

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: David Boesch, County Executive Officer
by Rui Cunha, Assistant Director of Emergency Services

DATE: October 23, 2012

SUBJECT: Approve a Resolution imposing a charge for fire protection and emergency medical services for parcels in the American Vineyard Village Project.

ACTION REQUESTED:

Conduct a public hearing, consider all protests, tabulate ballots, and adopt a Resolution imposing a charge to fund fire protection and emergency medical services for all parcels that are, or will be, a part of the American Vineyard Village Project.

BACKGROUND:

The State of California County Service Area (CSA) Law [Government Code §25210.1 *et seq*] creates a means of providing expanded service levels in areas where residents are willing to pay for the extra service. *Zones of Benefit* (ZoB) are created within a CSA (unincorporated Placer County is designated "CSA 28") to fill the services funding gap between *general* county services and *special* services. ZoB 165, *Dry Creek Fire*, covers 19,800 acres in the southwest corner of the county and was established in September, 2001 when its residents voted to dissolve Dry Creek Fire. Placer County subsequently assumed responsibility for providing fire protection and emergency medical services within ZoB 165, and it is within that ZoB that the American Vineyard Village Project is located.

The American Vineyard Village Project (APN 473-030-016-000) is located at 1671 Vineyard Road and is tentatively approved for 139 residential units on 19.2 acres. Phase 1 (Tract No. 994) creates 15 residential lots, common area lots and a remainder. Phase 2 (Tract No. 998) creates 63 Lots, common areas and a remainder. Phase 3 will record at some later date, subdividing the remainder from Phase 2. The project is described in Exhibits A and B.

Pursuant to Proposition 218, the owner of record of the existing properties of the American Vineyard Village Project, John Mourier Construction, Inc. (JMC), has approved, by way of this ballot, an annual charge of \$184.98 per parcel and/or dwelling unit for existing parcels and each new parcel and/or dwelling unit created by these areas as final maps are recorded. In lieu of mailed notice of this hearing, JMC has executed a waiver of the requirement. Your Board is required to conduct a Public Hearing to consider all protests and tabulate the ballots, and must also adopt a Resolution to impose the parcel/dwelling unit charge.

ENVIRONMENTAL CLEARANCE:

This is an administrative action required pursuant to the conditions of approval for this subdivision. As such, it is not a separate project and is not subject to further environmental review.

FISCAL IMPACT

The \$184.98 charge will be levied on each existing parcel/dwelling unit and each new parcel created by each new final map. The ballot also allows for an annual cost of living increase for this CSA charge based on the percent change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area commencing with the 2012-2013 fiscal year, which shall not exceed 5% in any one year. These charges are supported by a detailed engineer's report prepared by a registered professional engineer.

Attachment

Resolution

Before the Board of Supervisors County of Placer, State of California

IN THE MATTER OF A RESOLUTION ANNEXING
THE AMERICAN VINEYARDS VILLAGE SUBDIVISION
INTO CSA 28 ZONE OF BENEFIT 165 AND ESTABLISHING
A CHARGE ON PARCELS WITHIN SAID ZONE.

Resolution No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held, OCTOBER 23, 2012 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

WHEREAS, a condition of approval of the American Vineyard Village Subdivision was its annexation into the existing County Service Area 28, Zone of Benefit 165 *Dry Creek Fire* to provide fire protection and emergency medical services for the benefit of properties within the subdivision; and

WHEREAS, the owners of record of said subdivision have consented to the imposition of fees for said subdivision to satisfy the conditions to obtain a final map for the project; and

WHEREAS, the owners of record of the properties have approved ballots to set a charge on parcels and dwelling units within said areas of the subdivision; and

WHEREAS, said ballots constitute unanimous approval of the charge by the property owners within said area of the Zone of Benefit after proper notice has been given of the right to protest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA AS FOLLOWS:

The Board of Supervisors does hereby annex into Zone of Benefit 165 *Dry Creek Fire* within County Service Area 28 that property described in Exhibits A and B for the American Vineyard Village subdivision, which Zone shall provide fire protection and emergency medical services for the benefit of properties within the subdivision.

The Board of Supervisors does hereby establish with the consent of the property owners and in conformance with Section 4 of the Article XIID of the California Constitution and pursuant to Government Code Section 25210 *et seq.*, a charge against APN 473-030-016-000 and against each parcel within Zone of Benefit No. 165 that may now exist or which may be created by any final map of the American Vineyard Village Subdivision, in the amount no greater than \$184.98 per parcel/dwelling unit. Said charge shall commence with the 2012-2013 fiscal year

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Resolution No. _____

The charge established hereunder shall be subject to modification each year in an amount not to exceed the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco/Oakland/San Jose Metropolitan Area, commencing with the 2013-2014 tax year, which shall not exceed 5% in any one year.

Attachments:

- Exhibit A – Legal Description
- Exhibit B – Plat Map
- Exhibit C – Ballot & Waiver

EXHIBIT 'A'

Legal Description

ANNEXATION TO PLACER COUNTY SERVICE AREA NO. 28 ZONE #165 DRY CREEK FIRE AMERICAN VINEYARD VILLAGE

ALL THAT REAL PROPERTY situated in the County of Placer, State of California and being located in Section 10, Township 10 North, Range 6 East, M.D.M. and also being all of Lot 26 and a portion of Lot 27 as shown on the "Map of the Hicken Tract", filed for record in the office of the Recorder of Placer County on November 1, 1900 in Book A of Maps, at Page 31 and also being a portion of that certain tract of land described in a Grant Deed to John M. Mourier Construction, Inc., a California Corporation, filed for record in the office of the Recorder of said County on July 23, 2010 in Document No, 2010-0055810-00. More particularly described as follows:

COMMENCING at the Northwest corner of said Section 10; thence along the North line of said Section 10, North 89° 22' 51" East, 1337.88 feet to the Northwest corner of said "Lot 26"; thence leaving said North line along the West line of said Lot 26, South 00° 24' 29" East, 15.00 and true POINT OF BEGINNING of this description; thence from said POINT OF BEGINNING along the South line of that property granted to the City of Roseville per Instrument No. 2012-0082617 the following seven (7) courses and distances;

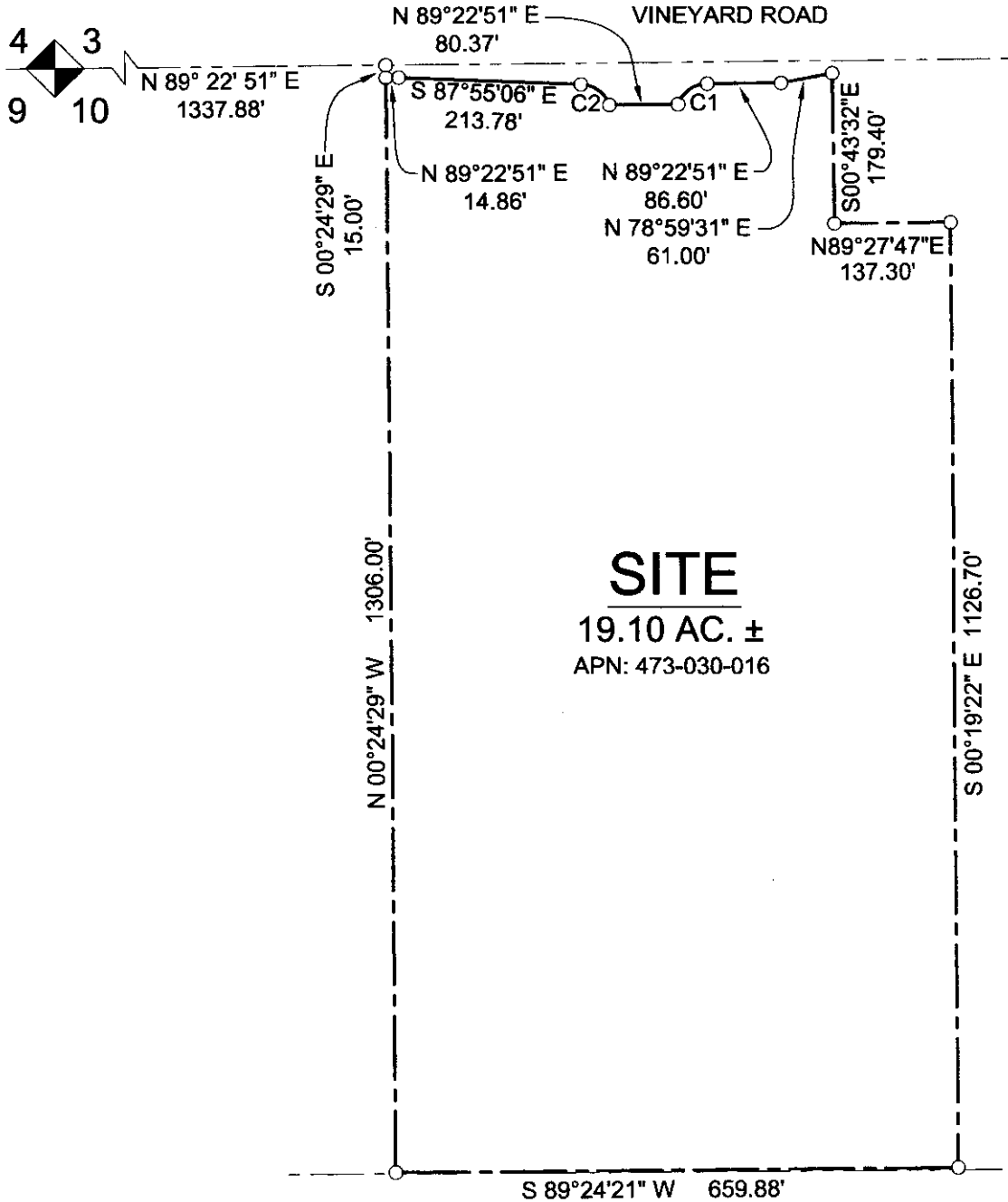
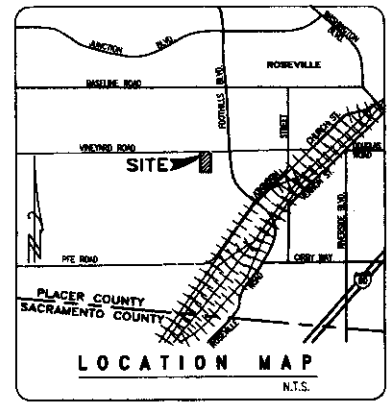
- 1) North 89° 22' 51" East, 14.86 feet;
- 2) South 87° 55' 06" East, 213.78 feet,;
- 3) Along the arc of a tangent curve to the right having a radius of 37 feet, a central angle of 68° 19' 16", subtended by a chord bearing and distance of South 53° 45' 28" East, 41.55 feet;
- 4) North 89° 22' 51" East, 80.37 feet, to a point of curvature;
- 5) Along the arc of a non-tangent curve to the right having a radius of 37 feet, a central angle of 69° 25' 48", subtended by a chord bearing and distance of North 54° 39' 57" East, 42.14 feet;
- 6) North 89° 22' 51" East, 86.60 feet;
- 7) North 78° 59' 31" East, 61.00 feet

to a point in the West line of that certain parcel of land described in a Grant Deed to Erico J. Orsi, Jr., filed for record in the office of the Recorder of said County on January 31, 1986 in Book 2924 of Official Records, at Page 0621; thence along said West line and the prolongation thereof, South 00° 43' 32" East, 179.40 feet; thence along the South line of that same said parcel of land, and the prolongation thereof, North 89° 27' 47" East, 137.30 feet to a point on the East line of said "Lot 27"; thence along the East line of said "Lot 27", South 00° 19' 22" East, 1126.70 feet to the Southeast corner of said "Lot 27"; thence along the South line of said "Lot 27" and said "Lot 26" respectively, South 89° 24' 21" West, 659.88 feet to the Southwest corner of said "Lot 26"; thence along the West line of said "Lot 26", North 00° 24' 29" West, 1306.00 feet to the POINT OF BEGINNING.

Said property contains 19.10 acres, more or less.

EXHIBIT 'B'

ANNEXATION TO PLACER COUNTY SERVICE AREA
 NO. 28, ZONE #165 - DRY CREEK FIRE
 JOHN MOURIER CONSTRUCTION



CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	44.84	37.00'	N 54°39'57" E	42.14'	69°25'48"
C2	44.12	37.00'	S 53°45'28" E	41.55'	68°19'16"



**County of Placer
Office of Emergency Services**

August 10, 2012

OFFICIAL ASSESSMENT BALLOT

John Mourier Construction Inc.,
Att: Steve Schnable
1430 Blue Oaks Blvd., Suite 190
Roseville, CA 95747

ZONE OF BENEFIT No. 165 (Dry Creek Fire)
COUNTY SERVICE AREA No. 28

Do you approve of the imposition of an assessment to provide fire and emergency medical services on all parcels and subsequent parcels and/ or dwelling units and/or assessment units in the amount of \$184.98 per parcel and/ or dwelling unit and/or assessment unit within Assessor Parcel Number 473-030-016-000. Said fee shall be subject to modification each year in an amount not to exceed the change in the State of California San Francisco/Oakland/San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, commencing with the 2012-2013 tax year.

<u>ASSESSOR PARCEL NUMBER</u>	<u>ANNUAL ASSESSMENT AMOUNT PER PARCEL</u>
473-030-016-000	\$184.98

YES

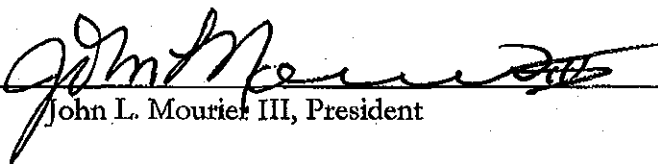
NO

We declare that we are the owners of record of the above-described Parcels.

We declare that we are the representatives of the owner of record of the above-described Parcels and that we are lawfully authorized to execute this ballot on behalf of said owner of record.

OFFICIAL ASSESSMENT BALLOT
CSA 28, Zone of Benefit 165 (Dry Creek Fire)
August 10, 2012
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John Mourier Construction Inc.,
A California Corporation

By: 
John L. Mourier III, President

Please return to the County Executive Office, 175 Fulweiler Ave., Auburn CA 95603 September 24, 2012.

(Signature(s) must be notarized)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Placer

On Sept 12, 2012 before me, Karen Headley a notary public

personally appeared John L. Mauer III



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

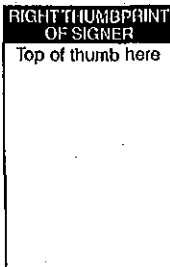
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

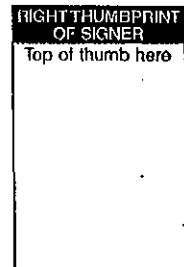
- Individual
- Corporate Officer — Title(s): President
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

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WAIVER OF NOTICE—
Zone of Benefit No. 165
American Vineyard Village Subdivision (project)

THIS WAIVER is executed this 1st day of Oct. 2012, by John Mourier Construction, Inc. ("OWNER").

WHEREAS, OWNER is the owner of record in fee of the real property identified as American Vineyard Subdivision PSM 20100148, Assessor Parcel Number 473-030-016-000 (property), Document 2010-0055810-00, official records of Placer County, recorded July 23,2010 and

WHEREAS, County Service Area No. 28, Zone of Benefit No. 165 was formed to provide fire and emergency medical services for the benefit of the project, and

WHEREAS, the OWNER desires to record a final map for the project, and in order to facilitate said process consents to the imposition of assessments and/or fees as may be required which would provide funding to provide the services described and the OWNER desires to waive the specific requirements under Proposition 218 for notice of the protest hearing to facilitate recording of said final maps,

NOW, THEREFORE:

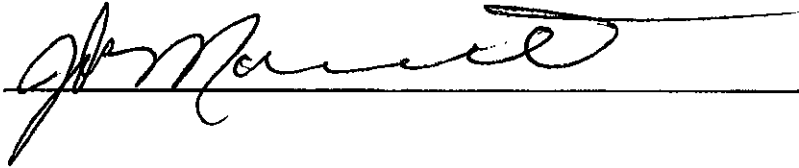
1. The OWNER hereby waives any and all requirements of subsection (c) of Section 4 or subsection (a)(1) of Section 6 of Article XIII D of the California Constitution requiring the preparation and mailing of individualized notice for the property owned by OWNER, or for any parcel and/or dwelling unit and/or assessment unit as may be created upon recordation of the final map(s) of the project from the property, for the imposition of a special assessment, and waives receipt of the same.
2. The OWNER hereby waives any and all requirements of subsection (e) of Section 4 or subsection (a)(2) of Section 6 of Article XIII D of the California Constitution requiring the sending or receipt of notice of the holding of a public hearing for the imposition of a special assessment upon the property owned by OWNER or for any parcel/dwelling/assessment unit as may be created upon recordation of the final map(s) of the project.
3. The OWNER hereby agrees and acknowledges that the assessments and/or fees imposed by the County under Zone of Benefit No. 165 or any successor thereto are being lawfully imposed in accordance with the County Service Area Law (Government Code section 25210 et seq.) and Proposition 218 and all other applicable law to provide fire and emergency medical services.
4. The OWNER warrants and represents that he is the owner of record of the property, and has full authority to execute this waiver. This waiver shall be binding upon OWNER and OWNER's successors-in-interest, heirs, and assigns, and shall run with the property and all separate legal parcels/assessment units therefrom as may be created upon recordation of the final map for the project.

Dated: 10/1, 2012:

OWNER:

John Mourier Construction
1430 Blue Oaks Blvd., Suite 190
Roseville, CA 95747

By: John L. Mourier III

By:  _____

Its: President
Corporate Title

Please return to the County Executive Office, Attention Dorothy Walsh or Rui Cunha, 175 Fulweiler Ave., Auburn CA 95603 by October 19, 2012.

(Signature(s) must be notarized)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Placer

On 10-1-12 before me, Karen Headley, a notary public,

personally appeared John C. Mowrer III

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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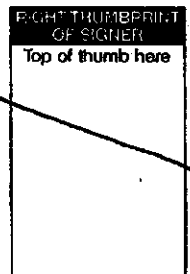
Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____