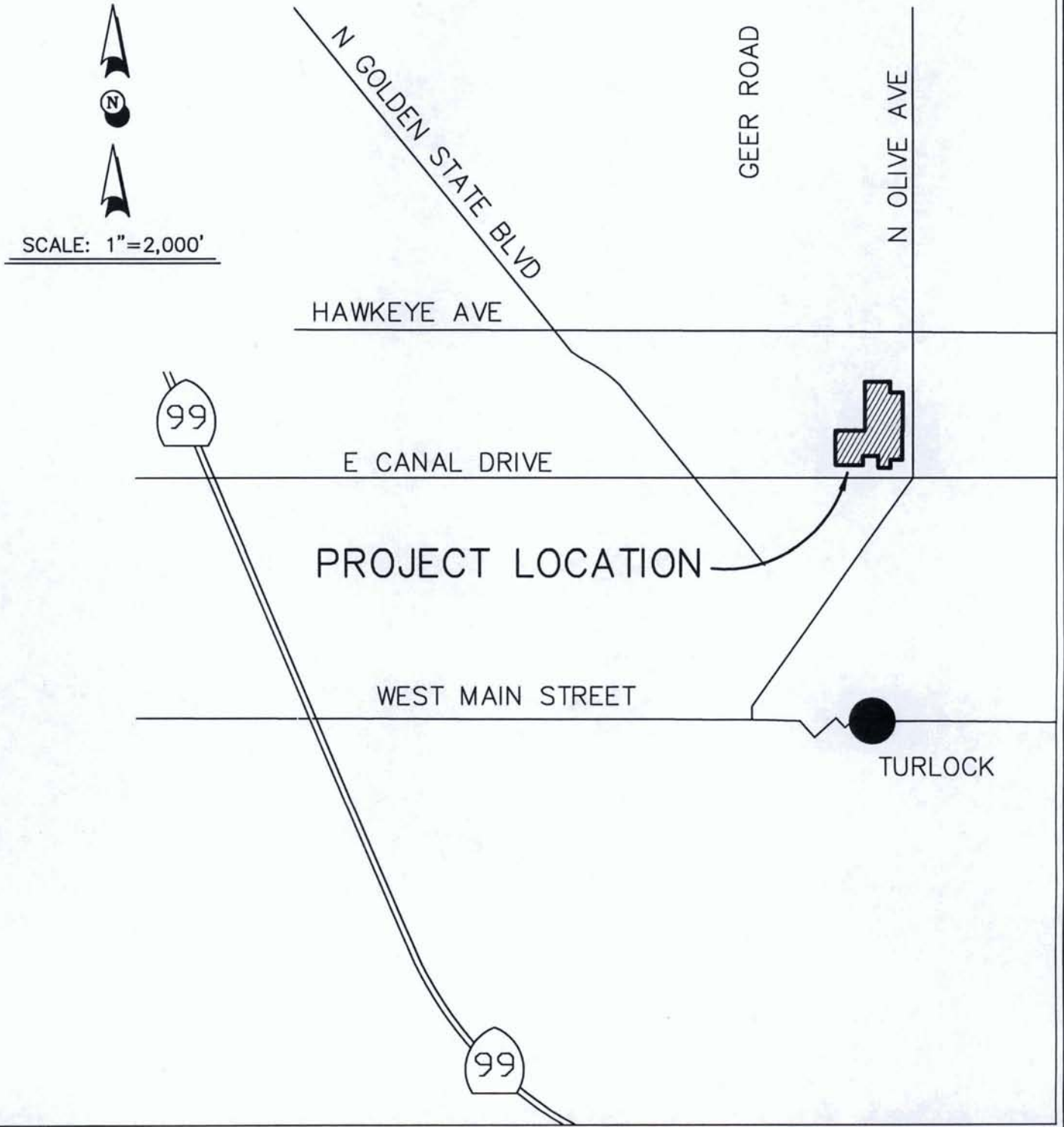
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250

500 Feet

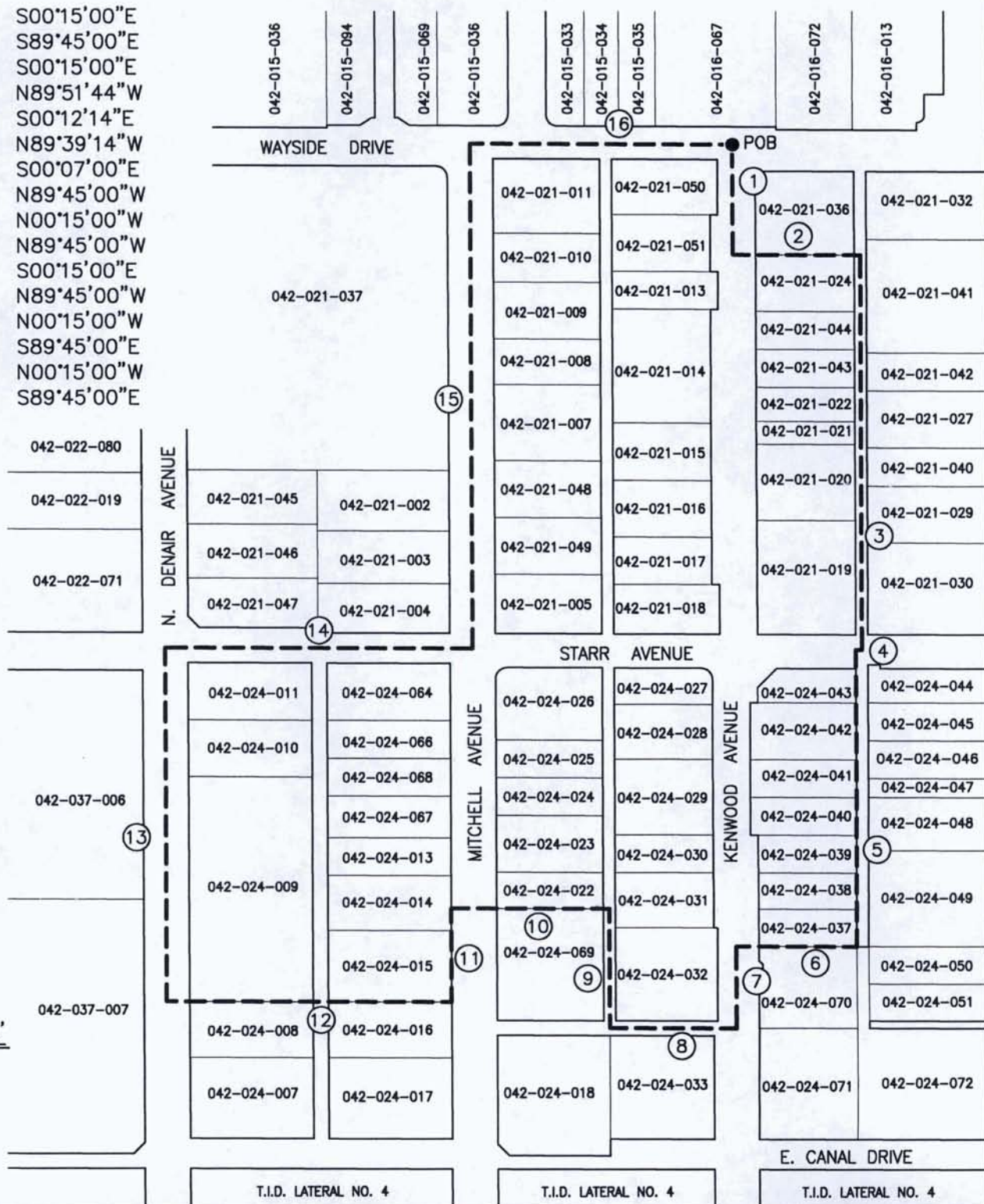
VICINITY MAP

Attachment "A"



Attachment "A"

- 1 140.50' S00°15'00"E
- 2 167.90' S89°45'00"E
- 3 522.50' S00°15'00"E
- 4 7.90' N89°51'44"W
- 5 395.15' S00°12'14"E
- 6 158.98' N89°39'14"W
- 7 109.70' S00°07'00"E
- 8 167.90' N89°45'00"W
- 9 159.67' N00°15'00"W
- 10 207.90' N89°45'00"W
- 11 125.00' S00°15'00"E
- 12 375.00' N89°45'00"W
- 13 470.00' N00°15'00"W
- 14 406.60' S89°45'00"E
- 15 670.00' N00°15'00"W
- 16 330.60' S89°45'00"E



SCALE: 1"=200'



**FORMATION OF
KENWOOD PARK LIGHTING DISTRICT - 16.37± ACRES
N.W. ¼ SECTION 14, T.5 S. R.10 E.**



LEGAL DESCRIPTION

KENWOOD PARK LIGHTING DISTRICT

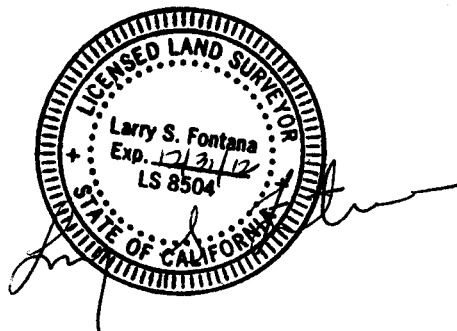
All that portion of Section 14, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the intersection of the centerline of Kenwood Avenue with the centerline of Wayside Avenue and being the northwest corner of the Kenwood #2 Annexation to the City of Turlock:

- 1: thence South 0°15'00" East, on the west line of said Kenwood #2 Annexation, 140.50 feet;
- 2: thence South 89°45'00" East, on the south line of said Kenwood #2 Addition, 167.90 feet to the west line of the Wayside Addition to the City of Turlock;
- 3: thence South 0°15'00" East, on said west line of said Wayside addition, 522.5 feet to the north line of the Berger Reorganization to the City of Turlock;
- 4: thence North 89°51'44" West, on said north line of said Berger Reorganization to the City of Turlock, 7.90 feet to the west line of said Berger Reorganization to the City of Turlock;
- 5: thence South 0°12'14" East, on said west line of said Berger Reorganization to the City of Turlock, 395.15 feet to the north line of the Kenwood Avenue Addition to the City of Turlock;
- 6: thence North 89°39'14" West, on said north line of said Kenwood Avenue Addition to the City of Turlock, 158.98 feet to the west line of said Kenwood Avenue Addition to the City of Turlock;
- 7: thence South 0°07'00" East, on said west line of said Kenwood Avenue Addition to the City of Turlock, 109.70 feet to the north line of the Canal Drive Addition No. 1 to the City of Turlock;
- 8: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 1 to the City of Turlock, 167.9 feet;
- 9: thence continue North 0°15'00" West, on the boundary of said Canal Drive Addition 1 to the City of Turlock and the Church of Christ of Canal Drive Annexation to the City of Turlock, 159.67 feet to the north line of said Church of Christ of Canal Drive Annexation to the City of Turlock;

Attachment "A"

- 10: thence North 89°45'00" West, on said north line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 207.90 feet;
- 11: thence South 0°15'00" East, on the west line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 125.00 feet to the north line of Canal Drive Addition No. 2 to the City of Turlock;
- 12: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 2 to the City of Turlock, 375.00 feet;
- 13: thence continue on the boundary of said Canal Drive Addition No. 2 to the City of Turlock, North 0°15'00" West, a distance of 470.00 feet, to the south line of the Wayside Addition No. 3 to the City of Turlock;
- 14: thence South 89°45'00" East, on the south line of said Wayside Addition No. 3 to the City of Turlock, 406.6 feet to the west line of said Wayside Addition No. 3 to the City of Turlock;
- 15: thence North 0°15'00" West, on said east line of said Wayside Addition No. 3 to the City of Turlock, 670.00 feet to the south line of Wayside Addition No. 4 to the City of Turlock;
- 16: thence South 89°45'00" East, on said south line of said Wayside Addition No. 4 to the City of Turlock and the south line of Wayside Addition No. 3 to the City of Turlock, 330.60 feet to the point of beginning.



Attachment "B"

**KENWOOD PARK LIGHTING DISTRICT
PROPOSED ANNUAL ASSESSMENT BUDGET YEAR 2011-2012**
The Assessor's parcels listed below are subject to the annual assessment

| Count | APN | Assessment |
|-------|-------------|------------|
| 1 | 042-021-005 | \$58.94 |
| 2 | 042-021-007 | \$58.94 |
| 3 | 042-021-008 | \$58.94 |
| 4 | 042-021-009 | \$58.94 |
| 5 | 042-021-010 | \$58.94 |
| 6 | 042-021-011 | \$58.94 |
| 7 | 042-021-013 | \$58.94 |
| 8 | 042-021-014 | \$58.94 |
| 9 | 042-021-015 | \$58.94 |
| 10 | 042-021-016 | \$58.94 |
| 11 | 042-021-017 | \$58.94 |
| 12 | 042-021-018 | \$58.94 |
| 13 | 042-021-019 | \$58.94 |
| 14 | 042-021-020 | \$58.94 |
| 15 | 042-021-021 | \$58.94 |
| 16 | 042-021-022 | \$58.94 |
| 17 | 042-021-024 | \$58.94 |
| 18 | 042-021-043 | \$58.94 |
| 19 | 042-021-044 | \$58.94 |
| 20 | 042-021-048 | \$58.94 |
| 21 | 042-021-049 | \$58.94 |
| 22 | 042-021-050 | \$58.94 |
| 23 | 042-021-051 | \$58.94 |
| 24 | 042-024-009 | \$58.94 |
| 25 | 042-024-010 | \$58.94 |
| 26 | 042-024-011 | \$58.94 |
| 27 | 042-024-013 | \$58.94 |
| 28 | 042-024-014 | \$58.94 |
| 29 | 042-024-015 | \$58.94 |
| 30 | 042-024-022 | \$58.94 |
| 31 | 042-024-023 | \$58.94 |
| 32 | 042-024-024 | \$58.94 |
| 33 | 042-024-025 | \$58.94 |
| 34 | 042-024-026 | \$58.94 |
| 35 | 042-024-027 | \$58.94 |
| 36 | 042-024-028 | \$58.94 |
| 37 | 042-024-029 | \$58.94 |
| 38 | 042-024-030 | \$58.94 |
| 39 | 042-024-031 | \$58.94 |
| 40 | 042-024-032 | \$58.94 |

| Count | APN | Assessment |
|-------|-------------|------------|
| 41 | 042-024-037 | \$58.94 |
| 42 | 042-024-038 | \$58.94 |
| 43 | 042-024-039 | \$58.94 |
| 44 | 042-024-040 | \$58.94 |
| 45 | 042-024-041 | \$58.94 |
| 46 | 042-024-042 | \$58.94 |
| 47 | 042-024-043 | \$58.94 |
| 48 | 042-024-064 | \$58.94 |
| 49 | 042-024-066 | \$58.94 |
| 50 | 042-024-067 | \$58.94 |
| 51 | 042-024-068 | \$58.94 |
| | | \$3,005.94 |

110304

OFFICIAL BALLOT ENCLOSED



DEPARTMENT OF PUBLIC WORKS
1716 Morgan Road
Modesto, CA 95358

RETURN SERVICE REQUESTED

OUTGOING ENVELOPE
PARCEL OWNER ADDRESS
LABEL
GOES HERE

Official Ballot Enclosed
Tarjeta de Votación
Oficial Incluida

Attachment "C"



STANISLAUS COUNTY



NOTICE OF PUBLIC HEARING, ASSESSMENT BALLOT PROCEDURE, AND BALLOT REGARDING THE PROPOSED FORMATION OF THE KENWOOD PARK LIGHTING DISTRICT, AND THE LEVY OF AN ANNUAL ASSESSMENT TO PROVIDE FUNDING FOR MAINTENANCE AND OPERATION OF THE LIGHTING DISTRICT

You Are Hereby Notified, pursuant to Government Code section 53753 (b), that the Board of Supervisors of the County of Stanislaus has set a public hearing for 9:10 a.m., or as soon thereafter as the matter may be heard, on July 26, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10th Street, Modesto, California.

PROPOSAL

The proposal being considered is the formation of the Kenwood Park Lighting District and the levy of an annual assessment for Fiscal Year 2011/2012 to provide funding for maintenance and operation of the new Lighting District. An assessment ballot procedure will be concluded at the end of the public hearing.

The extended services to be provided within the proposed Lighting District are generally described as:

- Operate and maintain a total of 14 lights, 100-watt sodium vapor streetlights, which will be owned, installed, operated, and maintained by Turlock Irrigation District (TID);
- The following services will be provided by TID as needed: periodic inspection, maintenance, and bulb, lens, sensor, and fixture replacement; and,
- Administration of budget and services.

AMOUNT OF PROPOSED ASSESSMENT

If the proposed Lighting District's landowners approve the proposal, the annual assessment will be:

The Lighting District's Total Annual Assessment = \$3,006.35, chargeable to the entire Lighting District for the 2011/2012 Fiscal Year.

Your Individual Parcel Assessment = \$59.84, and is also listed in the upper right hand box of your assessment ballot which is included with this notification. Your assessment ballot also lists your parcels weighted vote.

REASON FOR PROPOSED ASSESSMENT AND BALLOT

The purpose of the assessment is to establish a continued source of funding for the services provided by the proposed Lighting District. Annual assessments may increase or decrease as needed to provide funds to cover operating and maintenance costs. If operation and maintenance costs are less than expected, the District's fund balance will be carried forward to reduce the amount needed to be collected in the next Fiscal Year.

To fund the extended services and associated operating and maintenance costs for the proposed district there must also be a corresponding assessment for the property owners located within the service area. Pursuant to Proposition 218, the formation of a new Lighting District and levy of an annual assessment has to be approved by property owners through an assessment ballot procedure and public hearing.

BASIS FOR ASSESSMENT

The basis for the proposed assessment is the equitable distribution of the total cost of the service being provided by the Lighting District among all 51 parcels within the service area. This is accomplished through the calculation of the following formulas to arrive at the individual parcel assessment.

Lighting District's Total Annual Assessment = Estimated Operating, Maintenance, & Administrative Costs for Current Year (+ plus) Operating Reserve Requirements and Capital Improvement Reserve Requirements (- minus) Fund Balance from Previous Year (- minus) Estimated Property Tax Revenue for Current Year.

Individual Parcel Assessment = Lighting District's Total Annual Assessment (/ divided by) Total Parcels.

Definition:

Reserve Requirements include a six-month Operating Reserve equal to ½ of the annual operating, maintenance, and administrative expenses.

EFFECT AND DURATION OF APPROVAL OR DISAPPROVAL

If approved, it is anticipated that the proposal will take effect with the start of the new 2011/2012 Fiscal Year. The annual assessment for your parcel would continue indefinitely and may decrease or increase from year to year, depending on the amount of money needed to pay for operation and maintenance costs. If the proposal is not approved, the Kenwood Park Lighting District will not be formed.

PUBLIC HEARING & BALLOT TABULATION

At the public hearing, the Board of Supervisors will consider all objections or protests, if any, to the proposal. Any interested person may present written or oral testimony at the public hearing. After conclusion of the public hearing, the submitted Assessment Ballots will be tabulated to determine if a majority protest exists. The results will be posted by the Clerk of the Board of Supervisors. All Assessment Ballots submitted are public information and subject to inspection by request under the Public Records Act.

PROTESTS

The proposal will not be approved if a majority protests. A majority protest exists if a simple majority of Assessment Ballots submitted are opposed to the proposal. The Assessment Ballots are weighted according to the proportional financial obligation of the affected property.

In addition to the Assessment Ballots in favor of or in opposition to the proposal, the Board of Supervisors will also consider any other protests to the proposed assessments at the public hearing. Any protest about the validity of the assessment or the regularity or sufficiency of the proceedings shall be in writing and shall clearly and specifically set forth the alleged irregularity or defect. Any grounds of protest not stated in a written protest filed prior to the close of the public hearing shall be deemed waived.

The Board of Supervisors retains all authority conferred by law, including the extent of services to be provided, and in the amount of the assessment (including the amounts of any individual assessments) provided; however, the assessment shall not be increased beyond that specified by this notice without a new notice and proceedings in compliance with all laws.

ADDITIONAL INFORMATION

For further information, contact Mike Wilson at (209) 525-4190, or the Department of Public Works 525-4130, located at 1716 Morgan Road, Modesto, California 95358.



CONDADO DE STANISLAUS



AVISO PARA UNA AUDIENCIA PÚBLICA, PROCEDIMIENTO PARA VOTAR Y TARJETA DE VOTACION PARA LA PROPOSICION DE LA FORMACION DEL DISTRITO DE ALUMBRADO DE KENWOOD PARK Y DE RECAUDAR LA CONTRIBUCION ANUAL PARA PAGAR POR LOS COSTOS ASOCIADOS CON EL MANTENIMIENTO Y LA OPERACION DEL DISTRITO

Por medio de la presente y conforme a la sección 53753(b) del Código Gubernamental, se le notifica que la Junta de Supervisores del Condado de Stanislaus ha fijado una fecha y hora para convocar una audiencia pública el 26 de Julio del 2011 a las 9:10 a.m., o tan pronto el asunto pueda ser escuchado, en la Cámara de Junta de Supervisores localizado en el sótano del edificio Administrativo del Condado y Ciudad, Calle 1010 10th, Modesto, California.

LA PROPUESTA

La propuesta que se está considerando es de la formación del Distrito de Alumbrado de Kenwood Park y de recaudar un monto anual para el año fiscal 2011/2012 para proporcionar financiamiento para el mantenimiento y operación del nuevo alumbrado del Distrito. Las Tarjetas de Votación se contarán al concluir la audiencia pública.

Los servicios adicionales que se proporcionen en el Distrito de Alumbrado propuesto se describen generalmente como:

- Operación y mantenimiento a un total de 14 luces (100 vatios, vapor de sodio). Este alumbrado será propiedad de Turlock Irrigation District (TID). Por lo tanto, la instalación, operación y mantenimiento serán proporcionados por TID;
- Los siguientes servicios también serán disponibles por parte de TID: inspección periódica, mantenimiento y sustitución de la bombilla, lente y el sensor cuando sea necesario; y,
- Administración del presupuesto y de los servicios.

EL MONTO DE LA CONTRIBUCIÓN PROPUESTA

Si los propietarios dentro del Distrito de Alumbrado aprueban esta propuesta, la imposición del asesoramiento de las contribuciones anuales será:

Asesoramiento Anual del Distrito = El total que se le asesorara y se le cargara a la cuenta del Distrito para el año fiscal 2011/2012 seria en el monto de **\$3,006.35**.

Asesoramiento por Parcela Individual = La contribución total que se le asesoraría contra cada parcela/lote por el año fiscal 2011/2012 seria en el monto de **\$59.84**. Esta cantidad también esta listada en la cajita en la parte de arriba, a la mano derecha de la Tarjeta de Votación, la cual está incluida con esta notificación.

EL MOTIVO POR EL ASESORAMIENTO Y LA VOTACIÓN

El objetivo explicito de esta propuesta es de poder mantener los fondos necesarios continuamente para mantener los servicios de alumbrado suministrados por el Distrito. El asesoramiento anual puede aumentar o disminuir la contribución automáticamente según se necesiten fondos para cubrir los gastos operativos y de mantenimiento. Si los costos de operación y mantenimiento son menos de lo que se estimo, el sobro de los fondos se mueven para el año siguiente reduciendo la contribución para el siguiente año fiscal.

Para financiar el aumento del nivel de los servicios y los costos operativos y de mantenimiento asociados con las luces adicionales, debe de haber un aumento correspondiente en el asesoramiento para los propietarios del Distrito. Según la Proposición 218, la formación de un nuevo Distrito de Alumbrado y un aumento en el asesoramiento debe ser aprobado por los propietarios a través de un proceso de votación y una audiencia pública.

BASE PARA LA IMPOSICIÓN DE LA CONTRIBUCIÓN

La base para el asesoramiento que se propone es la distribución equitativa del costo total del servicio que provee el Distrito de Alumbrado entre todas las 51 parcelas dentro del área de servicio. Esto es logrado a través de la calculación de las siguientes formulas para declarar la contribución de cada parcela individual.

Asesoramiento Anual del Distrito = El Costo Estimado para la Operación, mantenimiento y la Administración para el Año en Corriente (+ más) Requerimientos Reservados de Operación y Mejoramiento (- menos) Saldo del Balance del Año Anterior (- menos) Ingresos de los Impuestos Estimados de la Propiedad para el Año en Corriente.

Asesoramiento por Parcela Individual = El Total del Asesoramiento Anual del Distrito (/ dividido por) todas las parcelas.

Definición:

Requerimientos Reservados incluyen una Reserva Operacional de seis meses equitativa a la mitad de los gastos anuales de operación, mantenimiento y administración.

EFEECTO Y DURACIÓN DE LA APROBACIÓN Ó DESAPROBACIÓN

Una vez aprobada, se anticipa que esta propuesta tomara efecto al comenzar el nuevo año fiscal 2011/2012. El asesoramiento anual para su parcela/lote continuaría indefinidamente y puede aumentar o disminuir cada año, dependiendo en la cantidad de dinero que sea necesario para pagar el costo de operación y de mantenimiento. Si esta propuesta no es aprobada, el Distrito de Alumbrado de Kenwood Park no se formara.

AUDIENCIA PÚBLICA Y EL CONTAR DE LAS TARJETAS DE VOTACIÓN

Durante la audiencia pública sobre la propuesta, la Junta de Supervisores dará consideración a cualquier objeción o protesta que se haga. Cualquier persona interesada podrá declarar oralmente o por escrito durante la audiencia. A la conclusión de la audiencia pública, se contarán las Tarjetas de Votación para determinar si existe una mayoría de protestas. Los resultados serán anunciados por el Secretario de la Junta de Supervisores. Toda Tarjeta de Votación depositada es información pública y será sujeta a inspección por petición y conforme a la Ley de Registros Públicos.

PROTESTAS

No se impondrá la propuesta si una mayoría se opone. Para que exista una oposición mayoritaria basta con que una simple mayoría de las Tarjetas de Votación presentadas se opongan a la propuesta. El peso que se le dé a cada Tarjeta será en proporción a la obligación financiera de la propiedad afectada.

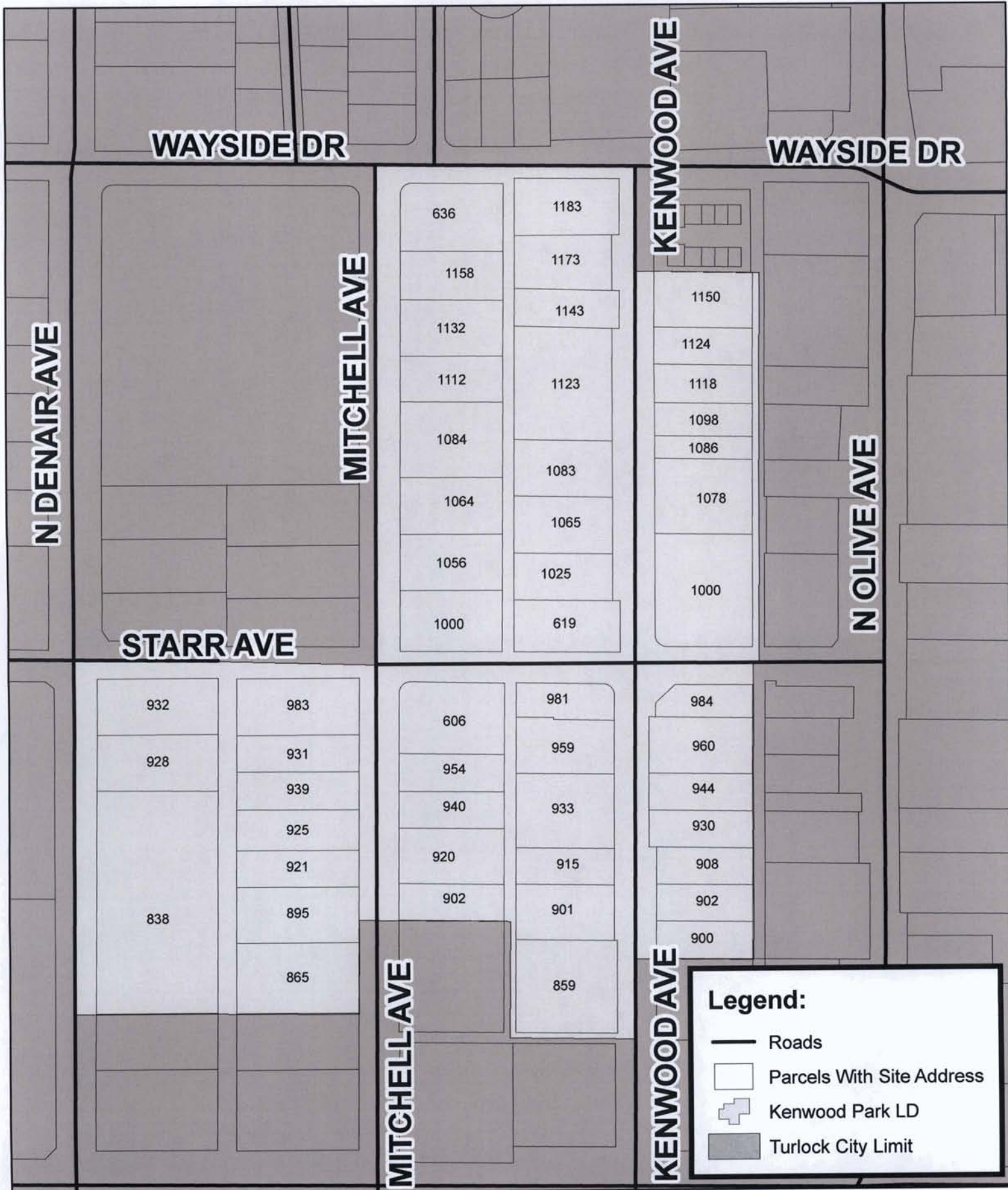
Además de las Tarjetas de Votación que estén a favor o en contra de la propuesta, la Junta de Supervisores tomara en cuenta cualquier otra oposición durante la audiencia pública. Cualquier oposición a la validez del asesoramiento o en cuanto a la regularidad o suficiencia de los procedimientos, tendrá que presentarse por escrito y tendrá que exponer clara y concretamente la irregularidad o defecto que se alega. Toda oposición que no se haya presentado por escrito antes de clausurar la audiencia pública será considerada como una renuncia al derecho de hacerlo.

La Junta de Supervisores retiene toda la autoridad que la ley le concede, inclusive la de modificar los servicios que se proporcionen y el monto de la contribución (incluyendo el monto de cualquier contribución individual), siempre y cuando no aumente el monto de la contribución más allá de lo que el presente aviso especifica sin avisar de nuevo o llevar a cabo nuevos procedimientos en cumplimiento de todas las leyes.

INFORMACIÓN ADICIONAL

Para información adicional, por favor llame al Sr. Mike Wilson, al (209) 525-4190 o al Departamento de Obras Públicas al 525-4130, localizado en el 1716 Morgan Road, Modesto, California.

Proposed Kenwood Park Lighting District



0 250 500 Feet



STANISLAUS COUNTY

(Español en el reverso)

ASSESSMENT BALLOT INSTRUCTIONS



Use the enclosed Assessment Ballot to express support for or opposition to:

The proposed formation of the Kenwood Park Lighting District and the levy of an annual assessment to pay for the services that will be provided.

You will receive a separate ballot for each parcel you own within the District.

How To Vote Your Assessment Ballot

1. Use a pen to mark an "X" in one of the boxes to indicate either your support or protest, and sign and date the ballot certification.
2. Place the ballot in the enclosed envelope addressed to the Clerk of the Board of Supervisors and seal the envelope.
3. Deliver the ballot either by mail or in person by:
 - **Mail Delivery:** If by mail, mail with the required postage no later than July 21, 2011. Mailing later than this deadline creates a risk that the ballot may not be received in time to be counted.
 - **Personal Delivery:** If in person, deliver to the Clerk of the Board of Supervisors at any time prior to 5:00 p.m. on Monday, July 25, 2011, at 1010 10th Street, Sixth Floor, Modesto, California, or at the hearing itself at 9:05 a.m. on July 26, 2011, located in the Joint Chambers in the basement of the County/City Administration Building, 1010 10th Street, Modesto, California.

Regardless of which method of delivery is used, in order to be counted, the Assessment Ballot must be received prior to the close of the public hearing on Tuesday, July 26, 2011. After an Assessment Ballot is submitted, it may be changed or withdrawn prior to the conclusion of the public testimony at the hearing on the proposed increase in assessment by presenting identification with a picture to the Clerk of the Board of Supervisors or a county staff member designated at the start of the public hearing. If you need a replacement ballot for any reason please contact Stanislaus County Public Works Department, Mike Wilson, at (209) 525-4190 or (209) 525-4130 prior to the public hearing; or a replacement may be obtained at the public hearing by contacting the designated county staff member.

MULTIPLE OWNERS OF ONE PARCEL

If there is more than one record owner of the identified parcel, the owners may either submit (a) one Assessment Ballot for all the owners of that parcel or (b) one Assessment Ballot from each of the record owners, in which case, each record owner's ballot will be weighted in proportion to that owner's percentage of ownership. If each record owner wants to submit an individual ballot, return the enclosed Assessment Ballot along with a list of names and addresses of all the record owners and each owner's percentage of ownership in the parcel. Separate Assessment Ballots will be issued to each record owner, who will be individually responsible for submitting his or her ballot.

If the title to the property is held wholly or partly by a single legal entity (such as a corporation, partnership or trust) that entity may submit only one Assessment Ballot. The separate owners of that entity may not submit separate ballots.

(Español en el reverso)



STANISLAUS COUNTY

(English on reverse side)

INSTRUCCIONES PARA USAR LA TARJETA DE VOTACIÓN



Use la Tarjeta de Votación para votar a favor o en contra:

La propuesta de la formación del Distrito de Alumbrado de Kenwood Park y para la recaudación de la contribución anual para pagar por los servicios que se proporcionarán.

Recibirá una tarjeta de votación separada por cada parcela individual dentro del Distrito.

COMO VOTAR CON SU TARJETA DE VOTACION:

1. Con una pluma escriba una "X" en una de las casillas para así indicar su apoyo u oposición. Después, firme y ponga la fecha sobre las rayas correspondientes que se encuentran más debajo de la atestación.
2. Meta la Tarjeta de Votación en el sobre incluido que ya trae la dirección del Secretario de Junta de Supervisores (Clerk of the Board of Supervisors) y séllelo.
3. Puede mandar la Tarjeta de Votación por vuelta de correo o entregarla personalmente:
 - **Si elige mandarla por correo**, asegúrese que lleve suficiente franqueo y que salga el 21 de Julio del 2011 a más tardar. Si la pone después de esta fecha, corre riesgo de que su Tarjeta de Votación no llegue a tiempo para ser contada.
 - **Si elige entregarla personalmente**, llévela al Secretario de la Junta de Supervisores a su conveniencia, con tal que sea antes de las 5:00 p.m. el Lunes, 25 de Julio del 2011, Calle 1010 10th, Piso 6, Oficina #6700, Modesto, California, o si no tráigala para entregarla en la propia audiencia, a las 9:05 a.m. el 26 de Julio del 2011, en la Cámara de la Junta de Supervisores localizado en el sótano en el edificio administrativo en Calle 1010 10th, Modesto, California.

Cual sea el método que elija para entregar su Tarjeta de Votación, tenga presente que para que su voto sea contado es necesario que se reciba antes de la clausura de la audiencia pública el día Martes, 26 de Julio del 2011. Después de entregar la Tarjeta, usted podrá modificarla o retirarla con tal de hacerlo antes de concluirse las declaraciones públicas que se darán en la audiencia tocante al aumento contributivo que se propone. Para hacerlo, presente su identificación con foto ante el Secretario de la Junta de Supervisores o a un miembro del personal del Condado (designado al principio de la audiencia pública). Si necesita una Tarjeta de Votación de reemplazo puede hacerlo antes de la audiencia pública comunicándose con Mike Wilson, en el Departamento de Obras Públicas del Condado de Stanislaus al llamar al (209) 525-4190 o al (209) 525-4130, o si es durante la audiencia pública, favor de ponerse en contacto con el miembro del personal del Condado (designado al principio de la audiencia pública).

PARCELAS QUE TENGAN MÁS DE UN DUEÑO

Si el registro de la propiedad indica que cierta parcela identificada tiene más de un titular, los titulares podrán presentar una sola Tarjeta de Votación en nombre de todos los que sean dueños de esa propiedad o cada titular podrá presentar su propia Tarjeta aunque, siendo así, significa que a la Tarjeta de cada titular se le asignará un peso o valor que será en proporción al porcentaje que le pertenezca a dicho titular. En aquellos casos en que cada titular quiera presentar Tarjeta de Votación individual, lo que habrá que hacer es devolver la Tarjeta, acompañada de una lista con los nombres y las direcciones de todos los titulares de la parcela/lote, señalando el porcentaje de la parcela que sea de cada titular. Se le extenderá una Tarjeta a cada titular, por lo tanto, cada uno será responsable por presentar la suya.

Si una entidad jurídica (como, por ejemplo, corporación, sociedad civil o consorcio) es titular de una propiedad enteramente o en parte, dicha entidad no podrá presentar sino una sola Tarjeta de Votación; los distintos titulares no podrán presentar Tarjetas por separado.

(English on reverse side)

COPY

ASSESSMENT BALLOT

FOR PROPOSED KENWOOD PARK LIGHTING DISTRICT
FISCAL YEAR 2011/2012

COPY

TARJETA DE VOTACIÓN DE ASESORÍA
PROPOSICION PARA EL DISTRITO DE ALUMBRADO DE KENWOOD PARK
AÑO FISCAL 2011/2012

Attention Landowner/Atención Propietario:

| |
|---------------------|
| Parcel # Parcela # |
| Address: Dirección: |
| Owner: Propietario: |

| |
|--------------------------------------------------------------------------------------------------------------------|
| <p>Fiscal Year 2011-2012 Parcel Assessment Contribución 2011-2012 Por Terreno</p> <p>\$58.94</p> |
|--------------------------------------------------------------------------------------------------------------------|

Your Weighted Vote Equals / Su Voto Sopesado Es Igual A = _____

This Ballot requires one box to be marked and a signature to be valid. Mark one box only:
Para que este voto sea valido, marque una casilla solamente y firme abajo:

- I/we **SUPPORT** the proposed formation of the Kenwood Park Lighting District, and the levy of an annual assessment to pay for the services provided.
APOYO/APOYAMOS la propuesta de la formación del Distrito de Alumbrado de Kenwood Park y para la recaudación de la contribución anual para pagar por los servicios de alumbrado público.
-
- I/we **PROTEST** the proposed formation of the Kenwood Park Lighting District and the levy of an annual assessment to pay for the services provided.
Me OPONGO/Nos OPONEMOS a la propuesta de la formación del Distrito de Alumbrado de Kenwood Park y de recaudar la contribución anual para pagar por los servicios de alumbrado público.

The undersigned certifies under penalty of perjury under the laws of the State of California that he/she submits this assessment ballot as owner or as the duly authorized representative of the owner/owners of the above-referenced parcel.

El que a continuación firma, da fe, bajo la pena de perjurio conforme a las leyes del Estado de California, de que deposita esta tarjeta como propietario, o como representante debidamente autorizado por el propietario (o de los propietarios) del terreno al que se hace referencia más arriba.

Dated/Fechado: **(Signature/Firma)** _____

(Type or print name and representative capacity, if any. Escriba a máquina o escriba a mano su nombre y la capacidad representativa, si la hay.)

Return to/Devolver a: Clerk of Board of Supervisors (Secretario de la Junta de Supervisores), 1010 10th Street, Suite 6700, Modesto, CA 95354.

Use enclosed envelope – Use el sobre incluido.

COPY

Name COUNTY OF STAN PUBLIC WORKS Phone 2095254130
Address 1716 MORGAN RD Account CO STAN PUB
Class 8000 Times 2 Start 7/12/11 Stop 7/19/11
Total Cost 453.42 Total Paid Rep GONZALEZ
Lines 44 AD COPY ENLARGED TO 150% > LIVEPAG
AD COPY

NOTICE OF PUBLIC HEARING
REGARDING THE PROPOSED
FORMATION OF THE KENWOOD
PARK LIGHTING DISTRICT AND
ASSESSMENT BALLOT PROCEDURE
AND THE LEVY OF AN
ANNUAL ASSESSMENT

Attachment "D"

NOTICE IS HEREBY GIVEN that on Tuesday, July 26, 2011, at the hour of 9:10 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 to consider the formation of the Kenwood Park Lighting District, conduct an assessment ballot procedure, and consider the levy of an annual assessment to pay for the lighting services. All that portion of Section 14, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows: BEGINNING at the intersection of the centerline of Kenwood Avenue with the centerline of Wayside Avenue and being the northwest corner of the Kenwood #2 Annexation to the City of Turlock:

1: thence South 0°15'00" East, on the west line of said Kenwood #2 Annexation, 140.50 feet;

2: thence South 89°45'00" East, on the south line of said Kenwood #2 Addition, 167.90 feet to the west line of the Wayside Addition to the City of Turlock;

3: thence South 0°15'00" East, on said west line of said Wayside addition, 522.5 feet to the north line of the Berger Reorganization to the City of Turlock;

4: thence North 89°51'44" West, on said north line of said Berger Reorganization to the City of Turlock, 7.90 feet to the west line of said Berger Reorganization to the City of Turlock;

5: thence South 0°12'14" East, on said west line of said Berger Reorganization to the City of Turlock, 395.15 feet to the north line of the Kenwood Avenue Addition to the City of Turlock;

6: thence North 89°39'14" West, on said north line of said Kenwood Avenue Addition to the City of Turlock, 158.98 feet to the west line of said Kenwood Avenue Addition to the City of Turlock;

7: thence South 0°07'00" East, on said west line of said Kenwood Avenue Addition to

the City of Turlock, 109.70 feet to the north line of the Canal Drive Addition No. 1 to the City of Turlock;

8: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 1 to the City of Turlock, 167.9 feet;

9: thence continue North 0°15'00" West, on the boundary of said Canal Drive Addition 1 to the City of Turlock and the Church of Christ of Canal Drive Annexation to the City of Turlock, 159.67 feet to the north line of said Church of Christ of Canal Drive Annexation to the City of Turlock;

10: thence North 89°45'00" West, on said north line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 207.90 feet;

11: thence South 0°15'00" East, on the west line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 125.00 feet to the north line of Canal Drive Addition No. 2 to the City of Turlock;

12: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 2 to the City of Turlock, 375.00 feet;

13: thence continue on the boundary of said Canal Drive Addition No. 2 to the City of Turlock, North 0°15'00" West, a distance of 470.00 feet, to the south line of the Wayside Addition No. 3 to the City of Turlock;

14: thence South 89°45'00" East, on the south line of said Wayside Addition No. 3 to the City of Turlock, 406.6 feet to the west line of said Wayside Addition No. 3 to the City of Turlock;

15: thence North 0°15'00" West, on said east line of said Wayside Addition No. 3 to the City of Turlock, 670.00 feet to the south line of Wayside Addition No. 4 to the City of Turlock;

16: thence South 89°45'00" East, on said south line of said Wayside Addition No. 4 to the City of Turlock and the south line of Wayside Addition No. 3 to the City of Turlock, 330.60 feet to the point of beginning.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: June 7, 2011. 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: July 12, 19, 2011

MOD-3275

**PROPOSED FORMATION
KENWOOD PARK LIGHTING DISTRICT
REVISED ENGINEERS REPORT**
Revised 7/15/2011

BUDGET YEAR 2011-2012

SET PUBLIC HEARING: June 07, 2011
HOLD PUBLIC HEARING: July 26, 2011

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ENGINEER'S REPORT AFFIDAVIT

County of Stanislaus, State of California

Kenwood Park Lighting District

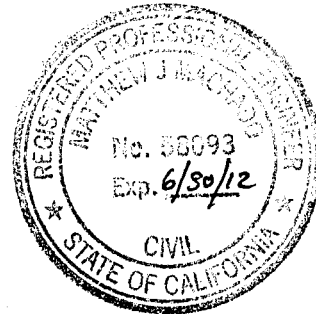
This report describes the district and all relevant zones therein including the budget(s), parcels and assessments to be levied for the Budget year 2011-2012. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Lighting District (LD)

The undersigned respectfully submits the enclosed report as directed by the Board of Supervisors.

Dated this 24TH day of May, 2011



MATT MACHADO, DIRECTOR, PE
Stanislaus County Department of Public Works



**PROPOSED FORMATION KENWOOD PARK LIGHTING DISTRICT
ENGINEER'S REPORT
BUDGET YEAR 2011/2012**

INTRODUCTION:

This report sets forth a proposal to form a new lighting district. The proposal to form this lighting district is based upon a request from Supervisor Vito Chiesa and the residents and landowners within the proposed boundary of the district. Supervisor Chiesa and his staff contacted residents and owners of parcels within the boundary of the proposed Kenwood Park Lighting District to gauge opinion and willingness to form the district. Those supporting the proposal indicated their approval by signing a petition requesting the Board of Supervisors initiate proceedings to consider formation of the District. Attachment "A" of this report includes a copy of the petition. The petition is in accordance with Streets and Highways Code section 19030-19037. Those signing the petition believe that street lighting will improve the community as a whole by increasing safety, and aiding law enforcement efforts while deterring unwanted activities.

State of California Constitution Article XIII D – Proposition 218, and Streets and Highways Code, together require an Engineer's Report, Assessment Ballot Procedure, and Public Hearing prior to the formation of a new lighting district. The matter will be closed if a simple majority of votes cast does not support the formation. If approved, it is anticipated that the lights could be installed and energized not later than the end of August 2011. This report will use operating and maintenance costs for 14, 100-watt, streetlights as the basis for estimating 1st year expenses and budgeting for Budget Year 2011-2012.

PART I- PLANS AND SPECIFICATIONS

A. Description of the Lighting District

The proposed Kenwood Park Lighting District is located within a "County Island" in Northeast Turlock in the vicinity of the intersections of Kenwood and Mitchell Avenues with Starr Avenue. The 12.39-acre residential neighborhood contains 51 parcels. Attachment "B" shows the recommended boundary of the district and includes its legal description.

B. Description of Improvements and Services

The purpose of this proposed Lighting District will be to provide street lighting services that improve the area by deterring crime, promoting personal, property, and traffic safety, and aiding law enforcement efforts. This proposal is to install, operate, and maintain a maximum of 14, 100-watt, streetlights upon existing Turlock Irrigation District utility poles. The exact number of lights may be less and depends upon field placement issues such as clearances on existing utility poles, tree cover, and nearby lighting. Stanislaus County Public Works Department and TID will work with the existing utility pole locations and determine optimum placement along each street within the proposed district. The improvements will be installed, owned and maintained by The Turlock Irrigation District and funded entirely through the district's proposed assessments. The improvements and services are generally described as:

- Operate and maintain a total of (14) lights, 100-watt sodium vapor streetlights. Owned, installed, operated, and maintained by Turlock Irrigation District.
- Periodic inspection, maintenance, and bulb, lens, sensor, and fixture replacement as needed by Turlock Irrigation District.

PART II – COST ESTIMATE BUDGET YEAR 2011-2012

A. Start Up Costs

One time start up costs associated with this project includes Stanislaus County Public Works staff time; assessment ballot costs; and State Board of Equalization Fees. Total one time start-up costs are estimated at \$7,500. There will be no cost for installation by Turlock Irrigation District.

A portion of the start up costs are planned for coverage through a \$6,000 allotment of funding from the Community Development Fund and is consistent with the county's goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit." One time costs of \$1,500 which are over and above the \$6,000 allotment from Community Development Funds, will be borne by the Kenwood Park Lighting District as part of their annual assessment. The \$1,500 will be recovered with a payback period extending over the first 5 years after formation of the district.

Public Works staff time includes time to: coordinate the project, write the Engineer's Report, write a legal boundary description and create a legal map, conduct an assessment ballot procedure, and write Agenda Items, Resolutions, and Notices for Stanislaus County Board of Supervisor Meetings, and meeting attendance. Assessment ballot costs include supplies and postage and staff time to prepare the assessment ballot package and stuff, seal and mail the envelopes. State Board of Equalization fees are set at \$800.

Independent of one time start-up cost is the need for an annual operational reserve referred to as a "dry period reserve". It is an amount equal to 1/2 of annual operating expenses and is used to cover expenses occurring in the first part of the year prior to the receipt of assessment revenue. Assessments are collected twice a year, in December and April. If the district is formed in July and lights energized by the end of August, the first revenue from assessments will not be received until December. The County will front the revenues to cover the expenses during this period, with the district repaying on receipt of assessments in December. An amount will also be added to the assessment over a five-year period to build the reserve needed to cover the "dry period".

B. Operating Cost Estimate Budget Year 2011-2012

The following table is an estimate of projected costs for the 2011-2012 Budget Year.

| ESTIMATED 2011/2012 EXPENSES – KENWOOD PARK LIGHTING DISTRICT | |
|---------------------------------------------------------------------------------------------|-------------------|
| Administration Expense Budget: | |
| Stanislaus County Public Works Administration | \$125.00 |
| Assessor Property Tax Administrative Fee | \$10.20 |
| Total Administration | \$135.20 |
| Maintenance and Operation Expense Budget: | |
| County Public Works Maintenance & Labor | \$0.00 |
| Utilities/Street Lights (Rate for 14 Streetlights 100 watts, TID Owned and Maintained) | \$2,325.12 |
| Total Maintenance and Operation | \$2,325.12 |
| Other Expenses Budget: | |
| Operating Reserve (= 1/2 Annual Operating, Maintenance and Administrative Expenses)/5 Years | \$246.03 |
| 5 Year Start-Up Loan Repay (\$1,500 / 5 years= \$300) | \$300.00 |
| Total Other Expenses: | \$546.03 |
| Total District Budget | \$3,006.35 |

PART III- METHOD OF APPORTIONMENT

Pursuant to the California Constitution Article XIID section 4 (Prop 218), a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. General and special benefits must be separated and the parcel may only be assessed for special benefits received.

A. Benefit Analysis: Identification/Separation of Special and General Benefits

Stanislaus County does not provide streetlights along all its roadways and as a result there is no general lighting benefit to the public at large. The County does, however, manage Lighting Districts formed at the request of property owners or developers to provide street lighting to improve their specific areas.

Some of the special benefits associated with the formation of the Kenwood Park Lighting District and addition of street lighting are:

- Aid to law enforcement efforts;
- Deterrent to crime, gangs, graffiti and vandalism;
- Improved personal and property safety; Increased nighttime visibility; and
- Improved community sense of security and safety for pedestrians, motorists, property owners, and residents.

The ongoing operation, servicing and maintenance of the improvements and facilities are the financial obligation of the properties that requested the special service be provided, not the public at large. The streetlights, and the annual costs of ensuring their maintenance and operation provide a direct, distinct, and special benefit only to the properties within the Kenwood Park Lighting District, therefore, the burden of funding them must rest solely upon the District and as a result, no general benefit, or general funding, has been identified.

B. Benefit Analysis: Assignment of Special Benefit Costs

The proposed street lighting will be implemented, maintained, and continue, solely because the District's property owners and residents petitioned for their installation; and subsequently the District's property owners approved them through an assessment ballot procedure. Were the District to cease to exist, the improvements, services, and expenditures would cease as well. Because the streetlights will provide direct, distinct and special benefits solely to the properties within the District, their associated costs must be allocated equitably only to and among the parcel owners of the proposed district.

The proposed street lighting services were requested by the community's property owners and residents to alleviate neighborhood concerns and create a safer, more secure local environment. Their request was made with the full knowledge that there may not be a streetlight placed directly in front of their parcel due to spacing of existing utility poles and the financial feasibility of placing a streetlight in front of each of the proposed district's 51 parcels. Because the streetlights will benefit the community as a whole, each parcel within the Lighting District benefits equally and will be assigned an equal benefit for assessment purposes.

C. Assessment Formula

The proposed assessment formula has built in flexibility to “automatically” adjust annually to favorable or unfavorable changes in expenses and fund balances. As a consequence, the total amount to levy, and therefore property assessments, may go up or down each year depending upon the previous year’s outcome and the projection for the next year.

The following formulas will be utilized to calculate the annual assessment for each parcel:

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

$$\text{Total Balance to Levy / Total Parcels = Levy Per Parcel}$$

If the proposed formula is approved, it will be utilized indefinitely to compute the District’s parcel assessments.

Operating and maintenance costs include utility costs to operate dusk to dawn lighting and the cost for normal and routine maintenance. It also includes the costs for Stanislaus County Public Works to administer the district. The special benefit assessments proposed to be levied for this district are intended to provide a revenue source for all the maintenance, and servicing of the district’s improvements, including but not limited to, materials, equipment, labor and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. Reconstructions and major renovations shall be dealt with on an individual case by case basis.

The dry period reserve is equal to ½ of the annual operating and maintenance costs. It is the amount needed to cover expenses between July, when the assessment is levied, and December, when the assessment is collected and disbursed. The budget 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 budget year starts on July 1 but the first installment of the assessments will not be collected until December. This creates a 6-month lag (dry period) 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. Any unused portion of the reserve is carried over to the next budget year as fund balance and helps lower the amount of subsequent assessments.

Fund balance from the previous year is the balance as of the close of the previous fiscal year. A positive fund balance will help reduce the district’s overall assessment while a negative fund balance will increase the overall assessment.

Although some older special districts receive a portion of property tax collected by the county, this district is not expected to receive any property tax revenue. However it has been included in the formula to cover the possibility that may change in the future. Any receipt of property tax revenue would help reduce the district’s total balance to levy.

PART IV - PROPOSED BUDGET & ASSESSMENTS

A. PROPOSED BUDGET

| PROPOSED 2011-2012 BUDGET - KENWOOD PARK LIGHTING DISTRICT | |
|-----------------------------------------------------------------------------------------------|-------------------|
| Administration Expense Budget: | |
| Stanislaus County Public Works Administration | \$125.00 |
| Miscellaneous/Other Admin Fees | \$10.20 |
| Total Administration | \$135.20 |
| Maintenance and Operation Expense Budget: | |
| PUBLIC WORKS: | |
| Maintenance & Labor | \$0.00 |
| UTILITIES: | |
| Utilities/Street Lights (Rate for 14 Streetlights 100 watts, TID Owned and Maintained) | \$2,325.12 |
| Total Maintenance and Operation | \$2,325.12 |
| Other Expenses Budget: | |
| Capital Improvement Reserve | \$0.00 |
| Total Other Expenses: | \$0.00 |
| Total District Expenses Budget: | \$2,460.32 |
| Revenue and Fund Balance Information: | |
| Beginning Fund Balance (Estimated for 2010/11 Yr End \$0.00) | \$0.00 |
| Capital Improvement Reserve (-) | \$0.00 |
| Available Fund Balance | \$0.00 |
| Adjustments to Available Fund Balance: | |
| Property Tax Revenue | \$0.00 |
| Other Revenues/General Fund (Contributions I.e. Grants) (+) | \$0.00 |
| Total Adjustments | \$0.00 |
| Total Revenue and Fund Balance: | \$0.00 |
| District Assessment Calculation: | |
| Total District Expense Budget/Administration, Public Works, Utilities, Other Expenses | \$2,460.32 |
| Property Tax Revenue and Fund Balance | \$0.00 |
| Expenses Exceeding Revenue and Fund Balance | \$2,460.32 |
| Fund Balance Reserve Requirement (1/2 years expenses to cover 6 month "dry" period) / 5 years | \$246.03 |
| 5 Year Start UP Loan Repay (\$1,500 / 5 Years = \$300) | \$300.00 |
| Balance to Levy on Assessments | \$3,006.35 |
| Total Parcels Being Assessed | 51 |
| Assessment Per Parcel | \$58.94 |
| District Statistics | |
| Proposed Streetlights | 14 |
| Total Parcels | 51 |
| Total Acreage | 12.4 |
| Total Assessable Acreage | |
| Reserve Target | \$1,230.16 |

PART IV – PROPOSED BUDGET AND ASSESSMENTS

B. Proposed Assessment Summary

| SUMMARY ASSESSMENT PER PARCEL -- KENWOOD PARK LIGHTING DISTRICT | |
|-----------------------------------------------------------------------------------------------|------------|
| DESCRIPTION | AMOUNT |
| District's Annual Operating Expense - Admin, Maintenance, Utilities: | \$2,460.32 |
| Fund Balance Reserve Requirement (1/2 years expenses to cover 6 month "dry" period) / 5 years | \$246.03 |
| 5 Year Start Up Loan Repay (\$1,500 / 5 Years = \$300) | \$300.00 |
| Adjustment for Rounding Assessments to Nearest Even Cents | \$0.00 |
| Estimated Funding Required | \$3,006.35 |
| Total Parcels | 51 |
| Calculated Assessment Per Parcel (Estimated Funding Required/Total Parcels) | \$58.94 |

C. Proposed Assessment List By Parcel

The Assessment List By Parcel beginning on the next page of this report is the proposed assessment for Budget Year 2011-2012 apportioned to each of the District's parcels. The Assessment Roll was extracted from the County Assessor's last equalized roll.

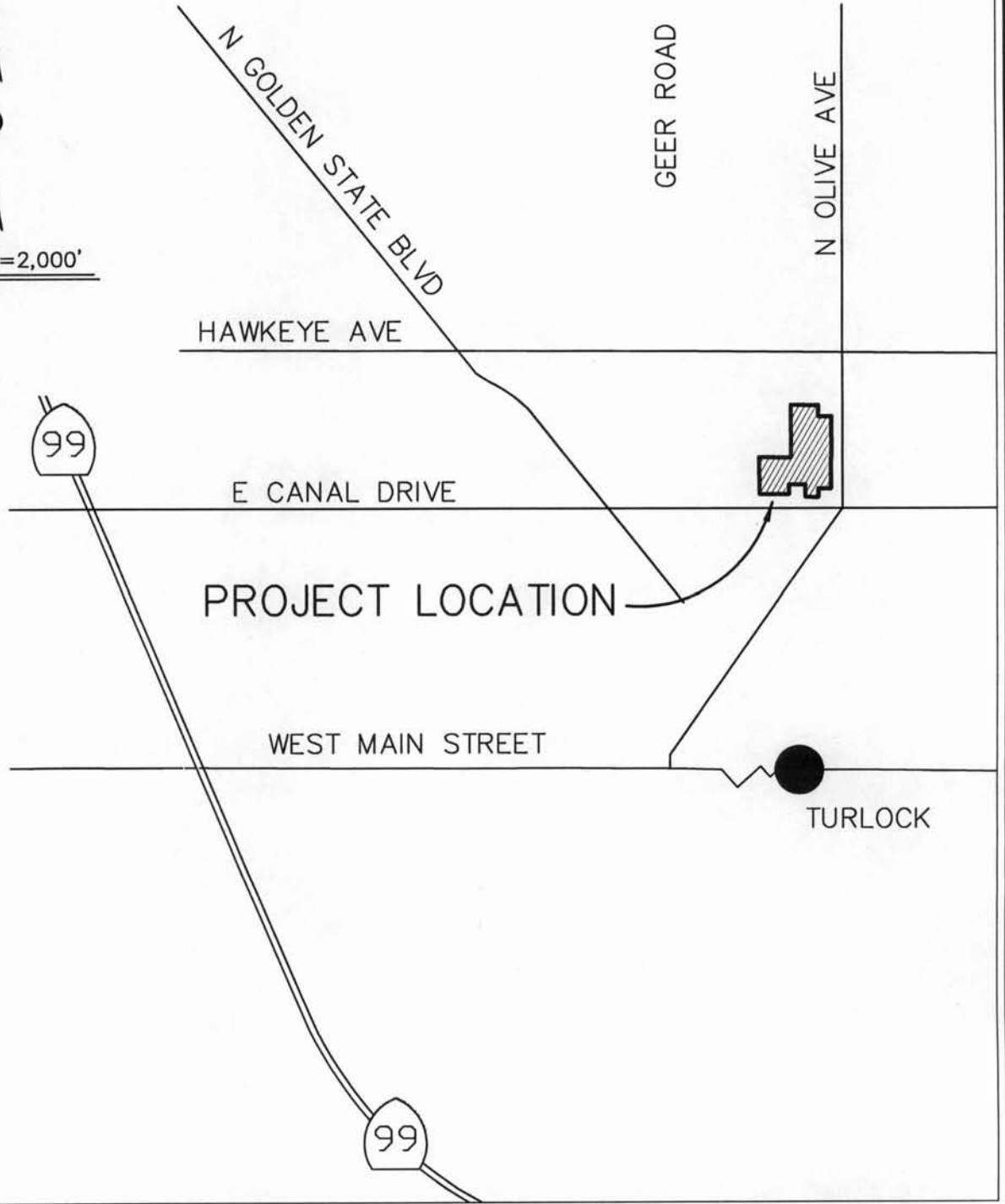
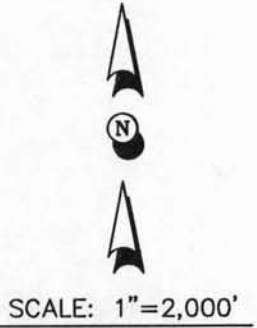
**KENWOOD PARK LIGHTING DISTRICT
PROPOSED ANNUAL ASSESSMENT BUDGET YEAR 2011-2012**
The Assessor's parcels listed below are subject to the annual assessment.

| Count | APN | Assessment |
|-------|-------------|------------|
| 1 | 042-021-005 | \$58.94 |
| 2 | 042-021-007 | \$58.94 |
| 3 | 042-021-008 | \$58.94 |
| 4 | 042-021-009 | \$58.94 |
| 5 | 042-021-010 | \$58.94 |
| 6 | 042-021-011 | \$58.94 |
| 7 | 042-021-013 | \$58.94 |
| 8 | 042-021-014 | \$58.94 |
| 9 | 042-021-015 | \$58.94 |
| 10 | 042-021-016 | \$58.94 |
| 11 | 042-021-017 | \$58.94 |
| 12 | 042-021-018 | \$58.94 |
| 13 | 042-021-019 | \$58.94 |
| 14 | 042-021-020 | \$58.94 |
| 15 | 042-021-021 | \$58.94 |
| 16 | 042-021-022 | \$58.94 |
| 17 | 042-021-024 | \$58.94 |
| 18 | 042-021-043 | \$58.94 |
| 19 | 042-021-044 | \$58.94 |
| 20 | 042-021-048 | \$58.94 |
| 21 | 042-021-049 | \$58.94 |
| 22 | 042-021-050 | \$58.94 |
| 23 | 042-021-051 | \$58.94 |
| 24 | 042-024-009 | \$58.94 |
| 25 | 042-024-010 | \$58.94 |
| 26 | 042-024-011 | \$58.94 |
| 27 | 042-024-013 | \$58.94 |
| 28 | 042-024-014 | \$58.94 |
| 29 | 042-024-015 | \$58.94 |
| 30 | 042-024-022 | \$58.94 |
| 31 | 042-024-023 | \$58.94 |
| 32 | 042-024-024 | \$58.94 |
| 33 | 042-024-025 | \$58.94 |
| 34 | 042-024-026 | \$58.94 |
| 35 | 042-024-027 | \$58.94 |
| 36 | 042-024-028 | \$58.94 |
| 37 | 042-024-029 | \$58.94 |
| 38 | 042-024-030 | \$58.94 |
| 39 | 042-024-031 | \$58.94 |
| 40 | 042-024-032 | \$58.94 |
| | | |

| Count | APN | Assessment |
|-------|-------------|-------------------|
| 41 | 042-024-037 | \$58.94 |
| 42 | 042-024-038 | \$58.94 |
| 43 | 042-024-039 | \$58.94 |
| 44 | 042-024-040 | \$58.94 |
| 45 | 042-024-041 | \$58.94 |
| 46 | 042-024-042 | \$58.94 |
| 47 | 042-024-043 | \$58.94 |
| 48 | 042-024-064 | \$58.94 |
| 49 | 042-024-066 | \$58.94 |
| 50 | 042-024-067 | \$58.94 |
| 51 | 042-024-068 | \$58.94 |
| | | \$3,005.94 |

VICINITY MAP

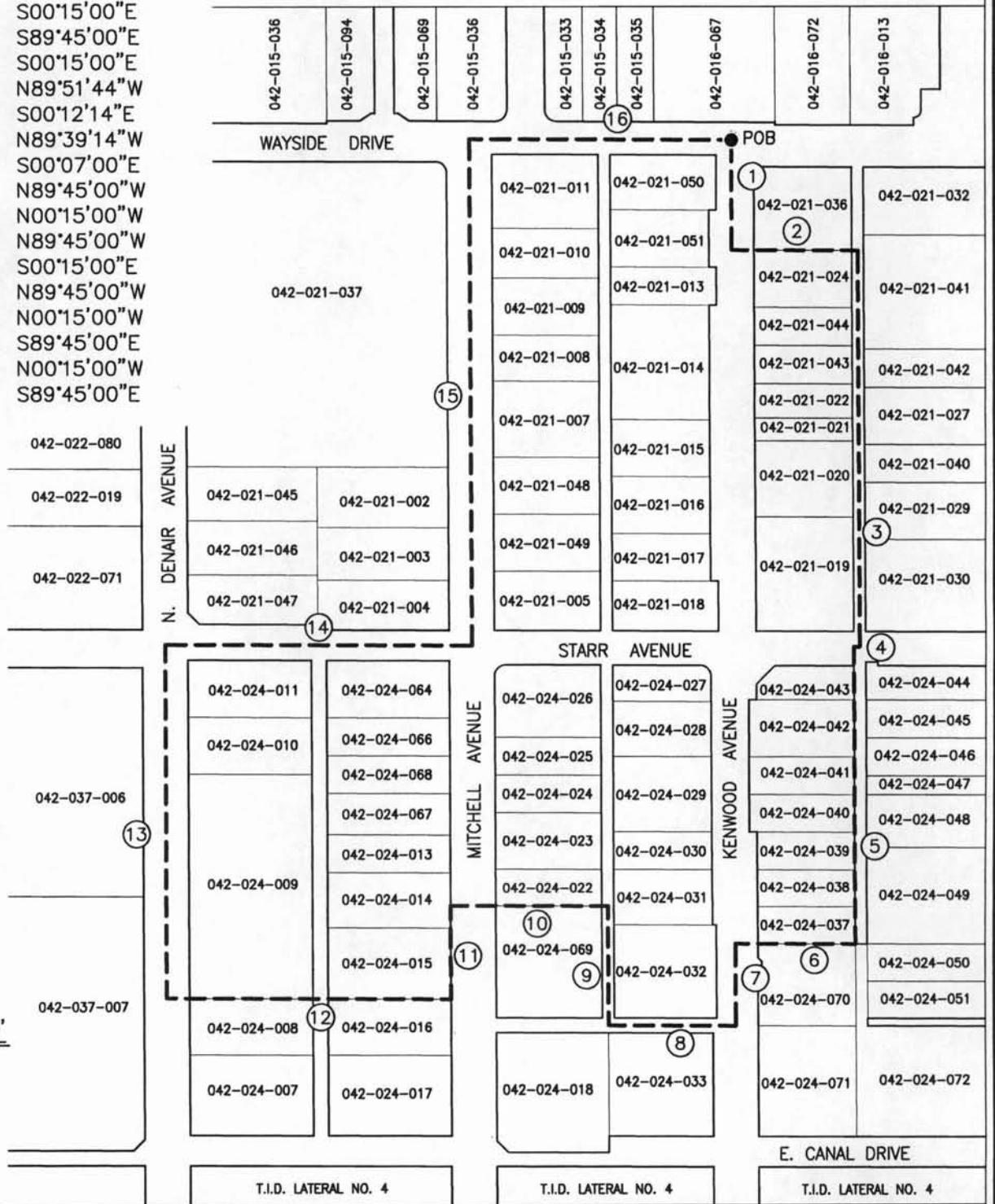
Attachment "A"



FORMATION OF
KENWOOD PARK LIGHTING DISTRICT - 16.37± ACRES
N.W. ¼ SECTION 14, T.5 S. R.10 E.



- 1 140.50' S00°15'00"E
- 2 167.90' S89°45'00"E
- 3 522.50' S00°15'00"E
- 4 7.90' N89°51'44"W
- 5 395.15' S00°12'14"E
- 6 158.98' N89°39'14"W
- 7 109.70' S00°07'00"E
- 8 167.90' N89°45'00"W
- 9 159.67' N00°15'00"W
- 10 207.90' N89°45'00"W
- 11 125.00' S00°15'00"E
- 12 375.00' N89°45'00"W
- 13 470.00' N00°15'00"W
- 14 406.60' S89°45'00"E
- 15 670.00' N00°15'00"W
- 16 330.60' S89°45'00"E



**FORMATION OF
KENWOOD PARK LIGHTING DISTRICT - 16.37± ACRES
N.W. ¼ SECTION 14, T.5 S. R.10 E.**



LEGAL DESCRIPTION

KENWOOD PARK LIGHTING DISTRICT

All that portion of Section 14, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the intersection of the centerline of Kenwood Avenue with the centerline of Wayside Avenue and being the northwest corner of the Kenwood #2 Annexation to the City of Turlock:

- 1: thence South 0°15'00" East, on the west line of said Kenwood #2 Annexation, 140.50 feet;
- 2: thence South 89°45'00" East, on the south line of said Kenwood #2 Addition, 167.90 feet to the west line of the Wayside Addition to the City of Turlock;
- 3: thence South 0°15'00" East, on said west line of said Wayside addition, 522.5 feet to the north line of the Berger Reorganization to the City of Turlock;
- 4: thence North 89°51'44" West, on said north line of said Berger Reorganization to the City of Turlock, 7.90 feet to the west line of said Berger Reorganization to the City of Turlock;
- 5: thence South 0°12'14" East, on said west line of said Berger Reorganization to the City of Turlock, 395.15 feet to the north line of the Kenwood Avenue Addition to the City of Turlock;
- 6: thence North 89°39'14" West, on said north line of said Kenwood Avenue Addition to the City of Turlock, 158.98 feet to the west line of said Kenwood Avenue Addition to the City of Turlock;
- 7: thence South 0°07'00" East, on said west line of said Kenwood Avenue Addition to the City of Turlock, 109.70 feet to the north line of the Canal Drive Addition No. 1 to the City of Turlock;
- 8: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 1 to the City of Turlock, 167.9 feet;
- 9: thence continue North 0°15'00" West, on the boundary of said Canal Drive Addition 1 to the City of Turlock and the Church of Christ of Canal Drive Annexation to the City of Turlock, 159.67 feet to the north line of said Church of Christ of Canal Drive Annexation to the City of Turlock;

- 10: thence North 89°45'00" West, on said north line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 207.90 feet;
- 11: thence South 0°15'00" East, on the west line of said Church of Christ of Canal Drive Annexation to the City of Turlock, 125.00 feet to the north line of Canal Drive Addition No. 2 to the City of Turlock;
- 12: thence North 89°45'00" West, on said north line of said Canal Drive Addition No. 2 to the City of Turlock, 375.00 feet;
- 13: thence continue on the boundary of said Canal Drive Addition No. 2 to the City of Turlock, North 0°15'00" West, a distance of 470.00 feet, to the south line of the Wayside Addition No. 3 to the City of Turlock;
- 14: thence South 89°45'00" East, on the south line of said Wayside Addition No. 3 to the City of Turlock, 406.6 feet to the west line of said Wayside Addition No. 3 to the City of Turlock;
- 15: thence North 0°15'00" West, on said east line of said Wayside Addition No. 3 to the City of Turlock, 670.00 feet to the south line of Wayside Addition No. 4 to the City of Turlock;
- 16: thence South 89°45'00" East, on said south line of said Wayside Addition No. 4 to the City of Turlock and the south line of Wayside Addition No. 3 to the City of Turlock, 330.60 feet to the point of beginning.

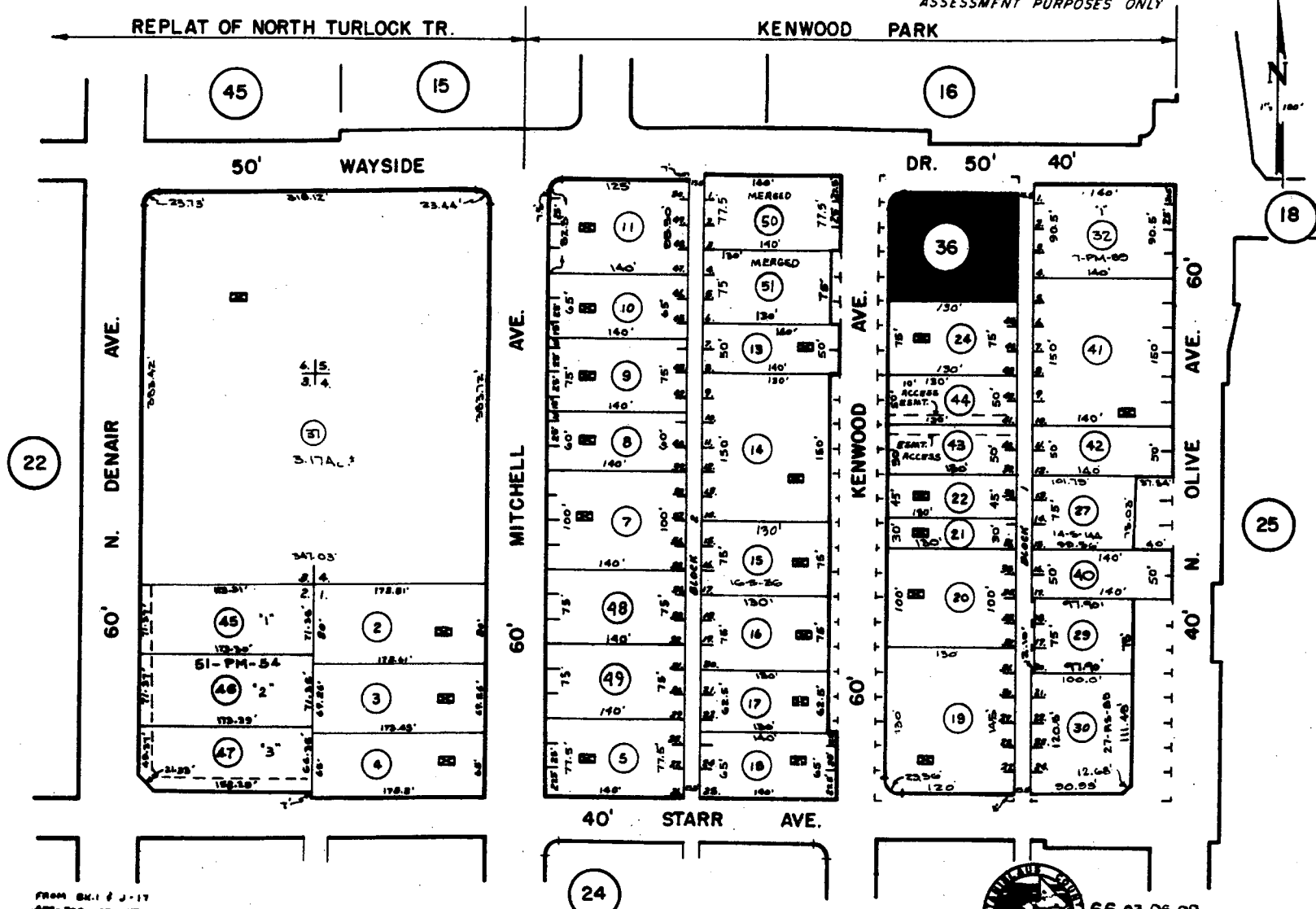
POR. NW 1/4 SECTION 14 T.5 S.R.10E.M.D.B. & M.
 REPLAT OF NORTH TURLOCK TRACT - LOTS 1-6
 KENWOOD PARK - BLOCKS 1 & 2

101 000
 007 000
 007 046

42-21

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY

Attachment "B"



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FROM BK. 1 & J. 17
 REC. MAPS VOL. 8 PG. 46
 8-12-68, UPDATED 8-28-86, 10-10-02 MF, 11-15-02 DH, 11-26-02 MB, 7-15-05 OH, 3-18-08 DH, 5-28-10 MB.



66,03,06,09

42-21

POR. NW. 1/4 SECTION 14 T.5S. R.10E. M.D.B.& M.

KENWOOD PARK - BLKS. 3 - 6 (04M44)

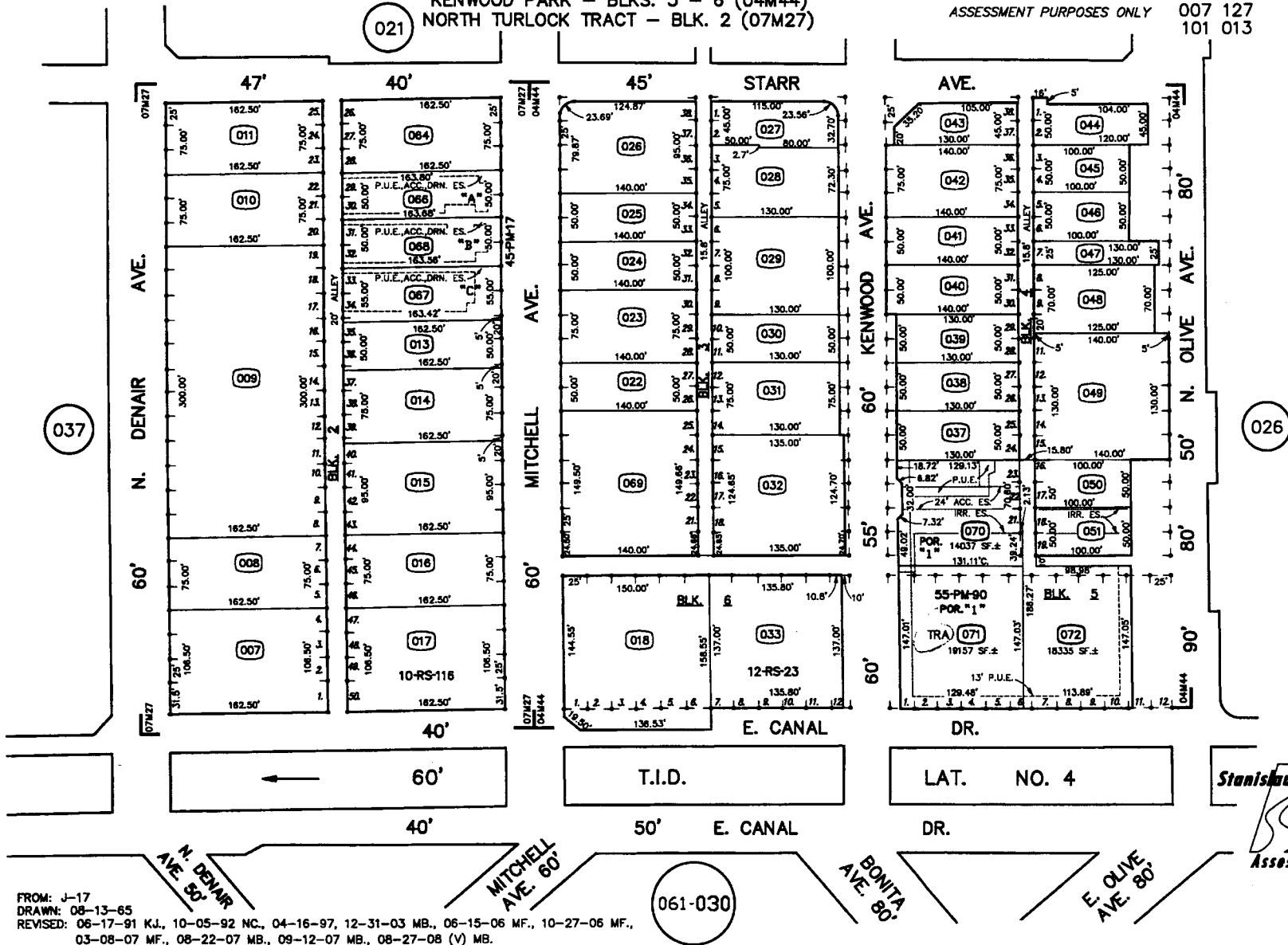
NORTH TURLOCK TRACT - BLK. 2 (07M27)

THIS MAP FOR
ASSESSMENT PURPOSES ONLY

007 038
007 062
007 127
101 013

042 - 024

Attachment "B"



FROM: J-17
DRAWN: 08-13-65
REVISED: 06-17-91 K.J., 10-05-92 NC., 04-16-97, 12-31-03 MB., 06-15-06 MF., 10-27-06 MF.,
03-08-07 MF., 08-22-07 MB., 09-12-07 MB., 08-27-08 (V) MB.

Stanislaus
County
Assessor
66,04,09