



**GARDEN GROVE**

## **CITY OF GARDEN GROVE**

**ENGINEER'S REPORT**

**DOWNTOWN ASSESSMENT DISTRICT**

**FISCAL YEAR 2019-20**

**ORANGE COUNTY, CALIFORNIA**

**May 1, 2019**

*PREPARED BY*



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# ENGINEER'S CERTIFICATION

**AGENCY:** THE CITY OF GARDEN GROVE

**PROJECT:** DOWNTOWN ASSESSMENT DISTRICT

**TO:** THE CITY COUNCIL OF THE  
CITY OF GARDEN GROVE  
STATE OF CALIFORNIA

## ENGINEER'S REPORT FOR FISCAL YEAR 2019–2020

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the annual levy of assessments within the Downtown Assessment District of the City of Garden Grove to provide services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2019–20. Services will be provided through June 30, 2020.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), and in accordance with the City of Garden Grove's Resolution being adopted by the City Council for:

### **DOWNTOWN ASSESSMENT DISTRICT**

(Hereinafter referred to as the "District"),

I, K. Dennis Klingelhofer, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following four (4) parts and Appendices:

#### **PART I**

**Overview:** Provides the background and reason for the District.

#### **PART II**

**Plans and Specifications:** Plans and specifications for the improvements showing and describing the general nature, location and extent of the improvements.

#### **PART III**

**Cost Estimate:** The estimated cost to be funded by the District for the operation, servicing and maintenance of the improvements for fiscal year 2019-20, including incidental costs and expenses in

connection therewith.

**PART IV**

**Method of Apportionment:** The method of apportionment of assessments indicates the proposed assessment of the net amount of the costs and expenses of the maintenance and/or servicing of the existing and ultimate improvements to be assessed upon the several lots and parcels of land within the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels.

**Appendices**

Appendix A – Assessment Diagram

Appendix B – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided and in conformance with the assessment methodology adopted by the City Council for the levying of assessments.

DATED: May 1, 2019

 **Harris & Associates**





K. Dennis Klingelhofer, P.E., Assessment Engineer  
R.C.E. No. 50255  
Engineer of Work  
County of Orange  
State of California

## **PART I – OVERVIEW**

This Report has been prepared and is submitted for consideration by the City Council of the City of Garden Grove under the authority of the Landscaping and Lighting Act of 1972 as set forth in Part 2 of Division 15 of the California Streets and Highways Code.

### **Background**

In 1977, the City of Garden Grove formed the Main Street Assessment District (MSAD) No. 1 to provide funds for the construction and maintenance of special public improvements along Main Street. Those include planters, trees, streetscaping, sidewalks, benches, trash receptacles, drinking fountains, streetlights, drainage, and bollards.

Following formation of the District, assessments were adjusted periodically as the cost of providing services increased. The current assessment rate has not been increased since 1989. The existing assessment was deemed to be exempt from the requirements set forth in Section 4 of Article XIID by Section 5(a) following the passage of Prop 218 in 1996 which added Article XIID to the State Constitution. Any increase to the current assessment after July 1, 1997 is subject to the requirements of Section 4 and may not be increased without the approval of the property owners within the District.

The assessment rate was proposed to be increased for Fiscal Year 2004-05 to keep up with the rising costs and the higher levels of maintenance requested by the businesses within this Assessment District.

Notices and ballots were mailed to all property owners in the District in accordance with Section 4, Article XIID of the California State Constitution (Proposition 218). On June 8, 2004, the public hearing was held, the ballots were tabulated, and the property owners rejected the proposed assessment increase.

Therefore, the assessments will remain the same in Fiscal Year 2019-20 as in previous years and the services funded by the assessment have been adjusted to match the funds available. No City contribution is made to this District.

In the fall of 2017, Council approved changing the name of the district from “Main Street Assessment District No. 1” to “Downtown Assessment District”.

## **PART II – PLANS AND SPECIFICATIONS**

The facilities, which have been constructed within the City of Garden Grove, and those which may be subsequently constructed, will be serviced and maintained as generally described as follows: A portion of Main Street from Garden Grove Boulevard to Acacia Parkway and a portion of Garden Grove Boulevard between 150.16 feet west of the centerline of Main Street and 150.06 feet east of the centerline of Main Street, all being within said District.

### **Descriptions of Improvements**

The facilities to be maintained and serviced for the District as described as follows: Facilities include but are not limited to: streetscape improvements including sidewalks, decorative paving, street lights, street trees, and street furniture, including bollards, benches, trash receptacles, drinking fountains, miscellaneous planters, and related items within the boundaries of said District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the Director of Public Works and are incorporated herein by reference.

## PART III – COST ESTIMATE

The City's budget for the operation, maintenance and servicing of lighting details the estimated costs for Fiscal Year 2019-20 as available at the time of preparation of this Report, and includes engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with the District proceedings.

	Adopted Fiscal Year 2018-19	Proposed Fiscal Year 2019-20
<b><u>Starting Fund Balance (Fund Balance as of July 1)</u></b>	<b>\$78,547</b>	<b>\$67,715</b>
<b><u>Estimated Revenues</u></b>		
Total Estimated 2019-20 Assessments:	\$26,700	\$26,700
Interest	\$500	\$500
<b>Subtotal Revenues:</b>	<b>\$27,200</b>	<b>\$27,200</b>
<b><u>Estimated Expenditures</u></b>		
Trash Pick Up	\$0	\$0
General Maintenance	\$15,500	\$12,000
Street Lighting	\$2,000	\$2,000
Street Improvements	\$10,000	\$10,000
Streetscape Cleaning	\$3,000	\$3,000
Professional Services	\$3,500	\$3,500
Administrative Support	\$3,300	\$2,800
Insurance	\$732	\$732
<b>Subtotal Expenditures:</b>	<b>\$38,032</b>	<b>\$34,032</b>
<b><u>Estimated Year End Fund Balance</u></b>	<b>\$67,715</b>	<b>\$60,883</b>
Total Front Feet (FF) in Assessment District:	1,340.45	1,340.45
Assessment Rate (\$/FF):	\$19.92	\$19.92

The 1972 Act requires that a special fund be set-up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

## PART IV – METHOD OF APPORTIONMENT

### General

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment Districts by cities for the purpose of providing certain public improvements which include the maintenance and servicing of street lights, traffic signals, landscaping, parks and recreational facilities.

The 1972 Act requires that maintenance assessments be levied according to benefit rather than according to assessed value. Section 22573 provides that:

The net amount to be assessed upon lands within an assessment District may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements.

The Act permits the designation of areas of benefit within any individual assessment District if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

In addition, Proposition 218, the "Right to Vote on Taxes Act" which was approved on the November 1996 statewide ballot and added Article XIID to the California Constitution, requires that a parcel's assessment may not exceed the reasonable cost for the proportional special benefit conferred on that parcel. Article XIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. It also requires that publicly owned properties which benefit from the improvements be assessed.

If the assessment is approved by the property owners as required by Article XIID of the California Constitution, Section 53739 of the Government Code allows that the assessment may be imposed thereafter at "...any rate or amount that is less than or equal to the maximum amount authorized by the voter approved ordinance or resolution".

Section 53739 also allows that the assessment may be adjusted for inflation based upon a clearly defined formula that is stated in the resolution that is approved by the property owners at an election authorizing the levy of the assessment.

The formula to be used to distribute the costs of providing the enhanced levels of services described in this Report to the assessable parcels within the District was approved by the City Council at the time the District was formed.



## Special Benefit Analysis

**Street Landscaping** - Trees, landscaping, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

"... there is no lack of opinion, based on general principals and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly.... Indeed, in most cases where public money has been spent for parkways the assumption has been definitely made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City,..."

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping along the roadway.

The ongoing operation and maintenance and operation of streetlights benefit all properties within the District by providing security, safety and community character and vitality as outlined below. Streetlights provide only incidental benefits to motorists traveling to, from or through the area.

### BENEFITS OF STREET LIGHTING

#### Security and Safety

- Mitigates crime
- Alleviates the fear of crime
- Enhances safe ingress/egress to property

#### Community Character and Vitality

- Promotes social interaction
- Contributes to a positive nighttime visual image

## Methodology

The parcels of land in the District are all commercial properties and are assessed based on a linear foot (LF) frontage on Main Street and Garden Grove Boulevard. City-owned parking lot properties are not considered to benefit from the improvements and are therefore excluded from assessment. The table below provides the assessment apportionment for the District.

Previous Fiscal Year 18-19 Total Asmt	Estimated Fiscal Year 19-20 Total Asmt	Total District Frontage	Maximum Fiscal Year 19-20 Asmt per LF
\$26,700	\$26,700	1,340.45	\$19.92

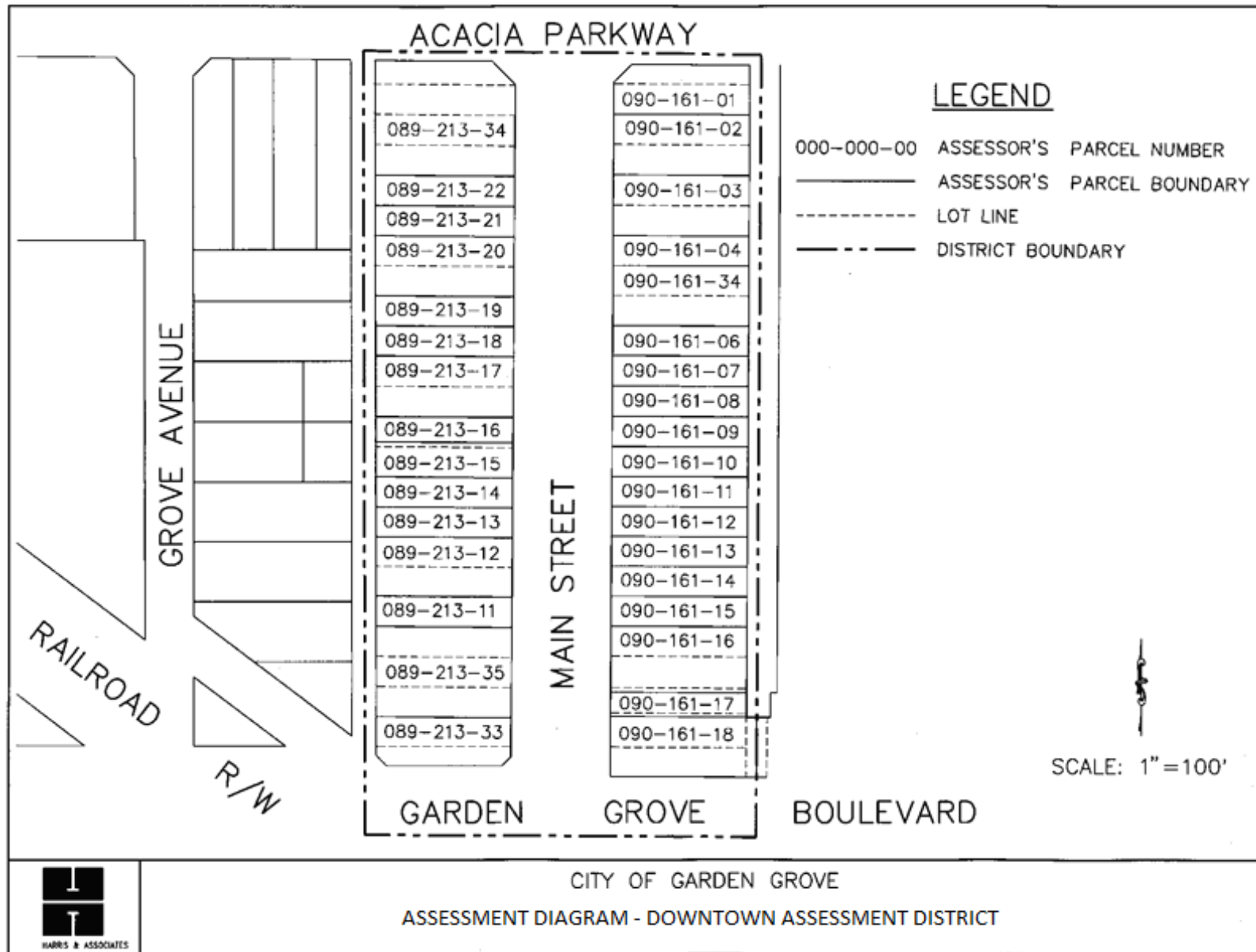
The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase.

## **APPENDIX A – ASSESSMENT DIAGRAM**

A diagram showing the exterior boundaries of the District is on file in the Office of the City Clerk and incorporated herein by reference.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Orange for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

A reduced copy of the City of Garden Grove Downtown Assessment District Map is provided on the following page.



## APPENDIX B – ASSESSMENT ROLL

The total proposed assessment for Fiscal Year 2019-20 and the amount of the total proposed assessment apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Orange County Assessor's Office, are contained in the Assessment Roll provided below.

The description of each lot or parcel is part of the records of the Assessor of the County of Orange and these records are, by reference, made part of this Report.

Assessor's Parcel No.	Linear Feet	Proposed Fiscal Year 2019-20 Asmt
089-213-11	25.50	\$507.91
089-213-12	49.50	\$985.95
089-213-13	25.00	\$497.95
089-213-14	25.00	\$497.95
089-213-15	29.00	\$577.62
089-213-16	21.00	\$418.28
089-213-17	50.00	\$995.90
089-213-18	25.00	\$497.95
089-213-19	25.00	\$497.95
089-213-20	50.00	\$995.90
089-213-21	25.00	\$497.95
089-213-22	25.00	\$497.95
089-213-33	155.09	\$3,089.30
089-213-34	101.05	\$2,012.98
089-213-35	75.00	\$1,493.85
090-161-01	47.27	\$941.53
090-161-02	50.00	\$995.90
090-161-03	50.00	\$995.90
090-161-04	25.00	\$497.95
090-161-06	25.00	\$497.95
090-161-10	25.00	\$497.95
090-161-11	25.00	\$497.95
090-161-12	25.00	\$497.95
090-161-13	25.00	\$497.95
090-161-14	25.00	\$497.95
090-161-15	25.00	\$497.95
090-161-16	50.42	\$1,004.27
090-161-17	25.25	\$502.93
090-161-18	161.37	\$3,214.58
090-161-34	50.00	\$995.90
<b>1,340.45</b>	<b>\$26,700.00</b>	