RESOLUTION NO. 2011 - 28

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SANTA MARIA, CALIFORNIA,
INITIATING PROCEEDINGS AND DECLARING
THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS,
PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972"
(COLE ENTERPRISE, LLC; SANTA MARIA TIRE;
SANTA MARIA CANCER CENTER; AND SEAFOOD EXPRESS)

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 and declares its intention to annex four (4) parcels into the Southwest, Northeast, 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, and A-4), 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.

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 April 5, 2011.

ATTEST:

__________________________
City Clerk

__________________________
Mayor

__________________________
CITY ATTORNEY

__________________________
DEPARTMENT HEAD

__________________________
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”) 117-320-008 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 Cole Enterprises, LLC; and

WHEREAS, Use Permit 09-002 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. The Southwest Landscape Maintenance District (“Assessment District”) is the assessment district in which the property is located. The Use Permit imposed a condition requiring the owners of the Properties to pay into the Assessment District an additional assessment for the costs associated with the upkeep of the public easement areas associated with this project including medians, round-a-bouts, basins, street tree maintenance, renovation, pest management and any anti-graffiti measures necessary; 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, including the Cole Enterprises, LLC Improvements or Area 9 Special Benefit Zone; 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 July 20, 2010, the City Council of City adopted Resolution 2010-89 authorizing the levy of the assessment for fiscal year 2011-2012 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 and the Area 9 Special Benefit Zone 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.

WHEREAS, the foregoing special assessments are for the sole benefit of the Properties; and

WHEREAS, those Cole Enterprises, LLC Improvements require the establishment of a separate zone within the Assessment District, known as the Area 9 Special Benefit Zone, in order to segregate those assessments from other property in the Assessment District not similarly assessed.

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. Establishment of Area 9 Special Benefit Zone. There shall be established a zone within the Assessment District for the maintenance of the Cole Enterprises, LLC Improvements which shall be known as the Area 9 Special Benefit Zone, and shall so be designated on the engineer's map.

2. 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") and the public improvements described in Attachment "C" attached and incorporated herein by reference (hereinafter referred to as the "Description of Work: Area 9 Special Benefit Zone"). 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.

3. **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 $381.35 per APN or tenant space and the Area 9 Special Benefit Zone fee that will remain at $0 until construction takes place and of Description of Work: Area 9 Special Benefit Zone (Attachment C). Cost will be based upon approved plans for this project. 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.

4. **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 and the Area 9 Special Benefit Zone 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/or the Area 9 Special Benefit Zone 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.

5. **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 or the Description of Work: Area 9 Special Benefit Zone Improvements, 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.
6. **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. This paragraph is not applicable to the Description of Work, Attachment C: Area 9 Special Benefit Zone Improvements.

7. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operation 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.

8. **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.

9. **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, including the Area 9 Special Benefit Zone. 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.

10. **Proposition 218.** The Cole Enterprises, LLC Improvements are subject to the provisions of Proposition 218.

11. **Termination of Landscape Maintenance District.** In the event the Southwest Landscape Maintenance District or the Area 9 Special Benefit Zone is not formed or 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 ___ 2011.

Name: Nancy L. Cole
Title: Secretary

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

State of California  )
County of Santa Barbara  ) ss.

On Feb. 9, 2011 before me, PATTI M. RODRIGUEZ, Notary Public, personally appeared
Nancy Lucille Cole, 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(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]

PATTI M. RODRIGUEZ
Commission # 1876227
Notary Public - California
Santa Barbara County
My Comm. Expires Jan 9, 2014

Signature of Notary Public

Place Notary seal above
$381.35 PER APN OR TENANT SPACE AND THE AREA 9 SPECIAL BENEFIT ZONE/FEE THAT WILL REMAIN AT $0 UNTIL CONSTRUCTION TAKES PLACE
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 species, size and their locations.
DESCRIPTION OF WORK:
Area 9 SPECIAL BENEFIT ZONE

The public improvements contained in this exhibit are the maintenance of all the public easement areas associated with this project including basins, street medians and roundabouts. This includes the street tree maintenance, renovation, pest management and any anti-graffiti measures necessary.
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") 117-340-068 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 Santa Maria Tire; and

WHEREAS, Use Permit 2010-037 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 Santa Maria Tire 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 July 20, 2010, the City Council of City adopted Resolution 2010-89 authorizing the levy of the assessment for fiscal year 2010-2011 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 $381.35 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

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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. 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 Santa Maria Tire 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 4TH day of JANUARY 2011.

[Signature]

Name: **ALIDA FREDA**

Title: **PROPERTY OWNER**

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

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

On January 4, 2011, before me, Rhonda M. Garietz, Notary Public,
personally appeared ALIDA FREDA,
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.

DECRIPtION OF THE ATTACHED DOCUMENT

PETITION REQUESTING ANNEXATION INTO CSM LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Number of Pages Seven (7)  Document Date 1/4/2011

CAPACITY(IES) CLAIMED BY SIGNER(S)

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

EXHIBIT A-2
ATTACHMENT A
VICINITY MAP
SANTA MARIA TIRE
U-10-037
APN: 117-340-068
$381.35 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 species, 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”) 128-120-008,-012 and 013 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 Santa Maria Cancer Center; and

WHEREAS, Planned Development No. 2008-007 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 Santa Maria Cancer Center Improvements). The Northeast 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 89-51 (hereinafter the “Resolution”) confirming the creation of the Northeast Landscape Maintenance District (hereafter “Assessment District”) based upon the approved Engineer’s Report; and

WHEREAS, on July 15, 2008, the City Council of City adopted Resolution 2008-116 authorizing the levy of the assessment for fiscal year 2008-2009 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 Northeast 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 Northeast Landscape Maintenance District amount of $499.01 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 94-98 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 Northeast 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 Santa Maria Cancer Center Improvements are subject to the provisions of Proposition 218.

10. **Termination of Landscape Maintenance District.** In the event the Northeast 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 October, 20__.

\[Signature\]

Name: \[Name\]

Title: \[Title\]

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

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

On October 11, 2010 before me, Martha Estrada, Notary Public, personally appeared Charles J. Cova (Chuck Cova), 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.

[Signature of Notary Public]

EXHIBIT A-3
Page 5 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 A
VICINITY MAP
SANTA MARIA CANCER CENTER
PD-08-007
APN: 12128-120-008,-012 AND 013
$499.01 PER APN OR TENANT SPACE

EXHIBIT A-3
Page 7 of 7
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") 119-087-014 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 Seafood Express; and

WHEREAS, Use No. 10-005 was granted, approving the project. The Use 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 Seafod Express 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 20, 2010, the City Council of City adopted Resolution 2010-87 authorizing the levy of the assessment for fiscal year 2010-2011 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 $381.35 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. andlor
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 10th day of SEPTEMBER 2010.

[Signature]

Name: [Name]

Title: [Title]

(SIGN BEFORE NOTARY PUBLIC)

EXHIBIT A-4
Page 4 of 7
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of California
County of Santa Clara

On September 10, 2018 before me, KATHLEEN V. JAMIESON, Notary Public, personally appeared Norma Irene Dettamanti and Dante Richard Dettamanti, 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.

Signature of Notary Public

EXHIBIT A-4
Page 5 of 7
ATTACHMENT A
VICINITY MAP
SEAFOOD EXPRESS
1003 N. BROADWAY
U-2010-005
APN: 119-087-014
$381.35 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.
CITY OF SANTA MARIA  
PROPERTY DESCRIPTION SUMMARY  

Council Meeting of April 5, 2011

<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>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Cole Enterprises, LLC</td>
<td>117-320-008</td>
<td>U-09-002</td>
<td>Southwest</td>
<td>$381.35 per APN or tenant space and the Area 9 Special Benefit Zone</td>
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<td>2</td>
<td>Santa Maria Tire</td>
<td>117-340-068</td>
<td>U-10-037</td>
<td>Southwest</td>
<td>$381.35 per APN or tenant space</td>
</tr>
<tr>
<td>3</td>
<td>Santa Maria Cancer Center</td>
<td>128-120-008, -012 and -013</td>
<td>PD-08-007</td>
<td>Northeast</td>
<td>$499.01 per APN or tenant space</td>
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<tr>
<td>4</td>
<td>Seafood Express</td>
<td>119-087-014</td>
<td>U-10-005</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.

EXHIBIT B