

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

503



FROM: County Counsel

SUBMITTAL DATE:
July 18, 2011

SUBJECT: Resolution No. 2011-219 – Approving the Formation of Western Municipal Water District Assessment District No. 2011-1 (Van Buren Sewer) and the Associated Proposed Resolution of Intention

RECOMMENDED MOTION: Adopt Resolution No. 2011-219 approving, pursuant to Section 10104 of the California Streets and Highways Code, the proposed Resolution of Intention of the Western Municipal Water District to form Assessment District No. 2011-1 (Van Buren Sewer).

BACKGROUND: Section 10104 of the California Streets and Highways Code requires the Board of Supervisors' approval for Western Municipal Water District ("WMWD") to form an assessment district within the unincorporated area of the County. WMWD adopted its Resolution No. 2720 requesting the Board's approval to form an assessment district in the general vicinity of Van Buren Boulevard between King Avenue and Gamble Avenue to finance the construction of sewer improvements benefitting the properties to be assessed. WMWD requests the Board adopt Resolution No. 2011-219 to approve Assessment District No. 2011-1 (Van Buren Sewer) and the District's proposed Resolution of Intention to form the Assessment District.

(Continued on page two)

Dale Gardner
Dale Gardner, Deputy County Counsel
for Pamela J. Walls, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Denise C. Harden
BY: Denise C. Harden

County Executive Office Signature

Dep't Recomm.: Consent Policy Policy Policy

Per Exec. Ofc.: Consent Policy Policy

Stamp: JUN 18 12 11:30

Prev. Agn. Ref.: | **District:** 1 | **Agenda Number:**

3.22

FORM APPROVED COUNTY COUNSEL

BY: *Dale Gardner* DATE: 7/18/11

Departmental Concurrence

Date: July 18, 2011
From: Executive Office
Subject: Resolution No. 2011-219
Page 2

Once the Board's approval is received, WMWD will proceed with formation of the Assessment District subject to Proposition 218's majority protest proceedings.

Although the Board's approval is required before WMWD may proceed with the formation process, the County will have no further part in the formation of the Assessment District. The County will not be required to fund any portion of the costs of the improvements. Those costs will be financed by special assessments on the properties benefitting from the proposed sewer improvements.

All documents required by California Streets and Highways Code Section 10104 have been submitted by WMWD and are attached to Resolution No. 2011-219.

The Office of County Counsel reviewed Resolution No. 2011-219 and approved it as to form.

2
3 RESOLUTION NO. 2011-219

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5 A RESOLUTION OF
6 THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
7 APPROVING, PURSUANT TO SECTION 10104 OF
8 THE CALIFORNIA STREETS AND HIGHWAYS CODE,
9 THE PROPOSED RESOLUTION OF INTENTION OF
10 THE WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY
11 TO FORM ASSESSMENT DISTRICT NO. 2011-1 (VAN BUREN SEWER)

12 WHEREAS, Section 10104 of the California Streets and Highways Code requires the Board
13 of Supervisors of the County of Riverside to approve the proposed Resolution of Intention of Western
14 Municipal Water District of Riverside County (the "District") to form Assessment District 2011-1 (Van
15 Buren Sewer); and,

16 WHEREAS, the District caused to be filed with the Clerk of the Board of Supervisors a
17 copy of said proposed Resolution of Intention and a map showing the boundaries of proposed Assessment
18 District No. 2011-1 (Van Buren Sewer); and,

19 WHEREAS, the District, by its Resolution No. 2720 formally requests the Board of
20 Supervisors to approve said proposed Resolution of Intention; and,

21 WHEREAS, District Resolution No. 2720, the proposed Notice of Intention of the District,
22 and the proposed Assessment District boundary map are attached to this Resolution;

23 NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of
24 the County of Riverside assembled in regular session on July 26, 2011, that the proposed Resolution of
25 Intention of the Board of Directors of Western Municipal Water District of Riverside County, County of
26 Riverside, State of California, expressing its intention to form Assessment District No. 2011-1 (Van Buren
27 Sewer) to construct certain public improvements as identified by said Resolution of Intention and as shown
28

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER 7/28/11 DATE

1 on the map filed with the Clerk of the Board of Supervisors, is approved pursuant to Section 10104 of the
2 California Streets and Highways Code.

3 BE IT FURTHER RESOLVED AND ORDERED THAT all work to be performed in
4 proposed Assessment District No. 2011-1 (Van Buren Sewer) is to be in compliance with Riverside County
5 Ordinance No. 499.

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RESOLUTION 2720

Assessment District No. 2011-1
(Van Buren Sewer)

RESOLUTION OF THE BOARD OF DIRECTORS OF WESTERN MUNICIPAL WATER DISTRICT REQUESTING APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE FOR THE FORMATION OF PROPOSED ASSESSMENT DISTRICT NO. 2011-1 (VAN BUREN SEWER) OF WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND OF THE PROPOSED RESOLUTION OF INTENTION AND BOUNDARY MAP THEREFOR

WHEREAS, the Board of Directors (the "Board of Directors") of Western Municipal Water District of Riverside County, County of Riverside, State of California (the "District") proposes to adopt a Resolution of Intention initiating proceedings for the formation of an assessment district within the boundaries of the District to be designated Assessment District No. 2011-1 (Van Buren Sewer) of Western Municipal Water District of Riverside County, County of Riverside, State of California, pursuant to the provisions of the Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code, for the purpose of financing the acquisition and construction of certain public improvements within said assessment district; and

WHEREAS, the proposed Resolution of Intention is attached hereto as Exhibit "A" and incorporated herein by reference;

WHEREAS, the territory proposed for inclusion in the proposed assessment district is located wholly within the County of Riverside; and

WHEREAS, pursuant to Section 10104 of said Code, before the Board of Directors may adopt a resolution of intention initiating such proceedings, it must submit the proposed


resolution of intention together with a map which shall indicate by a boundary line the extent of the territory included in the proposed assessment district to and obtain the approval of the Board of Supervisors of the County of Riverside of the formation of the proposed assessment district, said resolution of intention and said map;

NOW, THEREFORE, the Board of Directors of Western Municipal Water District of Riverside County hereby resolves as follows:

SECTION 1. The Board of Directors hereby requests the approval of the Board of Supervisors of the County of Riverside of the formation of the proposed assessment district and the proposed resolution of intention and boundary map therefor as presented to the Board of Directors at the meeting at which this resolution is adopted.

SECTION 2. The Secretary of the Board of Directors shall transmit a certified copy of this resolution together with copies of the proposed resolution of intention and map of the boundaries of the proposed assessment district to the Clerk of the Board of Supervisors of the County of Riverside and shall provide the Planning Commission of said County with all information required by said Board of Supervisors with respect to the proposed assessment district.

ADOPTED this 29th day of June, 2011.


BRENDA DENNSTEDT
President

June 29, 2011

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2720 adopted by the Board of Directors of Western Municipal Water District of Riverside County at its regular meeting held on June 29, 2011.


S. R. "AL" LOPEZ
Secretary-Treasurer

The Undersigned Certified That This
Is A True Copy As On File In The
Permanent Records Of The Agency
This Stamp Must be in Pink Ink
To Constitute A Certified Copy

Western Municipal Water District

By  Date 6/29/11

EXHIBIT "A"

RESOLUTION 2720

ASSESSMENT DISTRICT NO. 2011-1
(Van Buren Sewer)

(Proposed)

RESOLUTION OF THE BOARD OF DIRECTORS OF WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY DECLARING INTENTION TO ORDER THE CONSTRUCTION AND ACQUISITION OF CERTAIN IMPROVEMENTS WITHIN AND FOR A PROPOSED ASSESSMENT DISTRICT AND THE PAYMENT OF CERTAIN EXPENSES INCIDENTAL THERETO PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913, DESCRIBING THE ASSESSMENT DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF, AND DETERMINING THAT BONDS SHALL BE ISSUED IN THE AMOUNT OF THE UNPAID ASSESSMENTS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915

WHEREAS, the Board of Directors (the "Board of Directors") of Western Municipal Water District of Riverside County (the "District") proposes to form an assessment district for the construction and acquisition of certain public improvements, together with appurtenances and appurtenant work and incidental costs and expenses in connection therewith, pursuant to the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code, with bonds to be issued to finance said improvements pursuant to the Improvement Bond Act of 1915, Division 10 of said Code, said assessment district being designated "Assessment District No. 2011-1 (Van Buren Sewer), Western Municipal Water District of Riverside County, County of Riverside, State of California" (the "Assessment District"); and

WHEREAS, the Board of Directors has determined that the public interest, convenience and necessity require the construction and acquisition of the public improvements, and payment of incidental costs and expenses in connection therewith, for the benefit of the lands within the exterior boundaries of the Assessment District, that the construction and acquisition of the public improvements is feasible, and that the lands to be assessed will be able to carry the burden of the proposed assessments and to pay the costs and expenses thereof;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY AS FOLLOWS:

Section 1. Construction and Acquisition of Improvements.
The public interest, convenience, and necessity require, and it is the intention of the Board of Directors pursuant to the provisions of Division 12 of the Streets and Highways Code, the Municipal Improvement Act of 1913, to order the construction and acquisition of certain public improvements referred to hereinafter as the "improvements," all in the County of Riverside, State of California.

The public improvements proposed to be installed, constructed, and financed by the Assessment District generally consist of sewer collection pipes and force mains, laterals, manholes and pump stations, more specifically described as follows:

Sewer Improvements

An Eight (8)-inch Diameter Gravity Sewer

Commencing approximately 100 feet easterly of Gamble Street, then westerly within the right-of-way of Van Buren Boulevard approximately 5,300 feet to King Avenue; and

Commencing approximately 325 feet westerly of Washington Street and 280 feet northerly of Van Buren Boulevard then easterly 325 feet in an easement to be acquired to Washington Street then approximately 150 feet in Washington Street to the intersection of Washington Street and Van Buren Boulevard.

A Ten (10)-inch Diameter Gravity Sewer

Commencing at the intersection of Washington Street and Van Buren Boulevard approximately 450 feet southerly in Washington Street to the site of a proposed lift station located on the west side of Washington Street approximately 290 feet south of Van Buren Boulevard.

A Six (6)-inch Diameter Force Main Sewer

Commencing at a proposed lift station located on the westerly side of Washington Street approximately 290 feet southerly of Van Buren Boulevard then approximately 800 feet southerly to Krameria Avenue then easterly within the right-of-way of Krameria Avenue approximately 6,500 feet to Millionaire Lane then northerly in Millionaire Lane approximately 1,200 feet to Blue Sky Street, then easterly approximately 200 feet in Blue Sky Street ending at an existing fifteen (15) inch gravity sewer line.

Lift Stations

A 40 horsepower lift station located approximately 290 feet south of Van Buren Boulevard on the west side of Washington Street, and improvements to the existing Dauchy lift station located at the approximate northeast corner of Taft Street and Ardenwood Lane.

Manholes

Installation of approximately seventeen (17) 48-inch precast manholes and one (1) 60-inch manhole.

Service Laterals

Installation of approximately 58 service laterals in gravity sewers.

Incidental Expenses incurred in connection with the construction, installation, and acquisition of the above listed improvements, including, but not limited to, costs for design engineering, assessment engineering, construction surveying and staking, special counsel, construction management and administration, environmental mitigation, soils and materials testing, printing, advertising, costs of bond issuance, plan check fees, inspection fees, permit fees, impact fees, utility extension fees, and other related costs.

Section 2. Description of Assessment District. The improvements will be of direct benefit to properties and lands within the proposed Assessment District which is hereby declared to be the district benefitted by said improvements and to be assessed to pay the costs and expenses thereof. The proposed Assessment District shall be known as "Assessment District No.

2011-1 (Van Buren Sewer) of Western Municipal Water District of Riverside County, County of Riverside, State of California," and shall be all that part of the County of Riverside which is included within the boundaries of the proposed Assessment District as shown and identified on the map of the boundaries of the proposed Assessment District which is entitled "Proposed Boundaries of Assessment District No. 2011-1 (Van Buren Sewer), Western Municipal Water District of Riverside County, County of Riverside, State of California," which is on file with the Secretary of the Board of Directors.

Section 3. Report. The proposed improvements are hereby referred to Albert A. Webb Associates, the Assessment Engineer for the Assessment District, and said Assessment Engineer is hereby directed to make and file with the Secretary of the Board of Directors a report (the "Report") in writing containing, to the extent they may be applicable, the following:

(a) Plans and specifications of the proposed improvements which shall indicate the class and type of improvements to be provided for each zone within the Assessment District;

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements;

(c) An estimate of the cost of the improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection therewith, including any cost of registering bonds;

(d) A diagram showing as they existed at the time of the adoption of this resolution of intention (i) the exterior boundaries of the Assessment District, (ii) the boundaries of any zones within the Assessment District, and (iii) the lines and dimensions of each parcel of land within the Assessment District. Each subdivision, including each condominium interest, as defined in Section 783 of the Civil Code, shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the construction and acquisition of the improvements upon the several subdivisions of land in the Assessment District in proportion to the estimated benefits to be received by said subdivisions, respectively, from the

improvements. Said assessment shall refer to such subdivisions by their respective numbers as assigned pursuant to subparagraph (d) of this Section 3;

(f) A proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay costs incurred by the District and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and reserve or other related funds; and

(g) A description of the improvements to be constructed and acquired.

Section 4. Bonds. It is hereby determined and declared and notice is hereby given that serial bonds or term bonds, or both, to represent and to be secured by the unpaid amount of the assessments which will be levied to pay the costs and expenses of the construction and acquisition of the improvements, and to bear interest at the rate of not to exceed 12 percent per annum, shall be issued in the manner provided by Division 10 of the Streets and Highways Code, the Improvement Bond Act of 1915, and the last installment of such bonds shall mature not later than 39 years from the second day of September next succeeding 12 months from their date. The amount of principal of the bonds maturing or becoming subject to mandatory prior redemption in each year plus the amount of interest payable in that year will be an aggregate amount that is substantially equal each year, except for the monies falling due on the first maturity or mandatory prior redemption date of the bonds which shall be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds.

Section 5. Special Reserve Fund. Pursuant to Part 16 (commencing with Section 8880) of Division 10 of the Streets and Highways Code, there shall be included in the assessments to be levied on the land in the Assessment District, as an incidental expense of the proceedings, an amount not to exceed ten percent (10%) of the amount of the bonds to be issued to create a special reserve fund for the bonds. Said special reserve fund shall be identified for all purposes with respect to the bonds which are to be issued as provided in Section 4 hereof as the "Assessment District No. 2011-1 Reserve Fund" or by a substantially similar designation, and upon receipt of the bond sale proceeds, the amount for said reserve fund shall be transferred thereto. Said special reserve fund shall constitute

a trust fund for the benefit of the bondholders, and shall be maintained, used, transferred, reimbursed and liquidated as provided in said Part 16.

Section 6. Collection of Assessments and Advance Retirement of Bonds. The procedures set forth in Part 11.1 (commencing with Section 8760) of Division 10 of the Streets and Highways Code shall be followed in the collection of assessments and advance retirement of bonds.

Section 7. Disposition of Surplus Funds. If after completion of the construction and acquisition of the improvements and the payment of all claims from the improvement fund the Board of Directors shall determine that a surplus remains in the improvement fund by reason of the assessment and any supplemental assessment levied for the improvements, any such surplus shall be used, in such amounts as the Board of Directors shall determine, for any one or more of the following purposes:

(a) For transfer to the general fund of the District of an amount not to exceed the lesser of \$1,000.00 or five percent (5%) of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, in the manner provided in Section 10427.1 of the Streets and Highways Code;

(c) For the maintenance of the improvements;

(d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

Section 8. Refunding of Bonds. The Board of Directors determines that the bonds to be issued, as provided in Section 4 hereof, may be refunded pursuant to Division 11.5 (commencing with Section 9500) of the Streets and Highways Code on the following conditions:

(a) The maximum interest rate on the refunding bonds shall not exceed the maximum rate permitted by law at the time of the refunding;

(b) The maximum number of years to maturity of the refunding bonds shall not exceed the number of years to maturity of the bonds to be refunded; and

(c) Any adjustment to assessments resulting from the refunding will be done on a pro-rata basis.

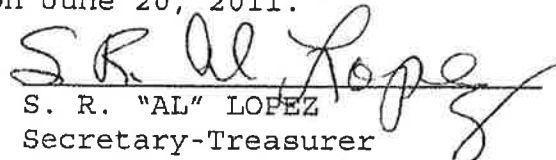
Section 9. No Obligation to Cure Deficiency. The Board of Directors determines and declares pursuant to Section 8769 of the Streets and Highways Code that the District will not obligate itself to advance available funds from the treasury of the District to cure any deficiency which may occur in the bond redemption fund.

ADOPTED this 29th day of June, 2011.


BRENDA DENNSTEDT
President

June 29, 2011

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2720 adopted by the Board of Directors of Western Municipal Water District of Riverside County at a special meeting held on June 20, 2011.

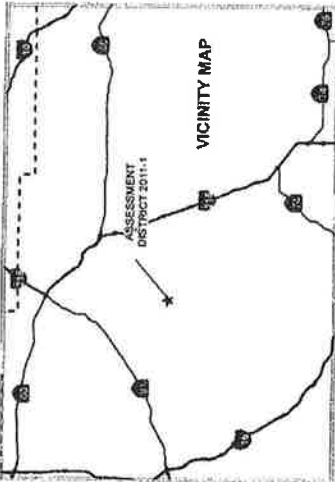

S. R. "AL" LOPEZ
Secretary-Treasurer

The Undersigned Certified That This
Is A True Copy As On File In The
Permanent Records Of The Agency
This Stamp Must be In Pink Ink
To Constitute A Certified Copy

Western Municipal Water District

By  Date 6/29/11

BOUNDARY MAP
ASSESSMENT DISTRICT NO. 2011-1
(VAN BUREN SEWER)
WESTERN MUNICIPAL WATER DISTRICT
OF RIVERSIDE COUNTY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

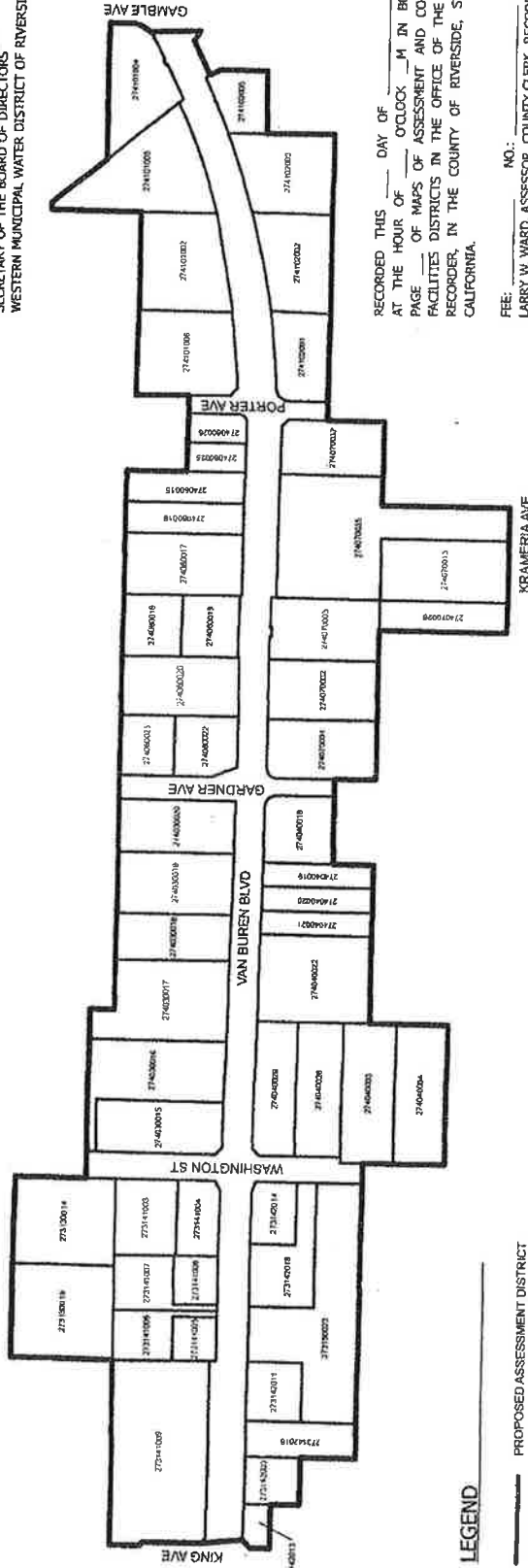


I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 2011-1 (VAN BUREN SEWER), WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 2011.

SECRETARY OF THE BOARD OF DIRECTORS
 WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF DIRECTORS THIS ____ DAY OF ____ 20__.

SECRETARY OF THE BOARD OF DIRECTORS
 WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY



LEGEND

— PROPOSED ASSESSMENT DISTRICT

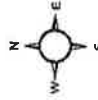
— PARCEL BOUNDARY

2740xxxx ASSESSOR'S PARCEL NUMBER

RECORDED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M IN BOOK PAGE ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE: _____ NO.: _____
 LARRY W. WARD, ASSESSOR, COUNTY CLERK, RECORDER

BY: _____ DEPUTY



THIS BOUNDARY MAP CORRECTLY SHOWS THE BOUNDARIES OF THE ASSESSMENT DISTRICT. PARCEL NUMBERS ARE RIVERSIDE COUNTY ASSESSOR'S PARCEL NUMBERS AS OF APRIL, 2011. FOR DETAILS CONCERNING THE LINES AND DIMENSIONS OF LOTS OR PARCELS REFER TO THE COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2011-2012.

