

PUBLIC WORKS DIRECTOR'S REPORT

ADDITION OF TERRITORY, AREA 2-87

Fiscal Year 2023-2024

Addition of territory to the Consolidated Maintenance District, as shown in Exhibit "A" is described as 4676 Ming Avenue and as shown on Map and Assessment Diagram marked Exhibit "B," attached hereto and incorporated herein by reference as though fully set forth, as an area within the City of Bakersfield.

Pursuant to the provisions of Chapter 13.04 of Title 13 of the Municipal Code of the City of Bakersfield, referred to as the Maintenance District Procedure, the Public Works Director makes and files this report and proposed assessment of and upon all parcels of property within the area for the cost of maintaining a public park and public street medians and other public street landscaping. The improvements generally include, but are not limited to, recreation and sports equipment including swings, slides, play structures and storage buildings; picnic facilities including tables, benches, barbecues, trash cans, drinking fountains and restrooms; irrigation system including water mains, sprinklers, fountains, and electrical wires, conduits and timers; plant forms including trees, shrubs, ground cover and turf; and sidewalks and walkways within parks now existing or hereafter to be constructed or planted in and for said area and are of a public nature. The assessment includes the cost of necessary repairs, replacement, water, electricity, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, and all additions and improvements thereto which may hereafter be made.

For many years, public parks, public hardscaped and/or landscaped street median and other public street landscaping improvements in the City were maintained through traditional tax revenues. After Proposition 13, in 1978, funds available for maintenance and operation of parks, hardscaping and/or landscaping street median and other street landscaping improvements were substantially reduced. At present, the City's budget does not allow for maintenance and operation of park and street landscaping improvements of the type described above. Thus, without funds for maintenance and operating costs from a source other than general tax revenues, the City does not permit new public parks, hardscaping and/or landscaping street median and other street landscaping improvements to be constructed within the City.

Additional territory, as shown in Exhibit "B" is being added to the Consolidated Maintenance District for the maintenance of a park and public hardscaping and/or landscaping street median and other street landscaping. The area will be assigned appropriate park and street tiers in the Consolidated Maintenance District so that each parcel will be assessed the same amount as other parcels receiving a similar benefit.

All parcels within this area shall be assessed an amount not to exceed that established in Resolution No. 019-05 per equivalent dwelling unit (as that term is defined in Exhibit "C") per parcel. In each subsequent year, annual assessments may increase by the cost of living reflected in the Los Angeles-Long Beach-Anaheim/All Urban Consumers Consumer Price

Index. However, parcels will not be assessed until park and/or street landscaping and/or hardscaping median improvements have been installed. When park and/or street landscape and/or hardscaping median improvements have been completed, the appropriate park and street tier levels will be assigned, but in no case shall the assessments exceed the amount established in Resolution No. 019-05 as escalated per the above-described Consumer Price Index.

All parcels as described in the Benefit Formula on file with the City Clerk within the area will be affected. Sensory benefits from installing street landscaping and/or hardscaping median improvements are aesthetic enhancement and open space enjoyment.

A public park will benefit all the residential lots and public median and street landscaping will benefit all the lots or parcels and will be assessed on an Equivalent Dwelling Unit basis throughout the area. The Benefit Formula is set forth herein as Exhibit "C" and attached hereto and incorporated in this resolution as though fully set forth herein.

NOW THEREFORE, I, GREGG STRAKALUSE, Director of Public Works of the City of Bakersfield, by virtue of the power vested in me and the order of the Council of said City, hereby submit the Fiscal Year 2023-2024 Budget and Assessment Roll as set forth in Exhibit "D" and Exhibit "E," respectively, attached hereto and incorporated herein as though fully set forth, upon all parcels of property within additional territory subject to be assessed to pay the cost of maintenance and operation in said area.

Dated: _____

GREGG STRAKALUSE

Public Works Director
City of Bakersfield

LEGAL DESCRIPTION

Area 2-87

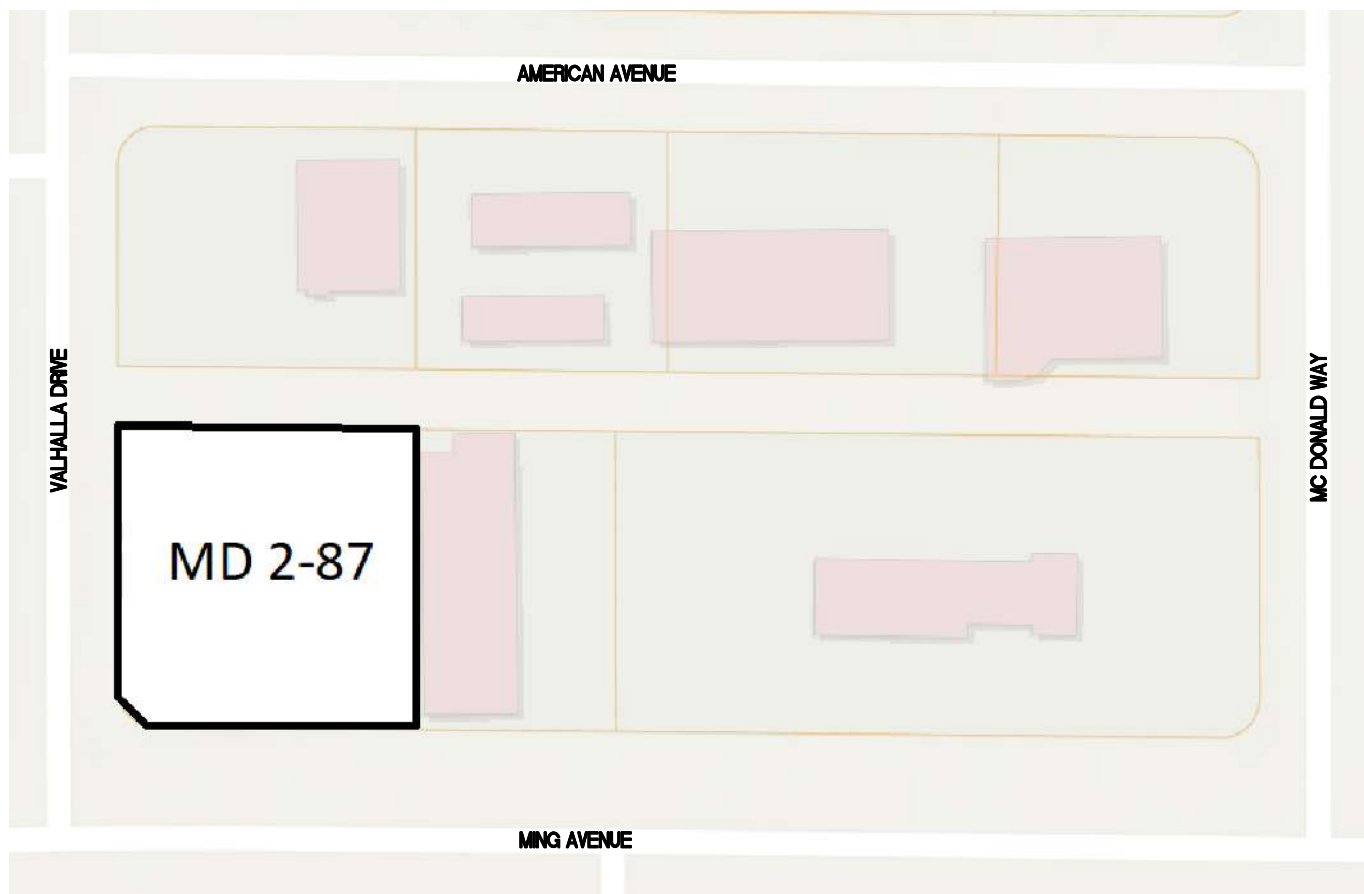
An area located in Section 2, Township 30, Range 27 M.D.B. & M., more particularly described as follows:

CUP 22-0079

4676 Ming Avenue Bakersfield California

Containing: 0.51 Acres, more or less.

MAP AND ASSESSMENT DIAGRAM
FOR ADDITION OF TERRITORY
(AREA 2-87) TO THE
CONSOLIDATED MAINTENANCE DISTRICT
BAKERSFIELD, CALIFORNIA



NOT TO SCALE

EXHIBIT "B"

FILE: MD 2-87 SHEET 1 of 1

EXHIBIT "C"
CONSOLIDATED MAINTENANCE DISTRICT
CITY OF BAKERSFIELD
BENEFIT FORMULA

Each parcel joining the Consolidated Maintenance District shall be assessed the amount as defined below:

Rate:

Shall equal the dollar amount shown per the tier level of your zone of the Consolidated Maintenance District on Attachment A "Consolidated Maintenance District Cost per Tier" as approved by City Council Resolution 019-15. As per the Resolution, "Said amounts shall be increased annually by the cost of living increase reflected in the Los Angeles – Riverside – Orange County / All Urban Consumers Consumer Price Index." Tier levels for both Parks and Street Landscaping in the 5 zones of the Consolidated Maintenance District are established by the Parks and Recreation Dept. through separate policy.

Multiplied by (EDU): The number of Equivalent Dwelling Units (EDU's as defined on page 2 of this exhibit) for the parcel.

Multiplied by (Tier): The factor for the tier level, which equals the street or tier number. This tier is assigned by the Parks and Recreation department for the entire area of the Consolidated Maintenance District.

County Fee(Tier): The County of Kern Assessors Office charges a fee for each parcel added to their tax roll.

Total Assessment \$= ((Park Rate x Park Tier) x EDU) + ((Street Rate x Street Tier) x EDU) + (County Fee)

Note: Since Proposition 218 was passed in November 1996, assessment rates for areas formed prior to Proposition 218 have been frozen at their current rate.

Areas formed between November 1996 and January 12, 2005 shall be assessed by the terms stated on their Proposition 218 ballot.

On January 12, 2005 the city passed Resolution 19-05 which allowed for an escalator on the maximum assessment. Any areas formed after Proposition 218 and which have ballots which include this escalator may be increased according to their ballot terms.

A parcel may be added to the City of Bakersfield Consolidated Maintenance District if any of the below conditions occurs:

1. Bakersfield Municipal code 13.04.021:

"It is the policy of the city to include within a maintenance district all new developments that are subject to the Subdivision Map Act and that benefit from landscaping in the public right-of-way and/or public parks. Nothing shall preclude the city from requesting formation of a maintenance district, or joining a maintenance district, or updating the maintenance district documents as a condition of a zone change, or general plan amendment, or grading permit, or conditional use permit, or during site plan review where deemed necessary by the city."

2. Bakersfield Municipal Code 13.04.022 (a):

"No final map or certificate of compliance for a parcel map waiver may be recorded absent establishment of a maintenance district to provide for all future maintenance of any landscaping in the public right-of-way and of any public park required as a condition of approval of the development project for the area covered by the final map or parcel map waiver."

3. City staff determines this is necessary as part of: Site Plan Review Conditions, Zone Change, a General Plan Amendment, or a Conditional Use Permit.

Equivalent Dwelling Units (EDU) shall be assigned using the following policy. EDU's may also be adjusted given special conditions or agreements as necessary to adequately reflect the conditions of the site at the time of formation. Developed Parcels will be assessed by their actual units on their site as per their plans, map, or current use.

Single Family Residential Parcels:	1 EDU per Parcel
Mobile Home Parks:	1 EDU per Space / Lot
Multifamily Residential Parcels:	.71 EDU per Unit
(Commercial / Industrial / Mixed Use):	6 EDU per Acre

Undeveloped ground in its natural state will be assigned EDU's based on their zoning at max theoretical density as used by the City of Bakersfield Planning Dept. Those densities are:

Zone EDU's per gross acre

R-1	7.26
R-2	17.42
R-3	34.85
R-4	72.6
E:	4.36
R-S	1.82
R-S-1A	1
R-S-2.5A	0.4
R-S-5A	0.2
R-S-10A	0.1

Commercial / Industrial / Mixed Use: 6 EDU per gross acre
Agricultural: 1 EDU per gross acre

MAINTENANCE DISTRICT AREA 2-87

Said assessment is made in accordance with the benefit formula attached hereto.

2023-2024 BUDGET

Gross Budget Amount Required	\$0.00
(City Staff Services or Contract, Supplies, Materials and Utilities)	
Estimated Beginning Fund Balance(Deficit) **	\$0.00
Less: City Contributions	<u>\$0.00</u>
NET AMOUNT TO BE ASSESSED	\$0.00

** Previous Years Deficits No Longer Carried Forward.

MAINTENANCE DISTRICT AREA 2-87

ASSESSMENT ROLL

FISCAL YEAR 2023-2024

Assessor's Tax No.		Total amount to be collected for FY (2023-2024)
164-370-16-00-0		\$0.00
	0	\$0.00
	0	\$0.00
Total		\$0.00

RECORDING REQUESTED BY
AND FOR THE BENEFIT OF
THE CITY OF BAKERSFIELD

WHEN RECORDED MAIL TO:

CITY CLERKS OFFICE
CITY HALL
1600 TRUXTUN AVE.
BAKERSFIELD, CA 93301

MD 2-87

THIS SPACE FOR RECORDER'S USE ONLY

No recording fee required: exempt pursuant to
Government Code Section 27383

Government agency acquiring title -- exempt from
Documentary Transfer Tax per R & T Code 11922

GC 27388.1(a)(1): Recorded document is expressly
exempted from payment of recording fees (FBO) Govt. agency)

Existing Legal: PARCEL 2, OF PARCEL MAP NO. 443 IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED JUNE 26, 1972 IN BOOK 3, PAGE 45 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Map or Project Number: CUP 22-0079

ATN(s): 164-370-16-00-0

COVENANT DISCLOSING INCLUSION IN MAINTENANCE DISTRICT

THIS COVENANT is executed on 3/10/23 by CFT NV Developments, LLC, a Nevada limited liability company, in Bakersfield, herein after referred to as ("Owner"), in connection with the Consolidated Maintenance District, located in the City of Bakersfield, CA.

The real property herein described is located within the Consolidated Maintenance District and may be assessed on an ongoing, yearly basis for maintenance of a public park and landscaping on public rights-of way within the district. The appropriate Street and Park Tiers will be assigned by the Parks and Recreation Department. Assessment is imposed in accordance with California Proposition 218 with the Consent of the Majority Property Owner(s) as can be seen on the ballot cast and attached as Exhibit 'A'.

Although this property may have been assessed a lesser amount in the present tax year, the ultimate estimated annual assessment for maintenance of a public park and public landscaping based on full build out of this district, is \$252.96 per equivalent dwelling unit, based on fiscal year 2022-2023 dollars and labor costs of the district. In each subsequent year, annual assessments may increase by the cost of living reflected in the Los Angeles - Riverside - Orange County / All Urban Consumers Consumer Price Index. (See Bakersfield City Council Resolution No. 019-05.) This covenant may not be amended or modified without the prior approval of the City of Bakersfield. This covenant shall run with the land.

Dated This: 3/10/23

CFT NV Developments, LLC,
a Nevada limited liability company
By: DEREK KNIGHT, as employee and authorized
representative of the PRG Entities


Derek Knight
Agent

City of Bakersfield:


Gregg Strakaluse
Public Works Director

NOTE: All owner(s)/developer(s) signatures must be notarized.

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

On March 10, 2023 before me, Christian Alexander Galeana (Notary Public),
(Here insert name and title of the officer)

personally appeared Derels Isuignt
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.

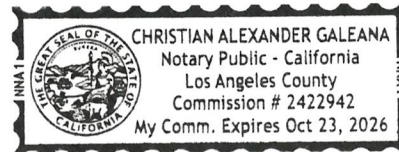
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Christian Alexander Galeana

Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

Exhibit 'A' to the Covenant Disclosing Inclusion in a Maintenance District.

PROPOSITION 218 BALLOT

CITY OF BAKERSFIELD CONSOLIDATED MAINTENANCE DISTRICT

This assessment ballot is for the use of the property owner of the parcel(s) identified below, which are proposed to be included in the City of Bakersfield Consolidated Maintenance District (CMD). This assessment ballot may be used to express either support for or opposition to inclusion within the CMD. To be counted, this assessment ballot must be signed below by the owner or, if the owner is not an individual, by an authorized representative of the owner.

[TO CAST THIS BALLOT, PLEASE RETURN THIS ENTIRE PAGE]

OFFICIAL ASSESSMENT BALLOT

Property Owner: CFT NV Developments, LLC, a Nevada limited liability company

Property description: 4676 Ming Avenue / ATN: 164-370-16-00-0
(Address &/or ATN(s))

The individual annual assessments for fiscal year 2022-2023 shall not exceed **\$ 252.96** per equivalent dwelling unit plus any costs incurred by the City from the County Assessor's office for adding parcels to the Tax Roll. **NOTE:** In each subsequent year, annual assessments may increase by the cost of living reflected in the Los Angeles-Riverside-Orange County/All Urban Consumers Consumer Price Index.

ASSESSMENT BALLOT MEASURE

Shall the City Council of the City of
Bakersfield include the above described
property within the Consolidated Maintenance
District and levy an assessment not to exceed
the amount set forth above?

☒ Yes

☐ No

By: DEREK KNIGHT, as employee and authorized
representative of the PRG Entities

Owner Signature:



Derek Knight
Agent

Title:

Date:

3-10-2023

Inclusion of a Subdivision into the Consolidated Maintenance District

City of Bakersfield - Public Works Department
Attn: Manpreet S. Behl
1600 Truxtun Avenue
Bakersfield, California 93301

Dear Mr. Behl:

RE: Inclusion of CUP No. 22-0079 in a Consolidated Maintenance District (CMD)

We, the undersigned, as owners of the property included within CUP No. 22-0079 hereby request that the property be included within the CMD. This request is in accordance with the requirements of Bakersfield Municipal Code Section 13.04.021. Enclosed is a check for \$ 984.00 as required by the City to cover the costs of this inclusion into the CMD. If requested, our engineer will supply you with a computer disk copy of the map for your use.

We understand that under Proposition 218 and Government Code section 53753 ("applicable law"), a City Council hearing will be held for purposes of including the above property within the CMD and determining the amount of assessments. We hereby waive our right to have a hearing within the time parameters set forth in the applicable law. We further understand that the hearing is scheduled for _____, 20__ at 5:15 in the Council Chambers located at 1501 Truxtun Ave., Bakersfield, CA 93301. We hereby waive our right to further notice of that hearing.

Respectfully,



Derek Knight

Agent, as employee and authorized representative of the PRG Entities

3-10-2023

Date