

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor Benoit

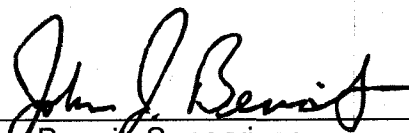
SUBMITTAL DATE: May 5, 2010

SUBJECT: Resolution No. 2010-153 - Approving the Proposed Resolution of Intent of Coachella Valley Water District to form Assessment District No. 33

RECOMMENDED MOTION: That the Board adopt Resolution No. 2010-153, approving, pursuant to Section 10104 of the California Streets and Highways Code, the proposed Resolution of Intention of the Coachella Valley Water District to form its Assessment District No. 33.

BACKGROUND: Section 10104 of the California Streets and Highways Code requires the Board's approval of the proposed Resolution of Intention of the Coachella Valley Water District (the "District") to form the District's proposed Assessment District No. 33. The property to be included in proposed Assessment District No. 33 is located in the District and the County. The District proposes to form Assessment District No. 33 to acquire and construct certain irrigation system improvements to benefit approximately 754 acres of agricultural land. All documents required by Section 10104 are on file with the Clerk of the Board. By its resolution number 2010-69, the District has requested the Board's approval.

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER DATE: 5/5/10


John Benoit, Supervisor
Fourth District

Prev. Agn. ref.

Dist. 4

AGENDA NO.

3.4

RESOLUTION NO. 2010-153

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, CALIFORNIA, APPROVING THE INITIATION OF
PROCEEDINGS AND THE ASSUMPTION OF JURISDICTION BY THE
COACHELLA VALLEY WATER DISTRICT FOR THE ACQUISITION OF
CERTAIN IMPROVEMENTS PURSUANT TO THE PROVISIONS OF THE
MUNICIPAL IMPROVEMENT ACT OF 1913

ASSESSMENT DISTRICT NO. 33

WHEREAS, the Board of Directors of the Coachella Valley Water District (the "District") is contemplating the acquisition of certain improvements for the benefit of approximately 754 acres of agricultural property located within the District's Improvement District No. 1 within the County of Riverside, California (the "County") under the provisions of the Municipal Improvement Act of 1913; and

WHEREAS, pursuant to the Municipal Improvement Act of 1913, the consent of the Board of Supervisors of the County is required for the above proceedings; and

WHEREAS, the District, in accordance with Section 10104 of the Streets and Highways Code, has submitted to this Board of Supervisors the proposed Resolution of Intention and a map indicating the extent of the territory included in the proposed assessment district;

NOW, THEREFORE, the Board of Supervisors of the County of Riverside DOES HEREBY RESOLVE as follows:

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SECTION 1. The Board of Supervisors hereby approves of and consents to the initiation of proceedings and the acquisition of the improvements as described by said proposed Resolution of Intention, within the area shown on said map.

SECTION 2. Said Resolution of Intention is approved with the understanding that said Resolution may be modified or amended in order to carry out the purpose of the assessment district and the consent of this Board of Supervisors hereby is given to the exercise by the Board of Directors of the District of exclusive jurisdiction over all proceedings necessary thereto for the purpose of consummating the same, all in accordance with the provisions of the Municipal Improvement Act of 1913.

SECTION 3. The Clerk of the Board is authorized and directed to certify to the adoption of this resolution and to deliver two certified copies thereto to the District.

ADOPTED, SIGNED AND APPROVED this 18th day of May, 2010.

Chairman of the Board of Supervisors, County of Riverside

(SEAL)

ATTEST:

By: _____
Clerk of the Board

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF RIVERSIDE)

4 I, Kecia Harper-Ihem, Clerk of the Board of Supervisors of the County of Riverside, do hereby certify
5 that the foregoing resolution was duly adopted by the Board of Supervisors of said County and was at a regular
6 meeting of said Board of Supervisors held on the 18th day of May, 2010, and that it was so adopted as follows:

7 AYES: SUPERVISOR

8 NOES: SUPERVISOR

9 ABSENT: SUPERVISOR

10 ABSTAIN: SUPERVISOR

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15 By: _____
16 Clerk of the Board

17 (SEAL)
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MAP OF PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 33 (LOWER VALLEY IRRIGATION SYSTEM EXPANSION PROJECT)

FILED IN THE OFFICE OF THE BOARD SECRETARY OF THE COACHELLA VALLEY WATER DISTRICT
THIS _____ DAY OF _____, 2010.

JULIE FERNANDEZ
BOARD SECRETARY
COACHELLA VALLEY WATER DISTRICT

COACHELLA VALLEY WATER DISTRICT COUNTY OF RIVERSIDE STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 33 (LOWER VALLEY IRRIGATION SYSTEM EXPANSION PROJECT), COACHELLA VALLEY WATER DISTRICT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE COACHELLA VALLEY WATER DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2010, BY ITS RESOLUTION NO. _____.

JULIE FERNANDEZ
BOARD SECRETARY
COACHELLA VALLEY WATER DISTRICT

FILED THIS _____ DAY OF _____, 2010, AT THE HOUR OF _____ O'CLOCK
M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) _____ AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, CALIFORNIA.

LARRY W. WARD
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

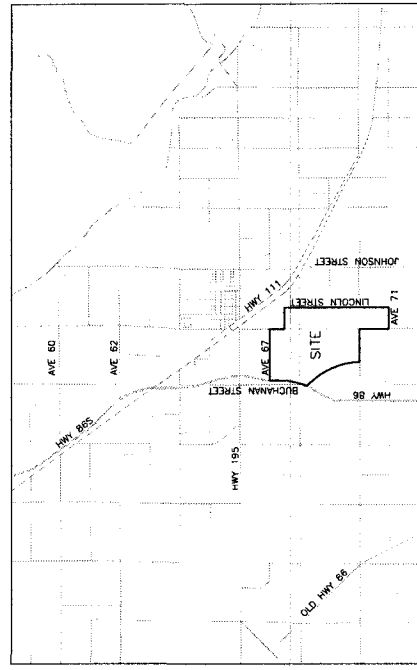
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL AS SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

REF. NO.	APN
1	729-030-002
2	729-030-001
3	729-020-002
4	729-020-011
5	727-260-023
6	727-260-013
7	729-030-003
8	729-030-004
9	729-090-017
10	729-030-005
11	729-020-006

LEGEND:

- PROPOSED BOUNDARY
- MAP REFERENCE NUMBER



VICINITY MAP
N.T.S.

RESOLUTION NO. 2010-69

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE COACHELLA VALLEY WATER DISTRICT,
COUNTY OF RIVERSIDE, CALIFORNIA, REQUESTING THE
CONSENT OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF RIVERSIDE TO THE FORMATION OF AND
THE ACQUISITION OF IMPROVEMENTS FOR THE
BENEFIT OF ASSESSMENT DISTRICT NO. 33

WHEREAS, this Board of Directors wishes to consider providing to approximately 754 acres of agricultural property (the "Properties") located within the Coachella Valley Water District's (the "District") Improvement District No. 1 within the County of Riverside, California (the "County") certain irrigation system improvements to be part of the District's water system (the "Improvements"), and to order the formation of an assessment district to pay the costs thereof under and pursuant to the provisions of Part 7.5 of the Special Assessment, Investigation, Limitation and Majority Protest Act of 1931 (Division 4 of the Streets and Highways Code) and the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code), all as described in the proposed resolution of intention attached hereto as Exhibit A (the "Proposed Resolution of Intention"); and

WHEREAS, the proposed assessment district, if it is formed, is to be known and designated as Assessment District No. 33 (the "Assessment District"); and

WHEREAS, the property proposed to be included in the Assessment District is located in the District and the County; and

WHEREAS, under the circumstances described hereinabove, it is necessary to obtain the consent of the Board of Supervisors of the County before proceeding with the formation of the Assessment District and the ordering of the Improvements.

NOW, THEREFORE, the Board of Directors of the Coachella Valley Water District DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER as follows:

SECTION 1. The above recitals, and each of them, are true and correct.


1 SECTION 2. The Improvements are of such a character that it directly and peculiarly
2 affects the Properties, which are proposed to be included in the Assessment District and which
3 Properties will be benefited by the Improvements.

4 SECTION 3. The Board of Supervisors of the County is hereby requested to consent to the
5 formation of the Assessment District, to the Improvements proposed to be acquired for the benefit
6 of the Properties in the County and to the assumption by the District of jurisdiction thereover for
7 such purposes, all as described in the Proposed Resolution of Intention.

8 SECTION 4. The Secretary is hereby authorized and directed to forward a certified copy of
9 this Resolution, together with the Proposed Resolution of Intention and a Map of the Assessment
10 District, to the Board of Supervisors of the County, Proposed Resolution of Intention is attached
11 hereto Marked Exhibit "A."

12 SECTION 5. This Resolution shall take effect immediately upon its adoption.

13 PASSED AND ADOPTED by the Board of Directors of the Coachella Valley Water
14 District at a regular meeting held on the 27th day of April, 2010.

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18 _____
19 President of the Board of Directors of the
20 Coachella Valley Water District

21 ATTEST:


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23 _____
24 Board Secretary

EXHIBIT "A"

RESOLUTION NO. 2010-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA VALLEY WATER DISTRICT, CALIFORNIA, DECLARING ITS INTENTION TO TAKE PROCEEDINGS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913, AND MAKE CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, ALL RELATING TO THE FORMATION OF ASSESSMENT DISTRICT NO. 33

WHEREAS, the Board of Directors of the Coachella Valley Water District (the "District") desires to provide to certain irrigation system improvements to approximately 754 acres of agricultural property located in the District's Improvement Area No. 1 (the "Improvements") and to order the formation of an assessment district to pay the costs thereof under and pursuant to the provisions of the Municipal Improvement Act of 1913 (the "1913 Act"); and

WHEREAS, the proposed assessment district, if it is formed, is to be known and designated as Assessment District No. 33; and

WHEREAS, the proposed boundaries of the Assessment District are shown on a map, which indicates by a boundary line the extent of the territory proposed to be included in the Assessment District, which map is designated "Proposed Boundaries of Assessment District No. 33" (the "Map"), which Map is on file in the office of the Secretary of the District; and

WHEREAS, this Board of Directors finds it necessary to take proceedings required by Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 ("Part 7.5"); and

WHEREAS, the Board of Directors has engaged MSA Assessment, Inc., to act as assessment engineer and the law firm of Stradling Yocca Carlson & Rauth, a Professional Corporation to act as bond counsel and disclosure counsel; and

WHEREAS, the District has requested and received from the Board of Supervisors of the County of Riverside, California (the "County") consent to the initiation of proceedings for the formation of the Assessment District in the County and the acquisition of the Improvements.

NOW, THEREFORE, the Board of Directors of the Coachella Valley Water District DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER as follows:

SECTION 1. The above recitals, and each of them, are true and correct.

1 SECTION 2. The Map is approved and the Secretary is authorized to record the Map in the
2 office of the County Recorder.

3 SECTION 3. The Improvements generally include the construction, installation and/or
4 acquisition of certain irrigation system facilities, as described on Exhibit A attached hereto and
5 made a part hereof, for the benefit of the property as shown on the Map and in the report of MSA
6 Consulting, Inc., designated "Coachella Valley Water District Assessment District 33 Irrigation
7 System" which report is on file in the office of the Secretary.

8 SECTION 4. The public interest and necessity require the Improvements, and the
9 Improvements will be of direct benefit to the properties and land within the Assessment District.
10 The Board of Directors hereby declares its intention to order the construction and acquisition of
11 the Improvements, to make the expenses thereof chargeable upon the area included within the
12 Assessment District, and to form the Assessment District.

13 SECTION 5. The Board of Directors further declares its intention to levy a special
14 assessment upon the land within the Assessment District in accordance with the respective special
15 benefit to be received by each parcel of land from the Improvements. There shall be omitted from
16 special assessments all public streets owned by the County. In compliance with Article XIID,
17 Section 4 of the California Constitution, this Board of Directors finds that all public streets will
18 receive no special benefit from the Improvements.

19 SECTION 6. This Board of Directors finds and determines that before ordering the
20 acquisition of the Improvements it shall take proceedings pursuant to the 1913 Act.

21 SECTION 7. The General Manager-Chief Engineer is hereby appointed the Engineer of
22 Work and the Superintendent of Streets. MSA Consulting, Inc., is hereby appointed the
23 Assessment Engineer. Stradling Yocca Carlson & Rauth, a Professional Corporation is engaged
24 as bond counsel and disclosure counsel. The Assessment Engineer is hereby authorized and
25 directed to make and file with the Secretary a written report with regard to the 1913 Act (the
26 "Report"), which Report shall comply with the requirements of Part 7.5 and Section 10204 of the
27 Streets and Highways Code.

28 SECTION 8. Following the construction, installation and/or acquisition of the
29 Improvements and the payment of all incidental expenses in connection with the formation of the
30

1 Assessment District and the issuance of bonds pursuant to the Improvement Bond Act of 1915,
2 any surplus remaining in the improvement fund established for the Assessment District shall be
3 used as determined by the Board of Directors as provided in Section 10427 of the Streets and
4 Highways Code.

5 SECTION 9. Bonds bearing interest at a rate not to exceed 12 percent per annum will be
6 issued hereunder in the manner provided in the Improvement Bond Act of 1915 to represent the
7 unpaid assessments. The principal amount of such bonds maturing each year shall not be an
8 amount equal to an even annual proportion of the aggregate principal amount of the bonds, but
9 rather (except as specifically otherwise provided by the Board of Directors in connection with the
10 sale of such bonds), shall be an amount which, when added to the amount of interest payable in
11 each year, will generally be a sum which is approximately equal in each year (with the exception
12 of the first year and any adjustment required with respect thereto). The last installment of such
13 bonds shall mature a maximum of twenty (20) years from the second day of September next
14 succeeding twelve months after their date.

15 SECTION 10. The provisions of Part 11.1 of the Improvement Bond Act of 1915,
16 providing an alternative procedure for the advance payment of assessments and the calling of
17 bonds, shall apply.

18 SECTION 11. Except as provided in Section 5 hereof, the Board of Directors hereby
19 determines that the District will not obligate itself to advance available funds from its treasury to
20 cure any deficiency which may occur in the bond redemption fund established for the Assessment
21 District.

22 SECTION 12. It is hereby determined that the bonds proposed to be issued in these
23 proceedings may be refunded. Any adjustment to assessments resulting from such refunding shall
24 be done on a pro rata basis as required pursuant to Section 8571.5 of the Streets and Highways
25 Code. Any such refunding shall be pursuant to the provisions of Division 11.5 (commencing with
26 Section 9500) of the Streets and Highways Code, except that, if, following the filing of the report
27 specified in Section 9523 and any subsequent modifications of the report, the Board of Directors
28 finds that all of the conditions specified in Section 9525 are satisfied and that the adjustments to
29 assessments are on a pro rata basis, the Board of Directors may approve and confirm the report
30

1 and any, without further proceedings, authorize, issue, and sell the refunding bonds pursuant to
2 Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code.
3 Any such refunding bonds shall bear interest at the rate of not to exceed twelve percent (12%) per
4 annum, or such higher rate of interest as may be authorized by applicable law at the time of sale
5 of such bonds; and the last installment of such bonds shall mature on such date as will be
6 determined by the Board of Directors in the proceedings for such refunding.

7 SECTION 13. This Resolution shall take effect immediately upon its adoption.

8 PASSED AND ADOPTED by the Board of Directors of the Coachella Valley Water
9 District at a regular meeting held on the ___ day of _____, 2010.

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13 _____
14 President of the Board of Directors of the
Coachella Valley Water District

15 ATTEST:

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18 _____
19 Board Secretary
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Exhibit A

**IMPROVEMENTS
Assessment District 33**

The acquisition and construction of irrigation system improvements necessary to extend Irrigation Lateral 97.0-4.3 ("Lateral 97.0-4.3") to provide water from the All American Canal (the "Canal Water") to approximately 754 acres of agricultural property located within the Coachella Valley Water District Improvement District No. 1 in the County of Riverside, north of Avenue 70, west of Lincoln Street, east of Highway 86S and south of Avenue 68.

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11 STATE OF CALIFORNIA)
12 COACHELLA VALLEY WATER DISTRICT) ss.
13 OFFICE OF THE SECRETARY)

14 I, JULIA FERNANDEZ, Secretary of the Board of Directors of the Coachella Valley
15 Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of
16 Resolution No. 2010-69 adopted by the Board of Directors of said District at a regular meeting
17 thereof duly held and convened on the 27th day of April, 2010, at which meeting a quorum of
18 said Board was present and acting throughout. The Resolution was adopted by the following
19 vote:

20 AYES: Four

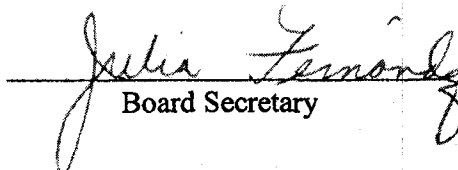
21 NOES: None

22 ABSTAIN: None

23 ABSENT: Director Codekas

24 Dated this 27th day of April, 2010.

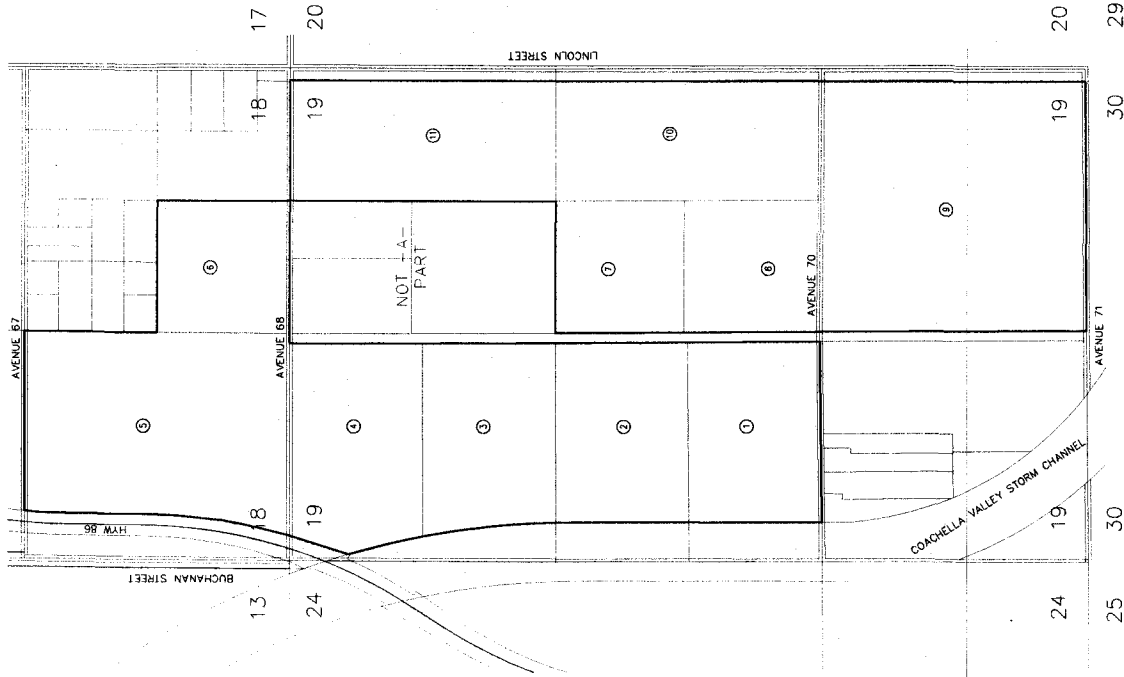
25
26 (SEAL)


Board Secretary

MAP OF PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 33 (LOWER VALLEY IRRIGATION SYSTEM EXPANSION PROJECT)

COACHELLA VALLEY WATER DISTRICT COUNTY OF RIVERSIDE STATE OF CALIFORNIA

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7	729-030-003
8	729-030-004
9	729-030-017
10	729-030-005
11	729-020-006



JULIE FERNANDEZ
BOARD SECRETARY
COACHELLA VALLEY WATER DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 33 (LOWER VALLEY IRRIGATION SYSTEM EXPANSION PROJECT), COACHELLA VALLEY WATER DISTRICT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE COACHELLA VALLEY WATER DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2010, BY ITS RESOLUTION NO. _____

JULIE FERNANDEZ
BOARD SECRETARY
COACHELLA VALLEY WATER DISTRICT

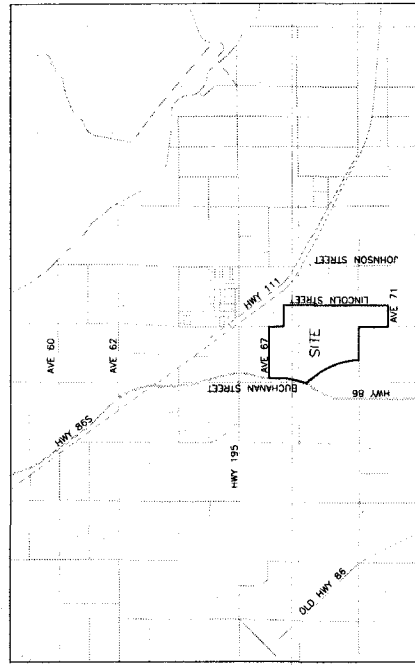
FILED THIS _____ DAY OF _____, 2010, AT THE HOUR OF _____ O'CLOCK
M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT
PAGE(S) _____ AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY
RECORDER IN THE COUNTY OF RIVERSIDE, CALIFORNIA.

LARRY W. WARD
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

LEGEND:
____ PROPOSED BOUNDARY
① MAP REFERENCE NUMBER

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THE RIVERSIDE COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



VICINITY MAP
N.T.S.