

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

County of Placer

TO: BOARD OF SUPERVISORS DATE: November 8, 2011
FROM: KEN GREHM/BOB COSTA *AC*
SUBJECT: DISSOLUTION OF ZONE OF BENEFIT NO. 152 IN COUNTY SERVICE AREA 28 (CHELSHIRE DOWNS NORTH)

ACTION REQUESTED / RECOMMENDATION

The Board is requested to take the following actions with regard to dissolution of County Service Area 28 (CSA28) Zone of Benefit 152 (Zone 152);

- a. Conduct a public hearing;
- b. Consider the Petition by landowners for Dissolution;
- c. Adopt a Resolution of Intention setting a public hearing to consider the elimination of extended services within the Chelshire Downs North subdivision and to cease all related charges.

BACKGROUND

Zones of Benefit are created within County Service Area (CSA) No. 28 to fill the services funding gap between general County services and extended services. Zone of Benefit No. 152 includes eight (8) residential lots on approximately 22.3 acres, within the Chelshire Downs North subdivision. It was established on May 11, 1999 to provide long term road rehabilitation and storm drain maintenance.

A Petition for Dissolution, signed by all of the current property owners, has been received by the County, requesting the abolishment of the Zone of Benefit and relinquishment of all responsibilities for extended services and maintenance, as specified in the Engineers Report, to the Chelshire Downs North Homeowner's Association (HOA). The County has been provided with documentation that identifies and supports alternative means for the private maintenance of the subdivision road and storm drainage facilities. Abandonment of the public road easement and removal from the County Maintained Mileage were actions approved by your Board on June 27, 2006, Resolution Number 2006-174 and abandonment of the public drainage easement was approved on July 13, 2010, Resolution Number 2010-166.

In accordance with the California Government Code 25217.2 describing the process to be followed in order to dissolve a Zone of Benefit, your Board's consideration of this request necessitates the adoption of a Resolution of Intention to fix a time and place for a hearing to consider the question of eliminating these extended services.

ENVIRONMENTAL CLEARANCE

This proposed action is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) and is exempt from CEQA requirements.

FISCAL IMPACT

The requested action will have no fiscal impact. County extended services provided under the CSA are fully funded through the charges levied to the land owners; therefore, there would be no impact to County Road or General Funds, if such services were eliminated. Disposition of the current fund balance of approximately \$25,182.98 will be addressed upon your Board's consideration of the elimination of these extended services and related charges.

Attachments: Resolution
Petition for Dissolution
Map

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

In the matter of: A RESOLUTION OF
INTENTION TO DISSOLVE COUNTY
SERVICE AREA 28 ZONE OF BENEFIT NO.
152 WITHIN CHELSHIRE DOWNS NORTH
SUBDIVISION, AND SCHEDULING A
PUBLIC HEARING TO CONSIDER
ELIMINATION OF EXTENDED SERVICES
AND ASSOCIATED CHARGES.

Resol. No: _____

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

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, a condition of approval for Chelshire Downs North was the creation of a funding mechanism to provide long-term road rehabilitation and storm drain maintenance, for the benefit of the properties within the subdivision; and

WHEREAS, the current owners of record of said subdivision parcels have petitioned County for dissolution of County Service Area 28, Zone of Benefit 152; and

WHEREAS, the Chelshire Downs North Homeowner's Association is willing to assume responsibility for all services currently provided by County and funded through Zone of Benefit 152; and

WHEREAS, the County Board of Supervisors is willing to consider the dissolution of Zone of Benefit 152, providing there is adequate land owner support, that acceptable substitute means are provided for continuation of maintenance services; and

WHEREAS, an abandonment of the public highway easement on the subdivision street was approved by this Board on June 27, 2006, Resolution Number 2006-174, and abandonment of the public drainage easement on July 13, 2010, Resolution Number 2010-166.

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 set a public hearing to consider the matter of eliminating extended services and the dissolution of Zone of Benefit No. 152 within County Service Area No. 28, on December 13, 2011, at 9:30am, in the Board of Supervisors Chambers located at 175 Fulweiler Avenue, Auburn, California.

PETITION TO DISSOLVE
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 152

Whereas Zone of Benefit No. 152 of the Chelshire Owners Association Subdivision (Formerly Chelshire Downs North Association) consists of 8 residential lots as is shown on Exhibit A, attached hereto, and was created in May 1999, for the purpose of providing funding for the costs of the following extended County services: road rehabilitation and storm drain maintenance, and

Whereas, the owners of all of the parcels property within ZOB No. 152 no longer wish the County provide the aforementioned services or to be assessed by the County for the costs of providing said services ZOB No. 152 and are willing to assume responsibility for providing the aforementioned services through their existing homeowners association,

Now, therefore, the undersigned, consisting of 100% of the owners of property within ZOB No. 152 hereby petition the Placer County Board of Supervisors as follows:

- a) That the Board adopts a resolution to dissolve ZOB No. 152 effective as of the earliest possible date, subject to the conditions set forth in Section (b), below.
- b) That the dissolution of ZOB No. 152 shall not be effective until proof of compliance with the following condition has been submitted to the County: (a) The CCRs for the Chelshire Owners Association have been amended to provide that the Homeowner's Association assumes full responsibility for current existing CSA services and the property owners have agreed to assess themselves for the costs thereof.
- c) That all services being provided by the County to the property within ZOB No. 152 be discontinued as of the effective date of the resolution of dissolution.
- d) That imposition of all benefit assessments imposed upon each parcel of property within ZOB No. 152 to fund the costs of the County (current existing CSA services) be discontinued as of first new secured property assessment roll after the effective date of the resolution of dissolution.
- e) That upon dissolution and after payment of all costs of administration and services for ZOB No. 152, any unexpended funds collected by the County to provide the aforementioned services be disbursed to the Chelshire Owners Association to be held and utilized solely for the purpose of providing those services.
- f) That the Board of Supervisors considers the adoption of a resolution to dissolve at a hearing in accordance with Government Code section 25210.39b.

R & S Estates LLC:

Signed: Tom Cologna

Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-001

PETITION TO DISSOLVE
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 152

Trevor and Jennifer Sanders:

Signed: 

Dated: 4/4/11

Printed Name: Trevor Sanders

APN No.: 463-010-002

R & S Estates LLC:

Signed: 

Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-003

R & S Estates LLC:

Signed: 

Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-004

R & S Estates LLC:

Signed: 

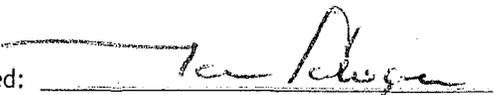
Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-005

PETITION TO DISSOLVE
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 152

R & S Estates LLC:

Signed: 

Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-006

Jeffrey A. Saladin Family Trust:

Signed: 

Dated: 6-3-2011

Printed Name: J. SALADIN

APN No.: 463-010-007

R & S Estates LLC

Signed: 

Dated: 4-4-11

Printed Name: Tom Cologna

APN No.: 463-010-008

CHELSHIRE DOWNS NORTH
 ASSESSMENT DIAGRAM
 ZONE OF BENEFIT 152,
 COUNTY SERVICE AREA NO. 28

