

ORDINANCE NO. 2003-4
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
ARMONA COMMUNITY SERVICES DISTRICT
APPROVING FORMATION OF ZONE OF BENEFIT
FOR WATER LINE EAST OF MUSSEL SLOUGH
HANFORD-ARMONA ROAD

The Board of Directors of the Armona Community Services District does hereby find:

WHEREAS, the Armona Community Services District ("District") is a California community services district formed and existing under and by virtue of the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61800, inclusive, and all acts and laws amendatory thereof or supplementary thereto, possessing all the powers thereof; and

WHEREAS, said Law provides that the District may establish one or more zones of benefit; and;

WHEREAS, the Board held public hearings on December 10, 2003, January 14, 2004, and February 11, 2004, and received public comments on the proposed zone of benefit and this Ordinance; and

WHEREAS, the Board held further review sessions on March 10, 2004, and April 14, 2004, to further consider the draft text of the Ordinance.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION I. The Board of Directors finds that, in order to implement the goals and objectives of the District and to mitigate impacts caused by new development and to provide for water service to existing development not previously served, and to provide for orderly development of District facilities, construction of certain public facilities may be necessary.

SECTION II. The Board of Directors further finds:

1. New and existing development has or will create the need for construction, expansion, or improvement of a public water line east along Hanford-Armona Road from Oak Street to a point at or near the District's eastern boundary.
2. Full funding is not available to pay for the water line made necessary by development, and accordingly each development must pay its fair share of the cost thereof.

3. The formation of a zone of benefit provides the means by which the cost of the water line improvement may be spread fairly and equitably on the basis of property frontage along Hanford-Armona Road.
4. The purpose of the zone of benefit is to create a funding mechanism in advance of the need for improvements, in this case to design and install a 12" water line within Hanford-Armona Road and for reimbursing the District for the design and construction of that improvement.

SECTION III. FUNDING AND COLLECTION PROCESS.

A. GENERAL.

1. The zone of benefit is defined by the area inside the bold lined area labeled "Reimbursement District Boundary (Area of Benefit)" on the aerial photograph attached as Exhibit A hereto and made a part hereof, excluding that portion west of Mussel Slough shown cross-hatched and labeled "Reimbursement District Boundary (Paid by ACSD)" within which area thus delineated the District shall pay for the water line improvement. The zone of benefit does not include that property known and described as Kings County APN 018-270-018 west of Mussel Slough and north of Hanford-Armona Road.
2. The collection process and the amount of fees for the design and installation of the waterline identified in the improvement program shown on Exhibits A, B and C attached hereto, shall be as specified below. Exhibit B is entitled "Install 12" Water Line: Estimate of Probable Construction Cost," is dated September 3, 2003, prepared by eda, Inc. Design Professionals, and has heretofore been reviewed and approved by the District Engineer. Exhibit C is entitled "Reimbursement Schedule for Water Line Construction" and is dated September 3, 2003, prepared by eda, Inc. Design Professionals and has heretofore been reviewed and approved by the District Engineer. All reimbursements under this Ordinance shall be based on as built construction costs with allocations of cost as provided for herein. All dollar amounts shown on Exhibits B and C are estimates only and are intended to inform the District and the public of the best estimates of water line construction as of the dates thereof.

B. IMPOSITION OF FEE.

1. When an application requiring new water service is filed with the Kings County Planning Agency a fee shall be charged to the project and paid to the District by all new development located within the zone of benefit shown in Exhibit A and in accordance with the cost estimates and allocations thereof set forth in Exhibits B and C attached hereto.
2. When the owner of any existing parcel within the zone of benefit requests connection to the District water system, the owner shall pay the applicable fee identified in Exhibit C for the frontage of that parcel, together with such fees for frontage along such parcels, if any, not

then connected to the subject water line, that are necessary to cross to reach the parcel to which the connection is requested.

3. The initial development east of Mussel Slough within the zone of benefit (APN 018-270-044) requesting water service from the District shall be required to pay the amount of the as built costs of construction of the water line improvements as estimated on Exhibit B to the project's point of connection, including that amount allocated to the frontage between the project and Mussel Slough across APN 018-270-045 (Philco property), but not including the District contribution for construction of the main line from Oak Street to Mussel Slough. Subsequent development or connection requests after development of APN 018-270-044 shall reimburse the amount allocated and paid on behalf of APN 018-270-045 to the then owner of APN 018-270-044 or designee or authorized recipient thereof.

C. AMOUNT OF FEE.

1. Fees for new development within the zone of benefit shall be calculated using the information and formulas shown in Exhibits B and C, provided that such calculations shall be subject to revision as determined by the Board on account of as built costs, increases in costs of construction, including mandated prevailing wages, and other factors.
2. Fees paid under this Ordinance are collected to fund the improvements described in Exhibit B. The fees paid shall be the fees as estimated and set out on Exhibit C, or as revised by the Board on account of as built costs, costs needed to reach property to be connected, or for other reasons that make it necessary and appropriate to adjust amounts shown on Exhibit C.

D. TIME OF COLLECTION OF FEES.

Fees for a development which requires new water service shall be paid prior to issuance of the building permit for that development, or at such other time or times, and upon such other conditions, as may be determined by the Board.

E. USE OF FEES.

The fees collected shall be used to pay for or to reimburse payment for the improvements listed in Exhibit B, including planning, design, administration, environmental and regulatory compliance, construction, survey, inspection, testing, to acquire right-of-way identified in Exhibit B, and to reimburse the District for construction of the works identified in Exhibit B.

F. SUPPLEMENTAL FEES.

The District Manager may determine that a proposed new development application requiring new water service would have a significantly greater impact on the water line than would be reflected in

the fees established herein. Within fifteen (15) days of making such a determination, but prior to issuance by the County of any permit, the Manager shall forward such new development to the Board for review and action. The Board may concur with the Manager's determination and impose a supplemental fee for a development upon the making of necessary findings pursuant to Government Code Section 66001. The determination shall be based upon the application for a development permit, or upon the application for a building permit if no development permit is required, or upon the request for a District will serve letter or request to connect to the District water system, and any additional information requested and received by the Board. The Board may require the applicant to submit engineering data, calculations, or other information which in its judgement is necessary to make a determination.

G. DISPUTE RESOLUTION.

Any dispute regarding a determination by the Manager shall be resolved by the Board

H. CREDIT AGAINST FEE OBLIGATION.

For construction of improvements (if any) beyond the specific project requirements as described in Exhibit B, the Manager shall determine the basis for calculating the amount of credit and shall be limited to the amounts of fee obligation otherwise required by the development.

I. TERMINATION OF ZONE OF BENEFIT.

This zone of benefit shall be terminated by the Board when:

1. The improvement program as outlined in Exhibit B has been constructed; and
2. Sufficient funding to construct all improvements described in Exhibit B has been collected and reimbursed to the District.

J. EXCESS FUNDS.

Should any excess funds be collected prior to dissolution of this zone of benefit, those excess funds shall be used for construction by the District for other water line improvements or maintenance within the zone of benefit boundaries.

///

///

///

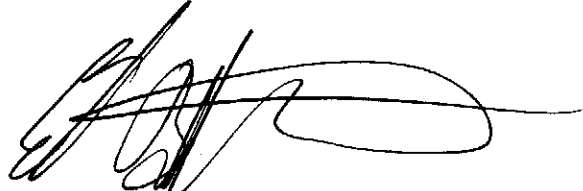
WHEREFORE, this Ordinance was passed and adopted by the Board of Directors of the Armona Community Services District on June 9, 2004, by the following vote:

AYES: Bittner, Plooy, Maciel, Danielson

NOES: None

ABSENT: Franco

ABSTAIN: None



ED BITTNER, PRESIDENT

ATTEST:


JAMES MACIEL, SECRETARY

CERTIFICATE OF SECRETARY

I, JAMES MACIEL, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby certify that the foregoing Ordinance was passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly held at Armona, California, on June 9, 2004.

[DISTRICT SEAL]


JAMES MACIEL, SECRETARY

C:\ARLC\ACSD\ORDINANC\ACSD03-4.ORD

EXHIBIT A
ARMONA COMMUNITY SERVICES DISTRICT
AERIAL PHOTOGRAPH OF ZONE OF BENEFIT

Page 6 of 11 pages

Armona Community Services District
Ordinance No. 2003-4



AREA OF BENEFIT

FOR THE CONSTRUCTION OF A 12" WATERLINE IN
HANFORD ARMONA ROAD FROM OAK STREET TO HIGHWAY 198

EXHIBIT "A"

eda
Engineering & Design Associates
1000 North Broadway, Suite 100, Hanford, CA 93230
Tel: 559/833-8888 Fax: 559/833-8889
www.eda-engineers.com

EXHIBIT B
ARMONA COMMUNITY SERVICES DISTRICT
INSTALL 12" WATER LINE: ESTIMATE OF PROBABLE CONSTRUCTION COSTS

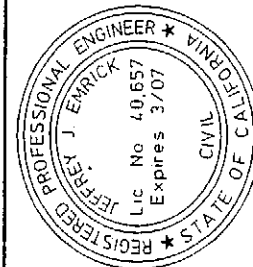
EXHIBIT "B"

eda, Inc. - design professionals
 1998 Santa Barbara Street
 San Luis Obispo, CA 93401
 phone: (805)549-8658 fax: 805.549.8704 email: eda@edainc.com

DATE: Sep 03, 2003
 JOB No.: 2-2876-000
 JOB NM: REIMBURSEMENT DISTRICT
 CALC BY: RWC
 CHK BY: JL

INSTALL 12" WATER LINE : ESTIMATE OF PROBABLE CONSTRUCTION COST

CAT.	ITEM	QUANT	UNIT	COST/UNIT	COST	DESCRIPTION
DEMO & EARTHWORK:						
	EXPORT	600	CY	10.00	6,000.00	
	SAWCUT EXIST PAVEMENT	4,800	LF	1.25	6,000.00	
	DEMO A.C. PAVEMENT	9,600	SF	1.35	12,960.00	
	DISPOSAL	200	CY	40.00	8,000.00	
					Demo & Earthwork Subtotal:	
						32,960.00
STREETS						
	A.C. PAVING	240	TN	110.00	26,400.00	
	CLASS II AGG. BASE	650	TN	25.00	16,250.00	
					Streets Subtotal:	
						42,650.00
WATER						
	FIRE HYDRANT ASSEMBLY	6	EA	2700.00	16,200.00	FIRE HYDRANTS @ 400 FOOT STATIONS
	WATER GATE VALVE (12")	4	EA	2400.00	9,600.00	
	12-INCH W/L C900 CL150	2,400	LF	33.00	79,200.00	
	THRUST BLOCKS	18	EA	125.00	2,250.00	
					Water Subtotal:	
						107,250.00
MISCELLANEOUS:						
	FIRE HYDRANT REFLECTORS	6	EA	30.00	180.00	
	EROSION CONTROL MEASURES	1	LS	2500.00	2,500.00	EROSION CONTROL BASED ON 1% OF TOTAL CONST. COST
					Miscellaneous Subtotal:	
						2,680.00



AC ACRE
 CY CUBIC YARD
 EA EACH
 LF LINEAR FOOT
 LS LUMP SUM
 SF SQUARE FOOT
 IN/SF INCHES/SQUARE FOOT
 HR HOUR

SUBTOTAL: \$185,540.00
 CONTINGENCIES & INFLATION (20% of subtotal): 37,108.00
 ENGINEERING DESIGN (10% of subtotal): 18,554.00
 ENGINEERING (soils, staking, inspection)(15% of subtotal): 27,831.00
 DISTRICT ADMINISTRATIVE COSTS (10% of subtotal): 18,554.00
GRAND TOTAL: \$287,587.00
USE: \$290,000.00

THIS ESTIMATE IS INTENDED FOR USE BY THE ARMONA CSD FOR ESTABLISHMENT OF A REIMBURSEMENT DISTRICT ALONG HANFORD-ARMONA ROAD FOR THE PURPOSE OF THE PURPOSE OF INSTALLING A 12" WATER LINE IN HANFORD-ARMONA ROAD AS SHOWN ON EXHIBIT "A".
 THIS ESTIMATE WAS PREPARED USING STANDARD COST AND/OR QUANTITY ESTIMATE PRACTICES. IT IS UNDERSTOOD AND AGREED THAT THIS IS AN ESTIMATE ONLY, AND THAT THE ENGINEER SHALL NOT BE LIABLE TO THE OWNER OR TO A THIRD PARTY FOR ANY FAILURE TO ACCURATELY ESTIMATE THE COST AND/OR QUANTITIES FOR THE PROJECT, OR ANY PART THEREOF.
 THIS ENGINEER'S ESTIMATE IS PREPARED AS A GUIDELINE AND DOES NOT CONSTITUTE THE BASIS FOR BID. THE CONTRACTOR IS TO PERFORM HIS/HER OWN QUANTITY TAKE-OFF AND TO BID ACCORDINGLY. IN THE EVENT THAT ERRORS OR OMISSIONS ARE ENCOUNTERED THROUGH THE BIDDING PROCESS, CONTACT THE ENGINEER FOR CLARIFICATION.
 PLEASE CONTACT THE ENGINEER FOR CLARIFICATION.

EXHIBIT C
ARMONA COMMUNITY SERVICES DISTRICT
REIMBURSEMENT SCHEDULE FOR WATER LINE CONSTRUCTION

Page 10 of 11 pages

Armona Community Services District
Ordinance No. 2003-4

DATE: Sep 22, 2003
 JOB No.: 2-2876-000
 JOB NME: REIMBURSEMENT DISTRICT
 CALC BY: GMH
 CHK BY: JL

REIMBURSEMENT SCHEDULE FOR WATERLINE CONSTRUCTION				
APN	FRONTAGE (Linear Feet)	PERCENT OF TOTAL LENGTH	PARCEL COST	NOTES/COMMENTS
018-270-009	400	8.62%	\$24,995	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-270-018	445	9.59%	\$27,807	
018-270-045	540	11.64%	\$33,743	
018-270-044	720	15.51%	\$44,990	
018-270-030	310	6.68%	\$19,371	
018-270-026	317	6.83%	\$19,808	
018-270-024	800	17.24%	\$49,989	
018-490-004	346	7.46%	\$21,620	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-490-005	58	1.25%	\$3,624	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-490-006	100	2.15%	\$6,249	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-490-007	100	2.15%	\$6,249	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-490-008	205	4.42%	\$12,810	CONNECTED TO EXISTING SYSTEM, COST TO BE PAID BY ACSD
018-490-049	300	6.46%	\$18,746	
TOTAL	4,641	100.00%		

Initial Cost to be Paid by District: \$75,546
Costs to be Paid by Developers: \$214,454
Grand Total of Reimbursement District Cost: \$290,000

Notes:
 THE GRAND TOTAL OF REIMBURSEMENT DISTRICT COST IS BASED UPON A PRELIMINARY COST ESTIMATE PREPARED BY eda AND DATED SEPTEMBER 3, 2003.
 THE FRONTAGE LENGTH IS THE DISTANCE OF A PROPERTY ALONG HANFORD-ARMONA ROAD ALONG THE LENGTH OF THE PROPOSED 12" WATERLINE TO BE CONSTRUCTED. PLEASE TO AN EXHIBIT TITLE "REIMBURSEMENT DISTRICT FOR THE CONSTRUCTION OF A 12" WATERLINE IN HANFORD-ARMONA ROAD FROM OAK STREET TO HIGHWAY 198.
 INITIAL DESIGN AND CONSTRUCTION COSTS NOT ASSOCIATED WITH A PARTICULAR PROJECT ARE TO BE BOURNE BY THE ARMONA CSD UNTIL SUCH TIME AS A PROJECT IS PROPOSED WITHIN THE REIMBURSEMENT DISTRICT BOUNDARY AS OUTLINED IN THE ORDINANCE.