

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

DEPT: Public Works

BOARD AGENDA:6.C.2  
AGENDA DATE: September 18, 2018

**SUBJECT:**

Approval to Amend the Annexation of the Valley BMW/KIA and Valley Lexus properties to County Service Area No. 20 Summit (CSA 20) and Establish Zones of Benefit

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2018-0462**

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. CSA-20-7

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:6.C.2  
AGENDA DATE: September 18, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

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**SUBJECT:**

Approval to Amend the Annexation of the Valley BMW/KIA and Valley Lexus properties to County Service Area No. 20 Summit (CSA 20) and Establish Zones of Benefit

**STAFF RECOMMENDATION:**

1. Find that the area previously included in the Legal Description of Valley BMW/KIA and Valley Lexus properties (Zone 2) Assessor Parcel Number (APN) 046-011-074 is not a part of the project and shall be excluded from the Legal Description and map and the Engineer's Report for the Fiscal Year 2019-2020 and subsequent years.
2. Find that the Amendment will not produce a change in the existing assessment methodology for County Service Area No. 20 Summit (CSA 20) Corporate Center Industrial Park subdivision (Zone 1) and the approved annexation of Valley BMW/KIA and Valley Lexus properties (Zone 2).
3. Amend the resolution of application to the Stanislaus County Local Agency Formation Commission (LAFCO) made pursuant to Government Code sections 56654 and 25217.
4. Order that, subject to LAFCO approval of the annexation, Assessor Parcel Number (APN) 046-011-074 shall be excluded from the Fiscal Year 2019-2020 annual assessments and subsequent years.
5. Approve the amended Engineers Report for County Service Area No. 20 Summit (CSA 20) Corporate Center Industrial Park subdivision (Zone 1) and the approved annexation of Valley BMW/KIA and Valley Lexus properties (Zone 2).

**DISCUSSION:**

The annexation of Assessor Parcel Number (APN) 046-011-074 into County Service Area No. 20 Summit (CSA 20) was approved on June 26, 2018 along with seven other commercial lots known as Valley BMW/KIA and Valley Lexus. The property was considered a part of the project based on a Condition of Approval (COA) for Rezone Application No. 2004-11 and Parcel Map Application No. 2004-30 for Valley Lexus.

After the annexation was approved, Public Works staff found that in 2015, the subject parcel had been sold to Wood Brothers Properties, LLC, which made it exempt from the annexation. To include the Wood Brothers Property into this annexation would take their written consent and we do not have that at this time.

If the amendment to the original annexation is approved, APN 046-011-074 will be excluded from the project. The reformed annexed area will include seven commercial lots known as Valley BMW/KIA and Valley Lexus and will total approximately 15.05 acres.

**POLICY ISSUE:**

State of California Government Code, section 25212 authorizes the Board of Supervisors to be the governing body for County Service Areas within their county.

**FISCAL IMPACT:**

There is no fiscal impact associated with this Amendment. The Valley BMW/KIA project costs for the first year of operations and maintenance was approved by the Board on June 26, 2018.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommendations are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by amending the annexation into County Service Area No. 20 Summit, thereby allowing the developers to comply with County storm drainage system standards and the conditions of approval for their projects.

**STAFFING IMPACT:**

Existing Public Works staff will coordinate the project with the Local Agency Formation Commission (LAFCO).

**CONTACT PERSON:**

David Leamon, Interim Public Works Director

Telephone: (209) 525-4153

**ATTACHMENT(S):**

1. 2019-2020 Amended Engineer's Report CSA No. 20-Summit Subdivision
2. Consent Form-Valley BMW/KIA and Valley Lexus
3. Amended Exhibit A-Legal Description for Valley BMW/KIA and Valley Lexus
4. Amended Exhibit B-Boundary Map for Valley BMW/KIA and Valley Lexus
5. Amended Resolution CSA 20-Summit Subdivision

**COUNTY SERVICE AREA NO. 20**  
**AMENDED ANNUAL ENGINEER'S REPORT**

**SUMMIT SUBDIVISION, MODESTO**

**FISCAL YEAR 2019-2020**

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**AMENDED ENGINEER'S REPORT AFFIDAVIT**

County of Stanislaus, State of California

**CSA NO. 20 – SUMMIT SUBDIVISION**

This report describes the CSA and all relevant zones therein including the budget(s), parcels and assessments to be levied for the Fiscal Year 2019-2020. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the County Service Area (CSA).

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

Dated this 23<sup>rd</sup> day of August, 2018



DAVID LEAMON, PE, INTERIM PUBLIC WORKS DIRECTOR  
Construction Administration/Operations  
Stanislaus County Department of Public Works



**COUNTY SERVICE AREA NO. 20  
AMENDED ANNUAL ENGINEER'S REPORT  
FISCAL YEAR 2019-2020**

**INTRODUCTION:**

County Service Area No. 20 (CSA 20) was established in January 2003, to provide extended maintenance service for the storm drain system within the Summit Corporate Center industrial park subdivision. The County accepted the subdivision improvements for Phase 1 and 2 on July 22, 2003 and March 2, 2004, respectively. As a result of these acceptances, the County has been maintaining all of these subdivision improvements including, but not limited to, the storm drain system since 2004. On September 18, 2018, the amended annexation of seven commercial parcels known as Valley BMW/KIA and Valley Lexus and establishing zones of benefits was approved by the Board of Supervisors.

Government Code Section 25210.77(A) requires that a written report containing a description of each parcel of real property receiving the particular extended service and the amount of the assessment for each parcel be prepared once a year and filed with the Clerk of the Board of Supervisors.

**PART I – PLANS AND SPECIFICATIONS**

**A. Description of the service area**

There are total of 46 parcels within CSA 20 consisting of: Summit subdivision (38 industrial lots and a storm drain basin Lot "A") and Valley BMW/KIA and Valley Lexus subdivision (7 industrial lots); amended assessor maps are attached hereto as amended exhibits "B" and "B1". This industrial development encompasses an area of land totaling approximately 44.50 acres of Summit subdivision (Zone 1) of which 35.96 acres are to be levied and 15.05 acres of Valley BMW/KIA and Valley Lexus subdivision (Zone 2) of which 13.54 acres are to be levied. The boundary of CSA 20 is shown on Amended Exhibits "A" and "A1" that are attached hereto and made a part of this Amended Engineer's Report. The development is generally located:

Summit subdivision

- North of Pelandale Avenue
- South of Bangs Avenue
- West of McHenry Avenue;

BMW/KIA/Lexus subdivision

- South of Spyres Way
- West of Galaxy Way
- East of Galaxy Way

**B. Description of Improvements and Services**

The purpose of this CSA is to insure the ongoing maintenance, operation, and servicing of the storm drain basin and storm drain system. The special benefit assessments to be levied for this CSA 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 maintenance, operation, and servicing of the storm drain system are funded entirely or partially through the service area assessments and generally described as:

- Periodic cleaning and maintenance (as needed) on 140 linear feet of 8 inch pipe, 870 linear feet of 18 inch pipe, 937 linear feet of 24 inch pipe, 300 linear feet 30 inch pipe, 315 linear feet of 48 inch pipe;
- Periodic cleaning and maintenance of 19 catch basins, 10 manholes, and 23 rock wells;
- Repair curb and gutter as needed to maintain the storm drain system (8,781 linear feet of curb and gutter);
- Periodic streets sweeping to prevent build-up of silt and other damaging materials to the storm drain system. All debris is contained and hauled offsite with containment bins;
- Annual repairs and general maintenance to the storm drain basin (erosion control, weed spraying, grading/excavation as needed);
- Remove silt build up next to the wall of the separator with the use of the vector.

## **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 for the CSA 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 XIID 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 CSA have been identified as necessary, required and/or desired for the orderly development of the properties within the CSA 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 and the ongoing operation, servicing and maintenance of the improvements and facilities would be the financial obligation of those properties. Therefore, the storm drain facilities and the infrastructure, and the annual costs of ensuring the maintenance and operation of these improvements provide special benefits to the properties within the CSA.

Each parcel receives benefit from the extended storm drainage based on the parcel's net acreage. The extended storm drainage only provides a special benefit to the parcels within CSA 20, therefore, no general benefit has been assigned. The annual assessment is levied without regard to property valuation.

### **B. Assessment Methodology**



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

Upon review of the proposed improvements it has been determined that each of the residential parcels within the CSA receives special benefits from all the improvements to be funded by annual assessments. Based on the planned property development a single zone of benefits is appropriate for the allocation of the assessments and proportional benefit. The parcels within the CSA 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 CSA'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 CSA. 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 CSA, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the CSA.

#### **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 parcel's 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 CSA, 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 per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to the APN. There is not an adjustment factor for 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 CSA. 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);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts or other publicly owned properties that are part of the CSA improvements or that have little or no improvement value;
- Private properties that cannot be developed independently for an adjacent property, such as common areas, sliver parcels or 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 CSA's where multiple land use classifications are involved, there are 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**

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

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

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

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 parcel's proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU's} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

## **PART III – BUDGET ANALYSIS**

### **A. Fund Balance**

It is estimated that there will be a fund balance on June 30, 2019 of \$23,397 for Summit Subdivision (Zone 1). This amount was generated in order to have funds available for capital improvements in the storm drainage system. Based on operating experience, this fund balance can be reduced while still being adequate for future capital needs.

The first year of operations and maintenance for BMW/KIA/Lexus annexed properties (Zone 2) will be covered entirely by the properties developer/subdivider. Starting Fiscal Year 2019-2020, the properties will be assessed, and ongoing operation and maintenance costs associated with the CSA No. 20 will be borne by the County Service Area. The first year operations and maintenance costs for BMW/KIA/Lexus (Zone 2) are estimated to be \$4,334. The remaining funds will be transferred to the CSA 20 fund in the end of Fiscal Year 2018-2019 and become an available fund balance for the subsequent year.

The threat to stormwater quality comes from the urbanized areas within the County, which the CSA's encompass. The County is mandated by the State Water Resources Control Board, Water Quality Order No. 2013-0001-DWQ to regulate stormwater within these urbanized areas. The CSA's receive additional services above the General Benefit for the following permit areas: Education and Outreach (E.7), Public Involvement and Participation Program (E.8), Illicit Discharge Detection and Elimination Program (E.9), Post-Construction Stormwater Management Program (E.12), Water Quality Monitoring (E.13), Program Effectiveness Assessment and Improvement (E.14), Total Maximum Daily Loads Compliance Requirements (E.15) and the Annual Reporting Program (E.16).

The fee structure to implement the state requirements has not been determined for Fiscal Year 2019-2020. An estimated annual fee of \$5 per parcel is included in this year's budget. Any surplus or shortfall will be adjusted in future calculations.

The fiscal year is the 12-month period from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year. The annual assessment is received with property taxes collected in December and April. This means the fiscal year starts on July 1<sup>st</sup> but the first installment of the annual assessment will not be collected until December, creating a 6-month lag in receiving the money necessary to maintain the various services provided. Therefore, a reserve of \$4,240, for Summit Subdivision (Zone 1) and \$1,969 for BMW/KIA/Lexus (Zone 2) of available fund balance will be carried forward to cover costs from July 1<sup>st</sup> to December 31<sup>st</sup>.

The Public Works maintenance expenses will slightly increase for drain basin maintenance for Fiscal Year 2019-2020, which is due to increase of the labor cost and the cost of rent of the equipment. The assessment for Fiscal Year 2019-2020 is \$234.42 per net acre for Summit Subdivision (Zone 1) and \$290.90 per net acre for BMW/KIA/Lexus (Zone 2). This assessment for Zone 1 is the same as the Fiscal Year 2018-2019 assessment. The proposed budget includes the use of \$49 of existing fund balance for Summit Subdivision (Zone 1) to offset operating costs thereby keeping the annual assessment unchanged.

### **B. Budget Formula**

Proposition 218, a statewide initiative approved by the voters in November 1996, requires property owners approve any change in the method of calculating assessment and any

increase in rate through a ballot procedure. An assessment ballot procedure occurred during the formation of CSA 20. A majority protest was not filed regarding the formula for calculating the annual assessment and the levy of the annual assessment to pay for the services provided by CSA 20. Therefore, the formula for calculating the annual assessment has been approved and is in place. The formula that is being used to calculate the assessments is as follows:

**Total Operation & Maintenance Cost - Use of Fund Balance / Total Acreage  
= Levy per Acre**

**Parcel Acreage x Levy per Acre  
= Parcel Assessment**

## PART IV - SERVICE AREA BUDGET

EXPENSE DESCRIPTION	SUMMIT (Zone 1)	BMW/KIA/LEXUS (Zone 2)
<b>ADMINISTRATION</b>		
County Administration	\$ 515	\$ 105
Miscellaneous/Other Admin Fees	\$ -	\$ -
Total	\$ 515	\$ 105
<b>PARKS &amp; RECREATION</b>		
Parks Labor	\$ -	\$ -
Parks Utilities	\$ -	\$ -
Parks Other Supplies	\$ -	\$ -
Total	\$ -	\$ -
<b>PUBLIC WORKS</b>		
Pond Excavation	\$ -	\$ -
SWRCB Permit Requirement	\$ 195	\$ 35
Cleaning Drainage System	\$ 1,300	\$ 1,506
Street Sweeping	\$ 6,200	\$ 2,320
Curb & Gutter Repair	\$ -	\$ -
Weed Spraying	\$ 1,223	\$ 330
Erosion Control	\$ -	\$ -
Utilities	\$ -	\$ -
Total	\$ 8,918	\$ 4,191
Capital Improvement Reserve	\$ -	\$ -
General Benefit	\$ (954)	\$ (357)
Total Administration, Parks & Rec, Public Works Budget	\$ 8,479	\$ 3,939
<b>Fund Balance Information</b>		
Beginning Fund Balance (Estimated for 2019-20)	\$ 23,397	\$ -
Capital Improvement Reserve (-)	\$ -	\$ -
Available Fund Balance	\$ 23,397	\$ -
<b>Adjustments to Available Fund Balance</b>		
General Fund (or PW) Loan Repayment/Advance (+)	\$ -	\$ -
Other Revenues/General Fund (Contributions I.e. Grants) (+)	\$ -	\$ -
Capital Improvement Expenditure (pumps etc.) (-)	\$ -	\$ -
6 Months Operating Reserve (-)	\$ (4,240)	\$ (1,969)
Use of Fund Balance for FY 2019/20 (-)	\$ (49)	\$ -
Contingency Reserve (-)	\$ -	\$ -
Total Adjustments	\$ (4,289)	\$ (1,969)
Remaining Available Fund Balance	\$ 19,108	\$ (1,969)
Total Administration, Parks & Rec, Public Works Budget	\$ 8,479	\$ 3,939
Use of Fund Balance (-)	\$ (49)	\$ -
Balance to Levy	\$ 8,430	\$ 3,939
<b>District Statistics</b>		
Total Parcels	39	7
Parcels Levied (acres)	39	7
Total EBU	35.96	13.54
Levy EBU	\$ 234.42	\$ 290.90
Capital Reserve Target	\$ -	\$ -

## **PART V - ASSESSMENTS**

2019-2020 Assessment (Summit Subdivision (Zone 1)) = \$8,429.74 / 35.96 net acres = \$234.42 per net acre;

2019-2020 Assessment (BMW/KIA/Lexus Subdivision (Zone 2)) = \$3,938.79 / 13.54 net acres = \$290.90 per net acre;

2018-2019 Assessment (Summit Subdivision (Zone 1)) = \$8,427.40 / 35.95 net acres = \$234.42 per net acre.

A method for calculating the annual assessment has been approved per Proposition 218, therefore no ballot procedure is necessary to approve any change in assessment. The Fiscal Year 2019-2020 assessment is in compliance with Proposition 218.

The parcels subject to the assessment are listed on Exhibit "D" that is attached hereto and made a part of this Amended Engineer's Report.

**Exhibit "A"**  
**COUNTY SERVICE AREA No. 20 – SUMMIT**

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

Commencing at the East Quarter Corner of said Section 5, thence North 88°43'03" West along the north line of the Southeast 1/4 of said Section 5, said 1/4 section line also being the centerline of Bangs Avenue, as shown on Berberian Parcel Map filed for record in Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_ of Official Records, Stanislaus County Records, a distance of 454.14 feet, to a point of intersection with the northerly extension of the east line of said Berberian Parcel Map, said point of intersection being the **POINT OF BEGINNING**; thence along the boundary of said Berberian Parcel Map, the following 10 courses:

1. South 01°16'50" West, along the east line of said Berberian Parcel Map and the northerly extension, a distance of 393.66 feet, to a point on the north line of Modesto Irrigation District Lateral No. 6;
2. thence South 56°59'46" West, along the north line of said Modesto Irrigation District Lateral No. 6, a distance of 151.71 feet, to a point on east line of the deed filed for record as Instrument No. 90-088310 of Official Records, Stanislaus County Records;
3. thence North 01°14'02" West, along the east line of said Instrument No. 90-088310, a distance of 29.82 feet;
4. thence South 88°45'58" West, along the north line of said Instrument No. 90-088310, a distance of 30.00 feet;
5. thence South 01°14'02" East, along the west line of said Instrument No. 90-088310, a distance of 48.40 feet, to a point on the north line of said Modesto Irrigation District Lateral No. 6;
6. thence South 56°59'46" West, along the north line of said Modesto Irrigation District Lateral No. 6, a distance of 384.19 feet;
7. thence South 65°54'43" West, along the north line of said Modesto Irrigation District Lateral No. 6, a distance of 986.31 feet, to a point on the north line of deed recorded as Instrument No. 99-0115461-00 of Official Records, Stanislaus County Records, said point being a point of curvature, non-tangent to the preceding course, concave southerly, having a radius of 5067.50 feet, of which said radius bears South 07°54'36" West;
8. thence westerly along the arc of said curve, through a central angle of 06°39'04", an arc distance of 588.27 feet;
9. thence North 88°44'29" West, along the north line of said Instrument No. 99-0115461-00, a distance of 152.17 feet, to a point on the east right-of-way line of Union Pacific Railroad, being 30.00 feet east of and parallel with the west line of the Southeast 1/4 of said Section 5;



10. thence North  $01^{\circ}10'49''$  West, along the east right-of-way line of said Union Pacific Railroad, a distance of 1105.25 feet, to a point on north line of the Southeast 1/4 of said Section 5;
11. thence South  $88^{\circ}43'03''$  East, along the north line of the Southeast 1/4 of said Section 5, also being the centerline of Bangs Avenue, a distance of 2149.73 feet, to the Point of Beginning.

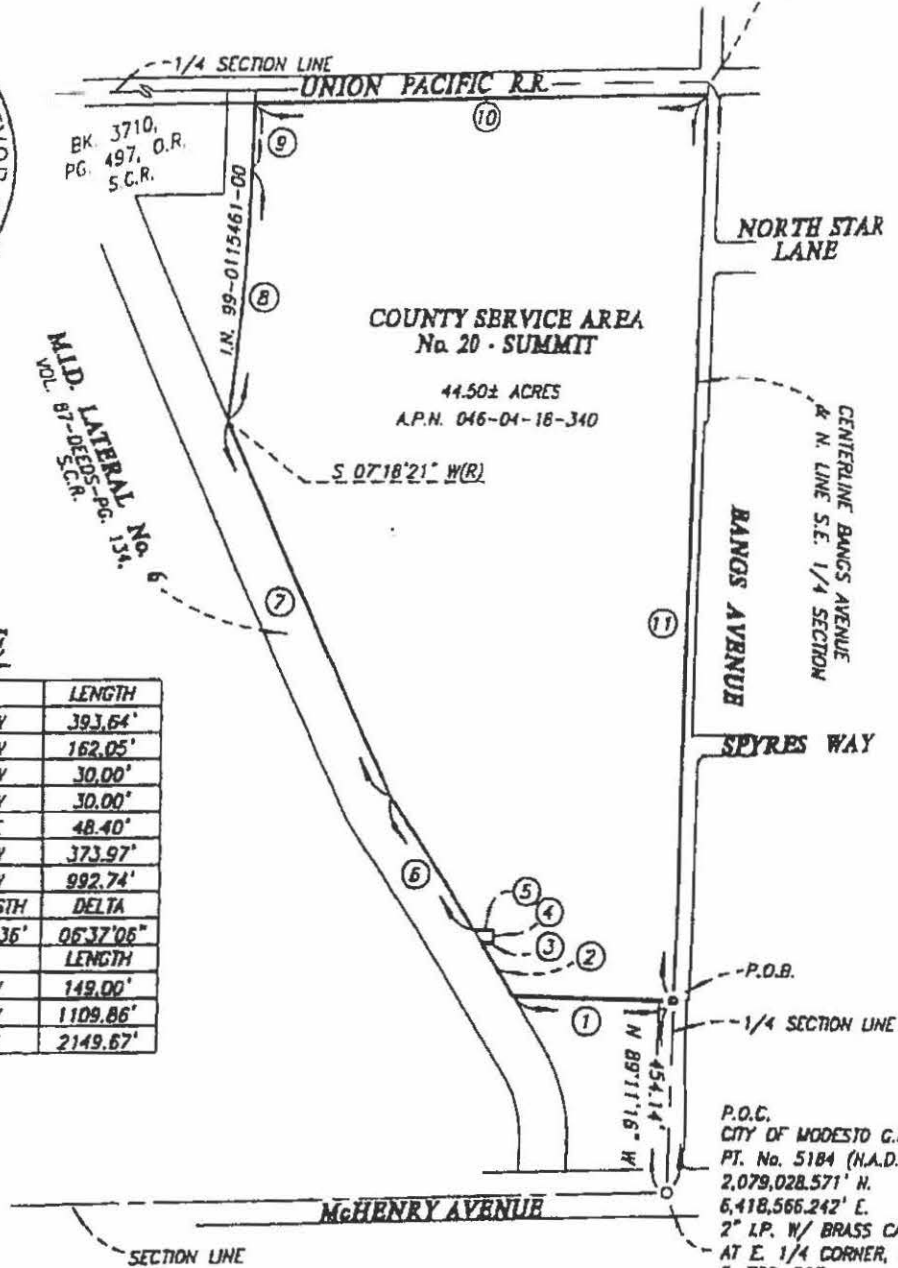
Containing 44.43 acres, more or less.

END OF DESCRIPTION

SCALE: 1"=400'



N.W. CORNER OF S.E. 1/4,  
SEC 5, T3S, R9E,  
M. D. B. & M.



**COURSE TABLE**

COURSE	BEARING	LENGTH
1	S 00°48'44" W	393.64'
2	S 56°30'58" W	162.05'
3	N 01°37'22" W	30.00'
4	S 88°02'38" W	30.00'
5	S 01°37'22" E	48.40'
6	S 56°30'58" W	373.97'
7	S 65°25'55" W	992.74'
8	RADIUS	LENGTH DELTA
	5067.50'	585.36' 06°37'06"
9	BEARING	LENGTH
	N 89°18'43" W	149.00'
10	N 01°38'55" W	1109.86'
11	S 89°11'16" E	2149.67'

P.O.C.  
CITY OF MODESTO C.P.S.  
PT. No. 5184 (N.A.D. 83)  
2,079,028.571' N.  
6,418,566.242' E.  
2" I.P. W/ BRASS CAP  
AT E. 1/4 CORNER, SEC.  
5, T3S, R9E,  
M. D. B. & M.

SCALE : 1"=400'  
DRAWN BY : W. PAUL  
FILE : 6410LEG\_REV.DWG  
DATE : OCTOBER 4, 2002



**O'Dell Engineering**

1155 Scenic Drive Modesto, CA 95354  
(208) 571-1785 FAX: (208) 571-2466

**EXHIBIT "A"**  
**COUNTY SERVICE**  
**AREA No. 20 - SUMMIT**  
PORTION OF THE SOUTHEAST QUARTER,  
SECTION 5, TOWNSHIP 3 SOUTH,  
RANGE 9 EAST, MDB & M  
STANISLAUS COUNTY CALIFORNIA



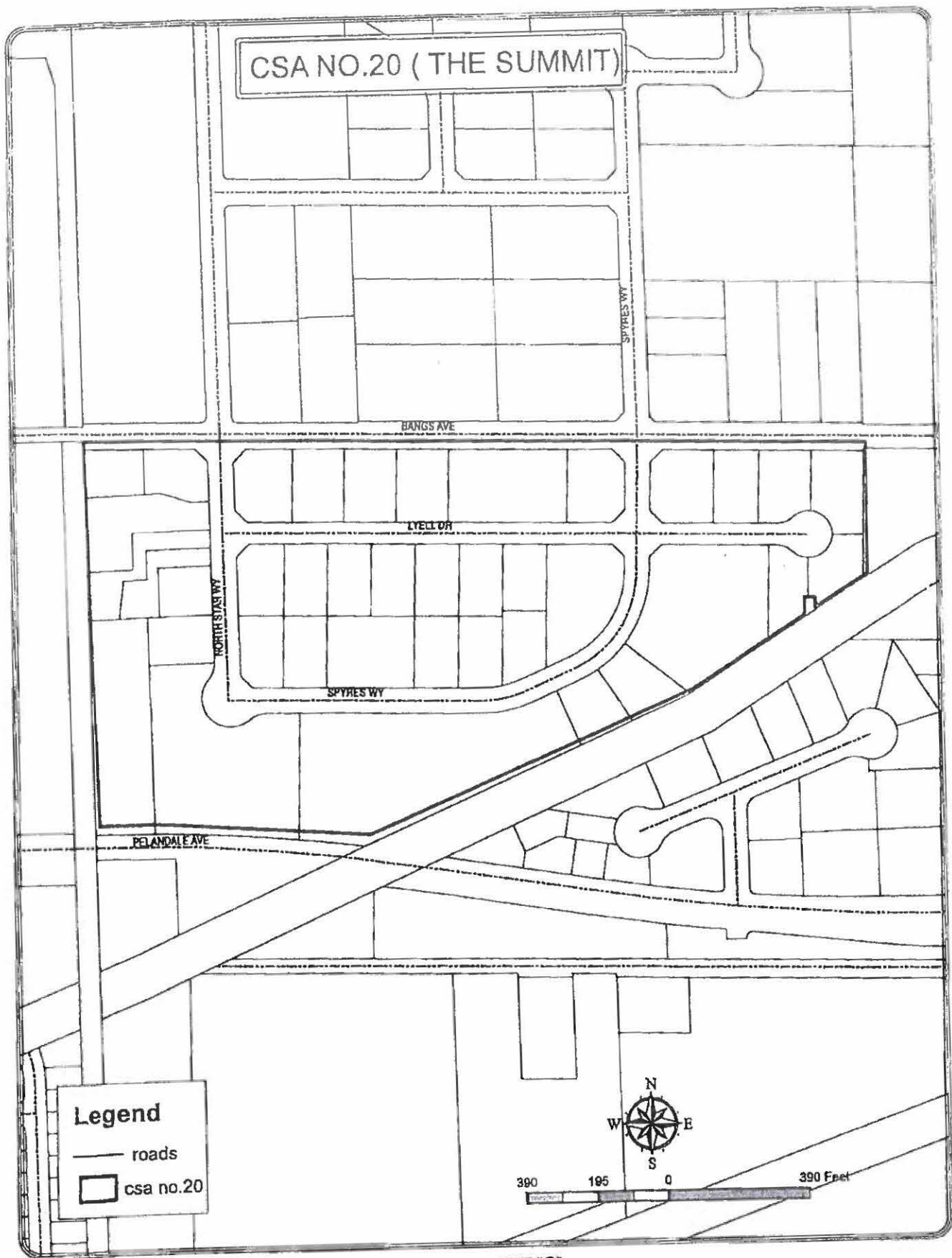


EXHIBIT "C"

**AMENDED EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 20**  
**SUMMIT SUBDIVISION, MODESTO**  
**FISCAL YEAR 2019-2020**

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

A.P.N.	ASSESSMENT	EBU	A.P.N.	ASSESSMENT	EBU
046-004-023 (0.70 acres)	\$164.09	0.70	046-004-058 (0.55 acres)	\$128.93	0.55
			046-004-059 (0.54 acres)	\$126.59	0.54
046-004-028 (0.50 acres)	\$117.21	0.50	046-004-060 (0.55 acres)	\$128.93	0.55
046-004-029 (0.54 acres)	\$126.59	0.54			
046-004-030 (2.78 acres)	\$651.69	2.78	046-004-064 (4.65 acres)	\$1,090.05	4.65
046-004-031 (0.62 acres)	\$145.34	0.62	046-004-065 (1.10 acres)	\$257.86	1.10
046-004-032 (0.53 acres)	\$124.24	0.53	046-004-066 (0.46 acres)	\$107.83	0.46
			046-004-067 (0.47 acres)	\$110.18	0.47
046-004-035 (0.55 acres)	\$128.93	0.55	046-004-068 (0.61 acres)	\$143.00	0.61
046-004-036 (0.51 acres)	\$119.55	0.51	046-004-069 (1.05 acres)	\$246.14	1.05
046-004-037 (1.31 acres)	\$307.09	1.31	046-004-070 (0.48 acres)	\$112.52	0.48
046-004-038 (0.51 acres)	\$119.55	0.51	046-004-071 (0.53 acres)	\$124.24	0.53
046-004-039 (0.55 acres)	\$128.93	0.55	046-004-073 (1.03 acres)	\$241.45	1.03
			046-004-074 (.53 acres)	\$124.24	0.53
046-004-041 (2.19 acres)	\$513.38	2.19	046-004-075 (1.10 acres)	\$257.86	1.10
			046-004-076 (0.65 acres)	\$152.37	0.65
			046-004-077 (2.88 acres)	675.13	2.88
046-004-044 (1.49 acres)	\$349.29	1.49	SUMMIT	\$4,027.34	17.18
046-004-045 (0.65 acres)	\$152.37	0.65			
046-004-046 (0.65 acres)	\$152.37	0.65	046-010-036 (2.31 acres)	\$671.98	2.31
046-004-047 (0.65 acres)	\$152.37	0.65	046-010-037 (3.57 acres)	\$1,038.51	3.57
046-004-048 (0.72 acres)	\$168.78	0.72	046-010-038 (0.85 acres)	\$247.27	0.85
			046-010-039 (0.85 acres)	\$247.27	0.85
046-004-050 (0.58 acres)	\$135.96	0.58	046-010-040 (0.75 acres)	\$218.18	0.75
046-004-051 (0.55 acres)	\$128.93	0.55	046-011-073 (0.61 acres)	\$177.45	0.61
046-004-052 (0.55 acres)	\$128.93	0.55	046-011-075 (4.6 acres)	1338.14	4.60
046-004-053 (0.55 acres)	\$128.93	0.55	BMW/KIA/Lexus	\$3,938.79	13.54
046-004-054 (0.55 acres)	\$128.93	0.55			
046-004-055 (0.55 acres)	\$128.93	0.55			
	\$4,402.41	18.78			

Summit	\$8,429.74	35.96
BMW/KIA/Lex	\$3,938.79	13.54

CONSENT FOR ANNEXATION OF  
TERRITORY TO COUNTY SERVICE AREA NO. 20 – SUMMIT SUBDIVISIONS,  
MODESTO  
(Valley BMW/KIA and Valley Lexus Annexation)

B.E. Fitzpatric Development, Inc, hereinafter referred to as "Owners", owns and has title to all of the properties located in Stanislaus County, California as described on Exhibits "A" and "B" attached hereto and hereinafter referred to as "Properties".

Owner hereby consents to the annexation of the Properties to the County Service Area No. 20 Summit – Subdivisions, Modesto for the purpose of receiving extended county services to or within the Properties and to pay the Fiscal Year 2019/2020 assessment in the amount of \$290.90 per acre and the parcels assessment calculated using the County Service Area Assessment Formulas:

Total Operation & Maintenance Cost - Use of Fund Balance / Total Acreage  
= Levy(Assessment) per Acre

Parcel Acreage x Levy(Assessment) per Acre  
= Parcel Assessment.

Owner acknowledges that the extended county services are storm drainage control and storm drainage system maintenance, and the annexation will be pursuant to Government Code Section 25210 et seq.

Owner declares under penalty of perjury that the foregoing is true and correct and that the Consent For Annexation Of Territory To County Service Area No. 20 was executed this 31 day of May, 2018.

Owner or Corporate Officer

B.E. FITZPATRICK  
Print Name  
President  
Title

B.E. Fitzpatric  
Signature

**AMENDED EXHIBIT "A"**  
**LEGAL DESCRIPTION OF VALLEY BMW/KIA AND VALLEY LEXUS**  
**ANNEXATION TO CSA 20 – SUMMIT SUBDIVISION**

Being a portion of the Northeast Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

**COMMENCING** at the Northeast corner of said Section 5; thence

- 1) Along the East line of said Section 5, South 01°14'42" East 772.26 feet to the Easterly extension of the North line of that certain Parcel Map recorded on September 1, 2016 for record in Book 57 of Parcels Maps at Page 40, Stanislaus County Records and the **POINT OF BEGINNING** of this description; thence,
- 2) Continuing along said Section line, South 01°14'42" East 704.98 feet to the intersection of said Section line and the centerline of Galaxy Way as shown on that certain Parcel Map filed for record on March 17, 2010 in Book 56 of Parcel Maps at Page 40, Stanislaus County Records; thence,
- 3) Along the centerline of said Galaxy Way the following six (6) courses, South 88°45'18" West 330.72 feet to the beginning of a curve concave to the Southeast, having a radius of 250.00 feet; thence,
- 4) Southwesterly 55.08 feet along said curve through a central angle of 12°37'22" to the beginning of a reverse curve concave to the Northwest, having a radius of 250.00 feet and to which beginning a radial line bears North 13°52'03" West; thence,
- 5) Northwesterly 66.17 feet along said curve through a central angle of 15°09'52"; thence,
- 6) North 88°42'11" West 230.12 feet to the beginning of a curve concave to the Southwest, having a radius of 250.00 feet; thence,
- 7) Southwesterly 10.77 feet along said curve through a central angle of 02°28'03"; thence,
- 8) South 88°49'46" West 70.57 feet to the centerline intersection of said Galaxy Way and Spyres Way as shown on said Parcel Map filed in Book 56 of Parcel Maps at Page 40; thence,
- 9) Along the centerline of said Spyres Way, North 01°10'15" West 199.92 feet to the centerline intersection of said Spyres Way and said Galaxy Way; thence,

- 10) Along the centerline of said Galaxy Way the following four (4) courses, South 88°49'25" West 120.06 feet to the beginning of a curve concave to the Northeast, having a radius of 90.00 feet; thence,
- 11) Northwesterly 43.60 feet along said curve through a central angle of 2r45'14"; thence,
- 12) North 63°25'21" West 127.37 feet to the beginning of a curve concave to the Southwest, having a radius of 90.00 feet; thence,
- 13) Northwesterly 40.18 feet along said curve through a central angle of 25°34'53" to the West line of said Parcel Map filed in Book 56 of Parcel Maps at Page 40; thence,
- 14) Along the West line of said Parcel Map filed in Book 56 of Parcel Maps at Page 40 and said Parcel Map filed in Book 57 of Parcel Maps at Page 40, North 01°09'39" West 471.50 feet to the Northwest corner of said Parcel Map filed in Book 57 of Parcel Maps at Page 40; thence,
- 15) Along the North line of last said Parcel Map and its easterly extension, South 88°49'16" East 1075.40 feet to the point of beginning.

Containing 16.41 acres more or less

This legal description as described is delineated on the accompanying "Plat to Accompany Legal Description" and made a part hereof for reference purposes.

  
\_\_\_\_\_  
Nicole Cannella, P.L.S. 9099



/0-1J. -/1

*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.*



# AMENDED EXHIBIT "B"

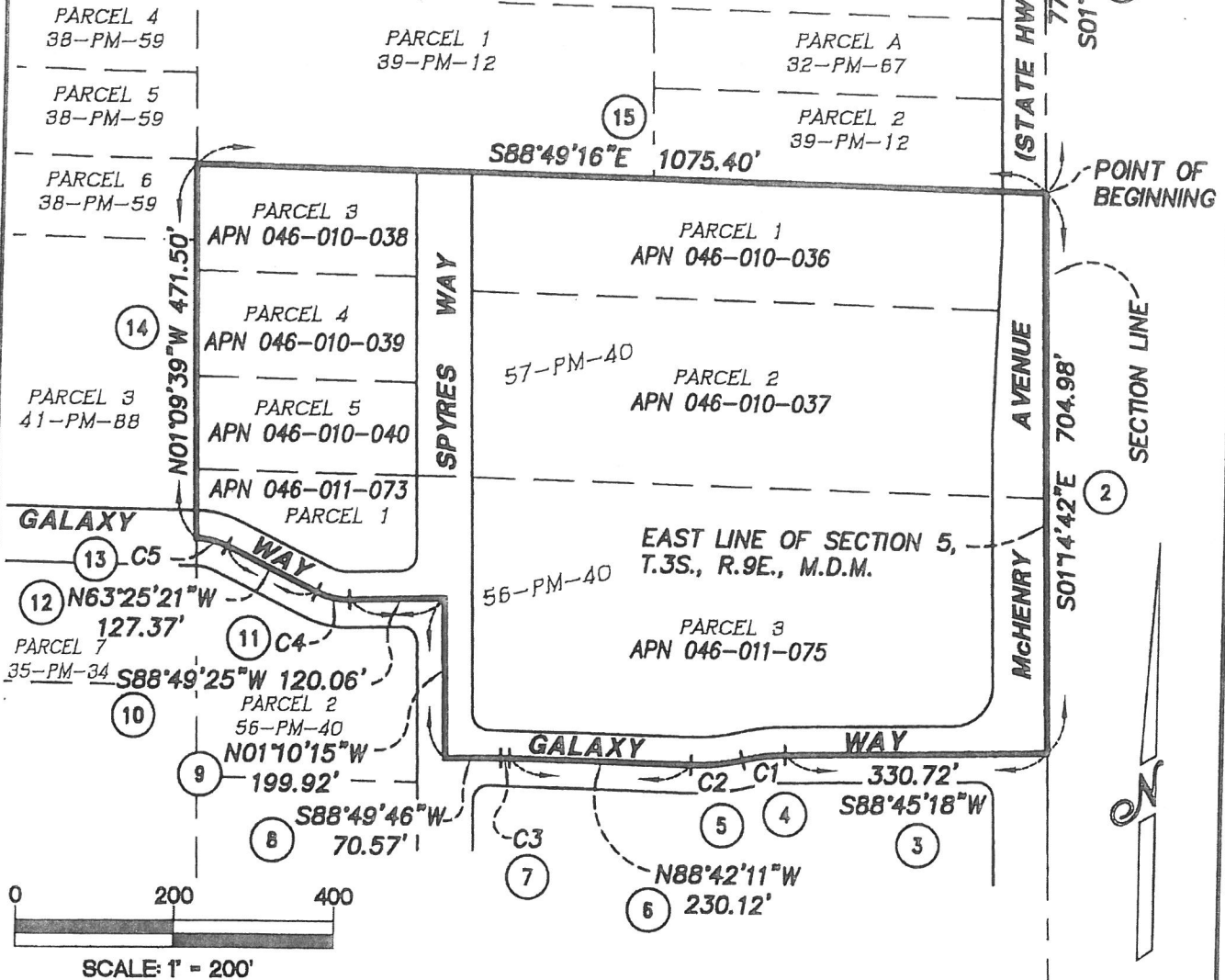
**DISCLAIMER**

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.

POINT OF COMMENCEMENT  
NE COR. SEC. 5

**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH
C1	12°37'22"	250.00'	55.08'
C2	15°09'52"	250.00'	66.17'
C3	2°28'03"	250.00'	10.77'
C4	27°45'14"	90.00'	43.60'
C5	25°34'53"	90.00'	40.18'



SCALE: 1" = 200'

**North Star Engineering Group, Inc.**  
 • CIVIL ENGINEERING • SURVEYING • PLANNING •  
 620 12th Street Modesto, CA 95354  
 (209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
 OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN.  
 STANISLAUS COUNTY, STATE OF CALIFORNIA

JOB NO: J14-1474
SCALE: AS SHOWN
DR BY: NC
FILE: 14-1474 County Service Area Annex
DATE: October 12, 2017

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

2018-0462

Date: September 18, 2018

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # 6.C.2

**AMENDED RESOLUTION OF APPLICATION FOR THE AMENDED ANNEXATION OF VALLEY  
BMW/KIA AND VALLEY LEXUS TO COUNTY SERVICE AREA NO. 20 – SUMMIT SUBDIVISION**

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

WHEREAS, the proposal for the amended annexation of properties known as Valley BMW/KIA and Valley Lexus to County Service Area No. 20 – Summit Subdivision (CSA No. 20) is being made pursuant to Government Code sections 56654 and 25217; and

WHEREAS, the County of Stanislaus desires to initiate proceedings pursuant to Part 3 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 et seq.) for the amended annexation of territory to County Service Area No.); and

WHEREAS, the purpose of the proposal is to allow the subject territories to receive the extended county services offered by CSA No. 20, including streetscape maintenance, parks maintenance, and storm drainage services; and

WHEREAS, the amended annexation consists of 15.05 acres in Modesto, as shown on the attached amended legal description and map; and

WHEREAS, upon annexation, the territory will be identified as a newly established zone of benefit within CSA No. 20, known as Zone 2; and

WHEREAS, there is a need to provide ongoing funding through the assessments, to support the provision of the special benefit of a storm drain system, streetscape, and parks maintenance in the proposed Zone 2 and doing so will promote health, safety and welfare of the residential area; and

WHEREAS, the amended annexation of territory to CSA No. 20 has the consent of a property owner within the annexation as shown in Consent attachment; and

WHEREAS, improvement plans for all facilities to be operated and maintained for the County Service Area are being prepared; and

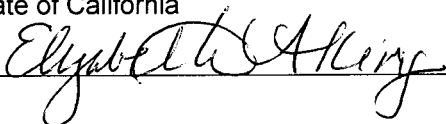
WHEREAS, the amended annexation will include a simultaneous expansion of the CSA No. 20 sphere of influence in order to maintain consistency; and

WHEREAS, this proposal includes an Amended Engineer's Report, satisfying the plan for service requirement pursuant to Section 56653; and

WHEREAS, the Board has reviewed the Amended Engineer's Report and approves the method and the amount of the assessment.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Stanislaus County shall hereby be requested to commence proceedings for the annexation of territory as described in attached amended legal description and map into County Service Area No. 20 (Summit Subdivision) as authorized in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

ATTEST: ELIZABETH A. KING, Clerk  
Stanislaus County Board of Supervisors,  
State of California



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