

**CITY OF FONTANA  
LANDSCAPE MAINTENANCE DISTRICT NO. 3  
PRELIMINARY ENGINEER'S REPORT FOR ANNEXATION NO. 1  
EMPIRE CENTER**

**SECTION 1.            AUTHORITY FOR REPORT**

This report is prepared in compliance with the requirements of Article 2, Chapter 2, Section 22623 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972). In November of 1996, the voters of California passed Proposition 218 which added Articles XIIC and XIID to the California Constitution. These Constitutional provisions affect the procedural and approval requirements for the levy of assessments. Among other things, the requirements provide that assessed parcels of real property must receive a special benefit from assessments. Assessments are also subject to majority protest requirements. These requirements apply, unless an assessment district meets certain exemptions set forth in Proposition 218.

The following assessments are exempt from the procedures and approval process of Article XIID of the California Constitution;

- A. Any assessment imposed exclusively to finance the capital costs or maintenance and/or operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control; or
- B. Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed.

The City of Fontana Landscape Maintenance District No. 3, Annexation No. 1 (Empire Center), qualifies as an existing assessment exempt under exemption "B" described above in that the assessment district was originally formed and the assessment was imposed pursuant to the district was consented to by all of the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed. The proposed assessments for the 2021-2022 Fiscal Year for Maintenance District No. 3, Annexation No. 1, fall within this exemption because they are merely the annual levy for assessments previously consented to by property owners.

**SECTION 2            GENERAL DESCRIPTION**

This report deals with the annual assessment for the Landscape Maintenance District No. 3, Annexation No. 1 (Empire Center), for the 2021-2022 Fiscal Year commencing on July 1, 2021 and ending on June 30, 2022. Areas to be included in the work program are the trees

within the dedicated tree maintenance easements, the trees and ground cover within the tree and ground cover maintenance easements dedicated to the City, the public parks, and other areas required by the approved plan or by the City Council, or areas dedicated by the various subdivisions. Annually, the City Council approves an Engineer's Report defining the specific work programs for each year and the estimated cost for each year.

### **SECTION 3. PLANS AND SPECIFICATIONS**

The plans and specifications have been prepared according to the City's standards. Plans and specifications for walls, fences, and signage have been prepared in accordance with Empire Center Specific Plan and City standards. Said plans and specifications show and describe the general nature, location and extent of the existing and proposed improvements to be maintained and/or serviced. The plans and specifications also indicate the class and type of improvements to be maintained and/or serviced for each zone within the District.

The maintenance activities of the areas to be maintained by the District include but are not limited to:

The repair, removal or replacement of all or any part of any improvement, providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris, and other solid waste, the maintenance, repair and replacement as necessary of all irrigation systems, and the removal of graffiti from walls immediately adjacent to the cultivated areas.

### **SECTION 4. ESTIMATED COSTS**

The costs of the original landscape improvements will be paid by the Developer. Annual maintenance and replacement costs will be borne by the benefiting property owners after the City accepts the landscape improvements for maintenance. The estimated maintenance cost, for assessment purposes, is based upon the proposed areas for maintenance. The maximum assessment is \$1,122.86 per acre.

The estimated cost for Fiscal Year 2021-2022 is as follows:

A.	Cost of Maintenance of Improvements:	
1.	Landscape Maintenance and Utilities	\$ 61,070
2.	Personnel Services and Other Departmental Expenses	500
3.	Administration	<u>5,000</u>
	Total Costs of Maintenance	\$ 66,570
B.	Cash Flow Reserve	33,285
C.	Contingencies Reserve	9,986
D.	Capital Replacement	<u>60,000</u>
	Total Cost	\$169,841
E.	Less: Estimated Beginning Fund Balance	<u>&lt;107,721&gt;</u>
F.	Total Assessments	\$ 62,120

All of the costs are based on current estimates. The assessments are based on these costs and the difference between the estimated cost and the actual cost will be accounted for in the subsequent year.

**SECTION 5.**            **ASSESSMENT DIAGRAM**

For a detailed description of the lines and dimensions of any lot or parcel, reference is hereby made to the County Assessor's maps, which maps shall govern for all details concerning the lines and dimensions of such lots or parcels.

**SECTION 6. METHOD OF APPORTIONMENT OF ASSESSMENT**

The Empire Center Specific Plan was designed as a multi-use commercial development which included a proposed Regional Mall, a Community Center, a Neighborhood Center, an Entertainment Center, a Promotional Center, a Community-Commercial area, a Community-Office area, and a Community-Regional area. The regional mall was never built, and the development was not completed as planned and due to economic conditions property was removed from the district and the area requiring maintenance was reduced.

The properties and improvements remaining within the district are generally located south of the I-10, east of Sierra Avenue, north of Slover Avenue, and west of the east boundary of the Promotional Center.

The assessment formula takes into account that the proposed Regional Mall would have received greater benefit from the landscape improvement than other areas. The property zoned for Regional Mall would have received a 15% surcharge over and above the maintenance cost per acre based upon the following formula:

- TA** = Estimated Yearly Maintenance Costs
- RM** = Number of acres within the Regional Mall
- PC** = Number of acres within the Promotional Center  
(lots 13 thru 33), Community Center (lots 6 thru 11), and Neighborhood Center (lot 5)
- A** = Assessment per acre

ESTIMATED 2020-2021 ASSESSMENT=		\$ 62,120
<b>RM (1.15A) + PC (1.00A)</b>	=	<b>\$ 62,120</b>
<b>0.00 (1.15A) + 62.1197 (1.00A)</b>	=	<b>62,120</b>
<b>62.1197(A)</b>	=	<b>62,120</b>
<b>A</b>	=	<b>\$ 1,000.00 per acre</b>

**SECTION 7.**            **ASSESSMENT SCHEDULE**

I, the appointed Engineer of Work, by virtue of the power vested pursuant to the "Landscaping and Lighting Act of 1972", being Division 15, Part 2, of the California Streets and Highways Code, commencing with Section 22500, and by order of the legislative body, hereby made the following assessment to cover the estimated costs and expenses of the maintenance work for the improvements within the Landscape Maintenance District No. 3, Annexation No. 1 (Empire Center), for the Fiscal year commencing on the 1st day of July, 2021 and ending on the 30th day of June, 2022. Said costs and expenses are generally as follows:

Cost of Maintenance	\$ 66,570
Cash Flow Reserve	33,285
Contingencies	9,986
Capital Replacement	60,000
Estimated Beginning Balance (Surplus)/Deficit	<u>&lt;107,721&gt;</u>
Balance to Assessments	\$ 62,120

I do hereby assess and apportion the net amount of the costs and expenses upon the several parcels of land represented by the City to be within LMD No. 3-1 liable therefore and benefited thereby, in proportion to the estimated benefits that such parcel receives, respectively, from said maintenance of the works of improvement and appurtenances, and said parcels are hereinafter numbered and set forth to correspond with the numbers as they appear on the San Bernardino County Assessment Roll.

The assessment schedule hereby refers to the San Bernardino County Assessment Roll for the description of the lots or parcels, and said Roll shall govern for all the details concerning the description of the lots or parcels.

The net amount to be assessed upon the lands has been spread and apportioned by a formula in accordance with the benefits received by each parcel, and in my opinion, said costs and expenses have been apportioned in direct relationship to the benefits received from the maintenance of the improvements.

Date: May 24, 2021



John G. Egan  
John G. Egan  
Assessment Engineer  
R.C.E. 14853