RESOLUTION NO. 2010 -111

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SANTA MARIA, CALIFORNIA,
INITIATING PROCEEDINGS AND DECLAREING
THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS
PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972"
(SMAT M & O FACILITY; NEW BEGINNINGS CHURCH; VERIZON WIRELESS;
DEPOT STREET PARCEL MAP; NORTH BROADWAY SHOPPING CENTER;
AND SHARER BROS. CENTER)

WHEREAS, the City Council has conditioned the development of projects on the formation of, or the annexation to, Districts pursuant to the Streets and Highways Code Section 22500, et seq.; and

WHEREAS, either the owners of the real property within the proposed Districts have consented in writing to annexation to the Districts or the improvements are to be installed by the subdivider of the property by ordinance of the City of Santa Maria;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Santa Maria, California, as follows:

1. The City Council of the City of Santa Maria hereby proposes to and declares its intention to annex 6 parcels into the Southwest, South Miller Street/South College Drive and Northwest Landscape and Lighting Assessment Districts to levy and collect assessments pursuant to the "Landscaping and Lighting Act of 1972" (Streets & Highways Code Section 22500, et seq.).

2. The improvements shall include the following:
   A. Installation and planting of landscaping.
   B. Installation or construction of ornamental structures and facilities.
   C. Installation or construction of any facilities which are appurtenant to that set forth in A and B above or which is necessary or convenient for the maintenance or servicing thereof.
   D. Installation of park or recreational improvements.
   E. Maintenance or servicing, A through D above, or both.

3. An executed Petition Requesting Annexation, which includes a vicinity map of the annexed area of the Assessment District, for each parcel to be annexed is attached hereto (Exhibits A-1, A-2, A-3, A-4, A-5, and A-6), and are hereby incorporated herein.

4. Pursuant to Streets and Highways Code Section 22608, no notice, hearings or Engineer's Report shall be required to annex these properties because all of the owners of these properties have given written consent to waive these requirements.

5. The Districts, to which the annexations are to be made, and the assessment amounts per APN are described in the Property Description Summary attached hereto (Exhibit B), which is hereby incorporated herein.
6. The assessments will commence in Fiscal Year 2011-2012. The assessments are subject to annual increases as authorized by the City Council, with the assessments to be annually updated and adjusted according to the formula set out in the Ten Year Assessment Plan and Consumer Price Index (CPI).

7. The annexations to the Districts shall be placed upon the next agenda of a regularly scheduled meeting of the City Council.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held September 21, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

BY: CITY ATTORNEY

CONTENTS:

BY: DEPARTMENT HEAD

BY: CITY MANAGER

Atty Rev. 2004
PETITION REQUESTING ANNEXATION INTO
CITY OF SANTA MARIA LANDSCAPE AND LIGHTING
ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation

Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter “APN”) 111-580-005 and described in the Attachment “A” attached hereto and by this reference incorporated herein (hereinafter the “Property”); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the “City”) for approval of the project known as SMAT M&O Facility; and

WHEREAS, this project located at 1301 Fairway Drive was approved. The property owners have requested to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as SMAT Facility Improvements). The Southwest Landscape Maintenance District (“Assessment District”) is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on May 2, 1989, the City Council of City adopted Resolution 89-50 (hereinafter the “Resolution”) confirming the creation of the Southwest Landscape Maintenance District (hereafter “Assessment District”) based upon the approved Engineer’s Report; and

WHEREAS, on August 4, 2009, the City Council of City adopted Resolution 2009-121 authorizing the levy of the assessment for fiscal year 2009-2010 for the Assessment District based upon a revised Engineer’s Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the Southwest Landscape Assessment District as hereinafter provided; and
WHEREAS, the Undersigned has elected to request the City Council of the City to annex the Property into Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. Purpose of the Annual Assessment. The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining public improvements described in Attachment B attached hereto and by this reference incorporated herein (hereinafter referred to as the “Description of Work”). The Undersigned agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein. The Undersigned acknowledges that said “Description of Work” is part of the Engineer’s Report attached to the above-referenced Resolution recorded as Resolution 01-78, which is incorporated herein by this reference.

2. Amount of the Annual Assessment. The annual assessment to be levied against the Property to fund operation and maintenance of the Description of Work (Attachment B) shall initially be the current Southwest Landscape Maintenance District amount of $374.61 per APN or tenant space. Such annual assessment shall be levied against the Property during each fiscal year of the City that the Assessment District remains in effect, effective immediately. The Undersigned agrees that the amount of the annual assessment set forth above does not exceed the cost of operating and maintaining the Description of Work.

3. CPI Adjustment in the Amount of the Annual Assessment. Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the
Assessment District Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers – U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such consumer price index that measures the cost of living in U.S. cities. The Undersigned agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Assessment District Improvements due to inflationary factors.

4. **Credits Against the Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Description of Work, the amount of such assessment is greater than the actual cost of operating and maintaining the Description of Work, the difference between the assessment and the actual cost of operating and maintaining the Description of Work shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

5. **Apportionment of Annual Assessments Among Subdivision Lots, Parcels or Tenant Spaces.** At such time as the Property is subdivided into lots, parcels and/or tenant spaces by reason of recordation of a final subdivision map or final parcel map, the assessment to be levied against the lots, parcels and/or tenant spaces shall be apportioned among the resulting lots, tenant spaces or parcels in accordance with the Engineer’s Report referenced in paragraph 2 above. The Undersigned agrees that the net amount assessed in the Engineer’s Report fairly distributes the net amount among all assessable lots, parcels and/or tenant spaces in proportion to the estimated benefits received by each such lot, parcel, and/or tenant space from the improvements described in Attachment B. The amount of the assessments shall be in accordance with the Ten Year Assessment Plan adopted by the City Council in Resolution 94-99 of June 7, 1994. That Resolution established an initial assessment of $0.22 per square foot of landscaped area, and provided for annual increases based upon the consumer price index referenced in paragraph 4 above.

6. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Description of Work shall commence immediately and shall continue thereafter until such time as the City Council shall determine to abolish the Assessment District.

7. **Waiver of Notice and Assessment District Protest Hearing.** For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the Southwest Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by provisions of Streets & Highways

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EXHIBIT A-1
Page 3 of 7
Code Sections 22585 et seq., Government Code Sections 53750 et seq. and/or Section 4 of Article XIII C of the California Constitution.

8. Ballot in Favor of Assessment District. The Undersigned executes this document both as the Undersigned’s Petition for annexation into Assessment District, and as the Undersigned’s ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned’s ballot in favor of Assessment District and the annexation of the Property into Assessment District.

9. Proposition 218. The SMAT Facility Improvements are subject to the provisions of Proposition 218.

10. Termination of Landscape Maintenance District. In the event the Southwest Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

IN WITNESS WHEREOF, the Undersigned has executed this Petition at the City of Santa Maria, California, this ___ day of _______, 20__.

Name: Tim S. Ness
Title: City Manager

(SIGN BEFORE NOTARY PUBLIC)
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Santa Barbara

On May 27, 2010 before me, Patti H. Rodriguez, Notary Public, personally appeared

Tim J. Ness

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.

Patti H. Rodriguez

Signature of Notary Public
FUNDING ANNUAL COST OF MAINTAINING PUBLIC IMPROVEMENTS

The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer’s office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.
PETITION REQUESTING ANNEXATION INTO
CITY OF SANTA MARIA LANDSCAPE AND LIGHTING
ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation

Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter “APN”) 111-051-021 and described in the Attachment “A” attached hereto and by this reference incorporated herein (hereinafter the “Property”); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the “City”) for approval of the project known as New Beginnings Church; and

WHEREAS, Use Permit No. 10-002 was granted, approving the project. The Use Permit imposed a condition requiring the owners of the Properties to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as New Beginnings Church Improvements). The Southwest Landscape Maintenance District (“Assessment District”) is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on May 2, 1989, the City Council of City adopted Resolution 89-50 (hereinafter the “Resolution”) confirming the creation of the Southwest Landscape Maintenance District (hereafter “Assessment District”) based upon the approved Engineer’s Report; and

WHEREAS, on August 4, 2009, the City Council of City adopted Resolution 2009-121 authorizing the levy of the assessment for fiscal year 2009-2010 for the Assessment District based upon a revised Engineer’s Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the Southwest Landscape Assessment District as hereinafter provided; and
WHEREAS, the Undersigned has elected to request the City Council of the City to annex the Property into Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. Purpose of the Annual Assessment. The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining public improvements described in Attachment B attached hereto and by this reference incorporated herein (hereinafter referred to as the "Description of Work"). The Undersigned agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein. The Undersigned acknowledges that said "Description of Work" is part of the Engineer's Report attached to the above-referenced Resolution recorded as Resolution 01-78, which is incorporated herein by this reference.

2. Amount of the Annual Assessment. The annual assessment to be levied against the Property to fund operation and maintenance of the Description of Work (Attachment B) shall initially be the current Southwest Landscape Maintenance District amount of $374.61 per APN or tenant space. Such annual assessment shall be levied against the Property during each fiscal year of the City that the Assessment District remains in effect, effective immediately. The Undersigned agrees that the amount of the annual assessment set forth above does not exceed the cost of operating and maintaining the Description of Work.

3. CPI Adjustment in the Amount of the Annual Assessment. Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the
Assessment District Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers – U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such consumer price index that measures the cost of living in U.S. cities. The Undersigned agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Assessment District Improvements due to inflationary factors.

4. **Credits Against the Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Description of Work, the amount of such assessment is greater than the actual cost of operating and maintaining the Description of Work, the difference between the assessment and the actual cost of operating and maintaining the Description of Work shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

5. **Apportionment of Annual Assessments Among Subdivision Lots, Parcels or Tenant Spaces.** At such time as the Property is subdivided into lots, parcels and/or tenant spaces by reason of recordation of a final subdivision map or final parcel map, the assessment to be levied against the lots, parcels and/or tenant spaces shall be apportioned among the resulting lots, tenant spaces or parcels in accordance with the Engineer's Report referenced in paragraph 2 above. The Undersigned agrees that the net amount assessed in the Engineer's Report fairly distributes the net amount among all assessable lots, parcels and/or tenant spaces in proportion to the estimated benefits received by each such lot, parcel, and/or tenant space from the improvements described in Attachment B. The amount of the assessments shall be in accordance with the Ten Year Assessment Plan adopted by the City Council in Resolution 94-99 of June 7, 1994. That Resolution established an initial assessment of $0.22 per square foot of landscaped area, and provided for annual increases based upon the consumer price index referenced in paragraph 4 above.

6. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Description of Work shall commence immediately and shall continue thereafter until such time as the City Council shall determine to abolish the Assessment District.

7. **Waiver of Notice and Assessment District Protest Hearing.** For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the Southwest Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by provisions of Streets & Highways.
Code Sections 22585 et seq., Government Code Sections 53750 et seq. and /or Section 4 of Article XIII C of the California Constitution.

8. **Ballot in Favor of Assessment District.** The Undersigned executes this document both as the Undersigned's Petition for annexation into Assessment District, and as the Undersigned's ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned's ballot in favor of Assessment District and the annexation of the Property into Assessment District.

9. **Proposition 218.** The New Beginnings Church Improvements are subject to the provisions of Proposition 218.

10. **Termination of Landscape Maintenance District.** In the event the Southwest Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

**IN WITNESS WHEREOF,** the Undersigned has executed this Petition at the City of Santa Maria, California, this 15 day of April 2010.

Name: Susan M. Richm

Title: Co-Owner

(SIGN BEFORE NOTARY PUBLIC)
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California )
) ss.
County of Santa Barbara )

On ______________ before me, Rhonda M. Garietz, Notary Public,
personally appeared ________________________,
who proved to me on the basis of satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to me that she executed the same
in her authorized capacity , and that by her signature on the instrument
the person , or the entity upon behalf of which the person 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 of Notary Public

ADDITIONAL OPTIONAL INFORMATION

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.

DECRIPITION OF THE ATTACHED DOCUMENT

Petition Requesting Annexation into Landscape District - SW (New Beginnings Church)

Number of Pages six (6) Document Date 4/13/2010

CAPACITY(IES) CLAIMED BY SIGNER(S)

☐ Individual
☐ Corporate Officer __________________________ (Title)
☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

RIGHT THUMBPRINT OF SIGNER

RIGHT THUMBPRINT OF SIGNER
ATTACHMENT A
VICINITY MAP
NEW BEGINNINGS CHURCH
U-10-002
APN: 111-051-021
$374.61 PER APN OR TENANT SPACE
EXHIBIT A-2
Page 6 of 7
FUNDING ANNUAL COST OF MAINTAINING PUBLIC IMPROVEMENTS

The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer’s office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.

ATTACHMENT B
NEW BEGINNINGS CHURCH
U-10-002
PETITION REQUESTING ANNEXATION INTO
CITY OF SANTA MARIA LANDSCAPE AND LIGHTING
ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation
Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter "APN") 128-085-001 and described in the Attachment "A" attached hereto and by this reference incorporated herein (hereinafter the "Property"); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the "City") for approval of the project known as Verizon Wireless; and

WHEREAS, Planned Development No. 2009-005 was granted, approving the project. The Planned Development imposed a condition requiring the owners of the Properties to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as Verizon Wireless Improvements). The South Miller Street/South College Drive Landscape Maintenance District ("Assessment District") is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on August 4, 1981, the City Council of City adopted Resolution 81-298 (hereinafter the "Resolution") confirming the creation of the South Miller Street/South College Drive Landscape Maintenance District (hereafter "Assessment District") based upon the approved Engineer's Report; and

WHEREAS, on August 4, 2009, the City Council of City adopted Resolution 2009-118 authorizing the levy of the assessment for fiscal year 2009-2010 for the Assessment District based upon a revised Engineer's Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the South Miller Street/South College Drive Landscape Assessment District as hereinafter provided; and
WHEREAS, the Undersigned has elected to request the City Council of the City to annex the Property into Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. **Purpose of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining public improvements described in Attachment B attached hereto and by this reference incorporated herein (hereinafter referred to as the “Description of Work”). The Undersigned agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein. The Undersigned acknowledges that said “Description of Work” is part of the Engineer’s Report attached to the above-referenced Resolution recorded as Resolution 01-78, which is incorporated herein by this reference.

2. **Amount of the Annual Assessment.** The annual assessment to be levied against the Property to fund operation and maintenance of the Description of Work (Attachment B) shall initially be the current South Miller Street/South College Drive Landscape Maintenance District amount of 374.61 per APN or tenant space. Such annual assessment shall be levied against the Property during each fiscal year of the City that the Assessment District remains in effect, effective immediately. The Undersigned agrees that the amount of the annual assessment set forth above does not exceed the cost of operating and maintaining the Description of Work.

3. **CPI Adjustment in the Amount of the Annual Assessment.** Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of
whether there has been an increase in the cost of operating and maintaining the Assessment District Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers – U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such consumer price index that measures the cost of living in U.S. cities. The Undersigned agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Assessment District Improvements due to inflationary factors.

4. **Credits Against the Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Description of Work, the amount of such assessment is greater than the actual cost of operating and maintaining the Description of Work, the difference between the assessment and the actual cost of operating and maintaining the Description of Work shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

5. **Apportionment of Annual Assessments Among Subdivision Lots, Parcels or Tenant Spaces.** At such time as the Property is subdivided into lots, parcels and/or tenant spaces by reason of recordation of a final subdivision map or final parcel map, the assessment to be levied against the lots, parcels and/or tenant spaces shall be apportioned among the resulting lots, tenant spaces or parcels in accordance with the Engineer's Report referenced in paragraph 2 above. The Undersigned agrees that the net amount assessed in the Engineer's Report fairly distributes the net amount among all assessable lots, parcels and/or tenant spaces in proportion to the estimated benefits received by each such lot, parcel, and/or tenant space from the improvements described in Attachment B. The amount of the assessments shall be in accordance with the Ten Year Assessment Plan adopted by the City Council in Resolution 94-96 of June 7, 1994. That Resolution established an initial assessment of $0.22 per square foot of landscaped area, and provided for annual increases based upon the consumer price index referenced in paragraph 4 above.

6. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Description of Work shall commence immediately and shall continue thereafter until such time as the City Council shall determine to abolish the Assessment District.

7. **Waiver of Notice and Assessment District Protest Hearing.** For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the South Miller Street/South College Drive Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by
provisions of Streets & Highways Code Sections 22585 et seq., Government Code Sections 53750 et seq. and/or Section 4 of Article XIII C of the California Constitution.

8. **Ballot in Favor of Assessment District.** The Undersigned executes this document both as the Undersigned’s Petition for annexation into Assessment District, and as the Undersigned’s ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned’s ballot in favor of Assessment District and the annexation of the Property into Assessment District.

9. **Proposition 218.** The Verizon Wireless Improvements are subject to the provisions of Proposition 218.

10. **Termination of Landscape Maintenance District.** In the event the South Miller Street/South College Drive Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

IN WITNESS WHEREOF, the Undersigned has executed this Petition at the City of Santa Maria, California, this 23rd day of March 2010.

[Signature]

Name: [Signature]
Title: [Signature]

(SIGN BEFORE NOTARY PUBLIC)
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California )
County of Los Angeles ) ss.

On March 23, 2010 before me, DEBBIE ANN LANDRY-SARA, Notary Public, personally appeared
Carl Edward Sommers, who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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.

DEBBIE ANN LANDRY-SARA

EXHIBIT A-3
Page 5 of 7
ATTACHMENT A
VICINITY MAP
VERIZON WIRELESS
PD-2009-005
APN: 128-085-001
$ 374.61 PER APN OR TENANT SPACE
FUNDING ANNUAL COST OF MAINTAINING PUBLIC IMPROVEMENTS

The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer's office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.
PETITION REQUESTING ANNEXATION INTO
CITY OF SANTA MARIA LANDSCAPE AND LIGHTING
ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation
Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter "APN") 119-261-005. -007 and -008 and described in the Attachment "A" attached hereto and by this reference incorporated herein (hereinafter the "Property"); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the "City") for approval of the project known as Depot Street Parcel Map; and

WHEREAS, Tract No. 5967 was granted, approving the project. The Tract imposed a condition requiring the owners of the Properties to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as Depot Street Improvements). The Northwest Landscape Maintenance District ("Assessment District") is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on December 20, 1988, the City Council of City adopted Resolution 88-154 (hereinafter the "Resolution") confirming the creation of the Northwest Landscape Maintenance District (hereafter "Assessment District") based upon the approved Engineer’s Report; and

WHEREAS, on August 4, 2009, the City Council of City adopted Resolution 2009-119 authorizing the levy of the assessment for fiscal year 2009-2010 for the Assessment District based upon a revised Engineer’s Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the Northwest Landscape Assessment District as hereinafter provided; and
WHEREAS, the Undersigned has elected to request the City Council of the City to annex the Property into Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. **Purpose of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining public improvements described in Attachment B attached hereto and by this reference incorporated herein (hereinafter referred to as the “Description of Work”). The Undersigned agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein. The Undersigned acknowledges that said “Description of Work” is part of the Engineer’s Report attached to the above-referenced Resolution recorded as Resolution 01-78, which is incorporated herein by this reference.

2. **Amount of the Annual Assessment.** The annual assessment to be levied against the Property to fund operation and maintenance of the Description of Work (Attachment B) shall initially be the current Northwest Landscape Maintenance District amount of $374.61 per APN or tenant space. Such annual assessment shall be levied against the Property during each fiscal year of the City that the Assessment District remains in effect, effective immediately. The Undersigned agrees that the amount of the annual assessment set forth above does not exceed the cost of operating and maintaining the Description of Work.

3. **CPI Adjustment in the Amount of the Annual Assessment.** Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the
Assessment District Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers – U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such consumer price index that measures the cost of living in U.S. cities. The Undersigned agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Assessment District Improvements due to inflationary factors.

4. **Credits Against the Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Description of Work, the amount of such assessment is greater than the actual cost of operating and maintaining the Description of Work, the difference between the assessment and the actual cost of operating and maintaining the Description of Work shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

5. **Apportionment of Annual Assessments Among Subdivision Lots, Parcels or Tenant Spaces.** At such time as the Property is subdivided into lots, parcels and/or tenant spaces by reason of recordation of a final subdivision map or final parcel map, the assessment to be levied against the lots, parcels and/or tenant spaces shall be apportioned among the resulting lots, tenant spaces or parcels in accordance with the Engineer's Report referenced in paragraph 2 above. The Undersigned agrees that the net amount assessed in the Engineer's Report fairly distributes the net amount among all assessable lots, parcels and/or tenant spaces in proportion to the estimated benefits received by each such lot, parcel, and/or tenant space from the improvements described in Attachment B. The amount of the assessments shall be in accordance with the Ten Year Assessment Plan adopted by the City Council in Resolution 94-97 of June 7, 1994. That Resolution established an initial assessment of $0.22 per square foot of landscaped area, and provided for annual increases based upon the consumer price index referenced in paragraph 4 above.

6. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Description of Work shall commence immediately and shall continue thereafter until such time as the City Council shall determine to abolish the Assessment District.

7. **Waiver of Notice and Assessment District Protest Hearing.** For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the Northwest Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by provisions of Streets & Highways...
Code Sections 22585 et seq., Government Code Sections 53750 et seq. and/or Section 4 of Article XIII C of the California Constitution.

8. **Ballot in Favor of Assessment District.** The Undersigned executes this document both as the Undersigned’s Petition for annexation into Assessment District, and as the Undersigned’s ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned’s ballot in favor of Assessment District and the annexation of the Property into Assessment District.

9. **Proposition 218.** The Depot Street Improvements are subject to the provisions of Proposition 218.

10. **Termination of Landscape Maintenance District.** In the event the Northwest Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

**IN WITNESS WHEREOF,** the Undersigned has executed this Petition at the City of Santa Maria, California, this ___ day of May 2010.

[Signature]

Name: [Signature]

Title: [Signature]

(SIGN BEFORE NOTARY PUBLIC)
CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California )
County of Santa Barbara ) ss.

On May 28, 2010 before me, Rhonda M. Garetz, Notary Public, personally appeared

John Eggert, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 of Notary Public

Place Notary seal above
ATTACHMENT A
VICINITY MAP
DEPOT STREET PARCEL MAP
TRACT 5967
APN: 119-261-005, -007 AND -008
$374.61 PER APN OR TENANT SPACE
FUNDING ANNUAL COST OF MAINTAINING PUBLIC IMPROVEMENTS

The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer's office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.

ATTACHMENT B
DEPOT STREET PARCEL MAP
TRACT 5967
PETITION REQUESTING ANNEXATION INTO
CITY OF SANTA MARIA LANDSCAPE AND LIGHTING
ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation

Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter “APN”) 117-040-025 and described in the Attachment “A” attached hereto and by this reference incorporated herein (hereinafter the “Property”); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the “City”) for approval of the project known as North Broadway Shopping Center; and

WHEREAS, Planned Development No. 2007-028 was granted, approving the project. The Planned Development imposed a condition requiring the owners of the Properties to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as North Broadway Shopping Center improvements). The Northwest Landscape Maintenance District (“Assessment District”) is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on December 20, 1988, the City Council of City adopted Resolution 88-154 (hereinafter the “Resolution”) confirming the creation of the Northwest Landscape Maintenance District (hereafter “Assessment District”) based upon the approved Engineer’s Report; and

WHEREAS, on July 17, 2007, the City Council of City adopted Resolution 2007-102 authorizing the levy of the assessment for fiscal year 2007-2008 for the Assessment District based upon a revised Engineer’s Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the Northwest Landscape Assessment District as hereinafter provided; and
WHEREAS, the Undersigned has elected to request the City Council of the City to annex the Property into Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. **Purpose of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining public improvements described in Attachment B attached hereto and by this reference incorporated herein (hereinafter referred to as the "Description of Work"). The Undersigned agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein. The Undersigned acknowledges that said "Description of Work" is part of the Engineer's Report attached to the above-referenced Resolution recorded as Resolution 01-78, which is incorporated herein by this reference.

2. **Amount of the Annual Assessment.** The annual assessment to be levied against the Property to fund operation and maintenance of the Description of Work (Attachment B) shall initially be the current Northwest Landscape Maintenance District amount of $364.05 per APN or tenant space. Such annual assessment shall be levied against the Property during each fiscal year of the City that the Assessment District remains in effect, effective immediately. The Undersigned agrees that the amount of the annual assessment set forth above does not exceed the cost of operating and maintaining the Description of Work.

3. **CPI Adjustment in the Amount of the Annual Assessment.** Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the

EXHIBIT A-5
Page 2 of 7
Assessment District Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in the consumer price index published by the Federal Bureau of Labor Statistics for all Urban Consumers – U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such consumer price index that measures the cost of living in U.S. cities. The Undersigned agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Assessment District Improvements due to inflationary factors.

4. Credits Against the Annual Assessment. If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Description of Work, the amount of such assessment is greater than the actual cost of operating and maintaining the Description of Work, the difference between the assessment and the actual cost of operating and maintaining the Description of Work shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

5. Apportionment of Annual Assessments Among Subdivision Lots, Parcels or Tenant Spaces. At such time as the Property is subdivided into lots, parcels and/or tenant spaces by reason of recordation of a final subdivision map or final parcel map, the assessment to be levied against the lots, parcels and/or tenant spaces shall be apportioned among the resulting lots, tenant spaces or parcels in accordance with the Engineer's Report referenced in paragraph 2 above. The Undersigned agrees that the net amount assessed in the Engineer's Report fairly distributes the net amount among all assessable lots, parcels and/or tenant spaces in proportion to the estimated benefits received by each such lot, parcel, and/or tenant space from the improvements described in Attachment B. The amount of the assessments shall be in accordance with the Ten Year Assessment Plan adopted by the City Council in Resolution 94-97 of June 7, 1994. That Resolution established an initial assessment of $0.22 per square foot of landscaped area, and provided for annual increases based upon the consumer price index referenced in paragraph 4 above.

6. Duration of the Annual Assessment. The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Description of Work shall commence immediately and shall continue thereafter until such time as the City Council shall determine to abolish the Assessment District.

7. Waiver of Notice and Assessment District Protest Hearing. For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the Northwest Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by provisions of Streets & Highways
Code Sections 22585 et seq., Government Code Sections 53750 et seq. and/or Section 4 of Article XIII C of the California Constitution.

8. **Ballot in Favor of Assessment District.** The Undersigned executes this document both as the Undersigned’s Petition for annexation into Assessment District, and as the Undersigned’s ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned’s ballot in favor of Assessment District and the annexation of the Property into Assessment District.

9. **Proposition 218.** The North Broadway Shopping Center Improvements are subject to the provisions of Proposition 218.

10. **Termination of Landscape Maintenance District.** In the event the Northwest Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

**IN WITNESS WHEREOF,** the Undersigned has executed this Petition at the City of Santa Maria, California, this 27th day of April 2010.

Charles A. Pasquini Jr.

Name: ______________________________

Title: ______________________________

(SIGN BEFORE NOTARY PUBLIC)
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA
COUNTY OF Santa Barbara } ss.

On April 27, 2010, before me, Sandra D. Felt, Notary Public (here insert name and title of the officer), personally appeared Charles A. Pasquim, Jr., 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.

Sandra D. Felt
Notary Public
FUNDING ANNUAL COST OF MAINTAINING PUBLIC IMPROVEMENTS

The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer's office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.
PETITION REQUESTING ANNEXATION INTO

CITY OF SANTA MARIA LANDSCAPE AND LIGHTING

ASSESSMENT DISTRICT

Summary Proceedings to Establish Annexation

Following 100% Property Owner Petition

WHEREAS, the Undersigned is the owner of the real property located in the City of Santa Maria, County of Santa Barbara, State of California commonly known as Assessor Parcel Number (hereafter "APN") 123-090-006 and described in the Attachment ‘A’ attached hereto and by this reference incorporated herein (hereinafter the “Property”); and

WHEREAS, the Undersigned has applied to City of Santa Maria (hereinafter the “City”) for approval of the project known as Sharer Bros. Center; and

WHEREAS, Planned Development No. 2007-025 was granted, approving the project. The Planned Development imposed a condition requiring the owners of the Properties to be annexed into a City Landscape Maintenance District to maintain certain common landscaping (hereafter known as Sharer Bros. Center Improvements). The Northwest Landscape Maintenance District (“Assessment District”) is the assessment district in which the property is located; and

WHEREAS, the Undersigned hereby requests the City Council of the City to annex the Property into the Assessment District to provide a means for funding the annual cost of maintaining certain public improvements which are of special benefit to the Property, and each and every parcel or lot within the Property; and

WHEREAS, on December 20, 1988, the City Council of City adopted Resolution 88-154 (hereinafter the “Resolution”) confirming the creation of the Northwest Landscape Maintenance District (hereafter “Assessment District”) based upon the approved Engineer’s Report; and

WHEREAS, on July 17, 2007, the City Council of City adopted Resolution 2007-102 authorizing the levy of the assessment for fiscal year 2007-2008 for the Assessment District based upon a revised Engineer’s Report adopted with said resolution; and

WHEREAS, the Undersigned agrees to the imposition of assessments for, and their inclusion in, the Northwest Landscape Assessment District as hereinafter provided; and
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WHEREAS, such annexation into Assessment District, would result in an annual assessment being levied against the Property in an amount sufficient to fund such maintenance of such public improvements; and

WHEREAS, the undersigned waives the right to have this annexation initiated, conducted and completed pursuant to the procedures set forth in Streets & Highways Code Sections 22585 et seq. and/or Section 4 of Article XII of the California Constitution for the formation of assessment districts, and specifically waives its right for the resolutions, report, notices of hearing, and right of majority protest provided for in said procedures.

NOW, THEREFORE, by this Petition, the Undersigned requests the City Council of the City to annex the Property into an Assessment District for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

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3. **CPI Adjustment in the Amount of the Annual Assessment.** Commencing with the first City fiscal year in which an assessment is levied against the Property to fund operation and maintenance of the Assessment District Improvements, and in each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Assessment District Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the
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7. Waiver of Notice and Assessment District Protest Hearing. For purposes of annexation, under this Petition, and for no other purpose, the Undersigned hereby agrees to waive and forego the protest hearing (and notice of the date, time and place of any protest hearing) on the Northwest Assessment District or the annexation of the Property into Assessment District, including, but not limited to, any such hearing or notice provided for by provisions of Streets & Highways
Code Sections 22585 et seq., Government Code Sections 53750 et seq. and/or Section 4 of Article XIII C of the California Constitution.

8. **Ballot in Favor of Assessment District.** The Undersigned executes this document both as the Undersigned’s Petition for annexation into Assessment District, and as the Undersigned’s ballot in favor of such Assessment District. In addition, the Undersigned hereby authorizes the City Clerk to file this Petition as the Undersigned’s ballot in favor of Assessment District and the annexation of the Property into Assessment District.

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10. **Termination of Landscape Maintenance District.** In the event the Northwest Landscape Maintenance District operations cease through legislative or legal action, the Undersigned shall cooperate with the City to establish another funding mechanism to provide the landscaping maintenance contemplated in this Petition. In the event the Undersigned and City cannot establish such a mechanism as a result of legislative or legal action, the properties that front on the landscaping to be maintained shall be responsible for said maintenance at their sole cost and expense.

**IN WITNESS WHEREOF,** the Undersigned has executed this Petition at the City of Santa Maria, California, this 71 day of April 2010.

Name: ___________________________

Title: Managing Partner

(SIGN BEFORE NOTARY PUBLIC)
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California
County of Santa Barbara

On April 21, 2010 before me, Karen Milo, Notary Public, personally appeared
____________________________, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the
within instrument and acknowledged to me that he/she they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person 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 of Notary Public]

Place Notary seal above

KAREN MILO
Commission # 1761445
Notary Public - California
Santa Barbara County
The improvements to be maintained in this Assessment District include all medians, roundabouts, parkways and/or street trees in the public right-of-way of residential areas, landscaped stormwater retardation basins within residential subdivisions, landscaped medians or roundabouts in the public right-of-way within commercial areas, easements, street trees and graffiti removal.

Landscape maintenance shall include, but not be limited to, watering, fertilizing, mowing, weed control, shrubbery, tree removal and pruning, removal and replacement of dead growth, maintenance of irrigation facilities, and other necessary work. Reference is made to the plans and specifications currently on file at the City Engineer's office relating to the design, recommended materials and level of maintenance concerning the facilities to be maintained. The plans also show plant specie, size and their locations.
CITY OF SANTA MARIA
PROPERTY DESCRIPTION SUMMARY

Council Meeting of September 21, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Parcel Description</th>
<th>APN</th>
<th>Tract / PD/U No.</th>
<th>Landscape District</th>
<th>Amount of Assessment*</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>SMAT M &amp; O Facility</td>
<td>111-580-005</td>
<td></td>
<td>Southwest</td>
<td>$381.35 per APN</td>
</tr>
<tr>
<td>2</td>
<td>New Beginnings Church</td>
<td>111-051-021</td>
<td>U-10-002</td>
<td>Southwest</td>
<td>$381.35 per APN or tenant space</td>
</tr>
<tr>
<td>3</td>
<td>Verizon Wireless</td>
<td>128-085-001</td>
<td>PD-09-005</td>
<td>South Miller St./South College Drive</td>
<td>$381.35 per APN or tenant space</td>
</tr>
<tr>
<td>4</td>
<td>Depot Street Parcel Map</td>
<td>119-261-005, -007 and -008</td>
<td>Tract 5967</td>
<td>Northwest</td>
<td>$381.35 per APN or tenant space</td>
</tr>
<tr>
<td>5</td>
<td>North Broadway Shopping Center</td>
<td>117-040-025</td>
<td>PD-07-028</td>
<td>Northwest</td>
<td>$381.35 per APN or tenant space</td>
</tr>
<tr>
<td>6</td>
<td>Sharer Bros. Center</td>
<td>123-090-006</td>
<td>PD-07-025</td>
<td>Northwest</td>
<td>$381.35 per APN or tenant space</td>
</tr>
</tbody>
</table>

* Assessments shown are annually updated and adjusted according to the Consumer Price Index.