



**City of San Jacinto**

**Landscaping, Lighting, and  
Park District No. 2, Annexation No. 90 (Circle K)**

**Engineer's Report**

**February 2015**

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**CITY OF SAN JACINTO  
LANDSCAPING, LIGHTING AND  
PARK DISTRICT NO. 2, Annexation No. 90 (Circle K)**

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# 1. ENGINEER'S LETTER

**WHEREAS**, on April 4, 2002, the City Council of the City of San Jacinto ("City"), State of California, under the Landscaping and Lighting Act of 1972 ("1972 Act") (California Streets and Highways Code section 22500 *et seq.*) established the Landscaping, Lighting and Park District known and designated as "Landscaping, Lighting and Park District No. 2"; and

**WHEREAS**, the City desires to annex property to the district known as Assessor's Parcel Number 432-280-029 (the "property") to the City of San Jacinto Landscaping, Lighting and Park District No. 2 ("District") as Annexation No. 90; and

**WHEREAS**, on March 3, 2015, the City Council under the 1972 Act, Article XIID, section 4 of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act ("Proposition 218") (California Government Code section 53750 *et seq.*), (the 1972 Act, Article XIID, and Proposition 218 are collectively referred to as the "Assessment Law"), approved the commencement of procedures within the proposed area for Annexation No. 90 so that owners of the property may approve annexation to the District to provide funding for maintenance of improvements which provide special benefit to the property; and

**WHEREAS**, NBS has been directed to prepare and file an Engineer's Report for Annexation No. 90.

**NOW THEREFORE**, the proposed assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of said improvements to be paid by the assessable real property within the District in proportion to the special benefit received.

Description	FY 2015/16 Maximum Budget	FY 2015/16 Estimated Actual Budget
Street Light and Traffic Signal Maintenance	\$4,612.78	\$4,612.78
Park Maintenance	0.00	0.00
Landscape Maintenance	10,117.11	10,117.11
Storm Drain Maintenance	3,867.23	3,867.23
Sidewalk Maintenance	1,762.38	1,762.38
Graffiti Removal	3,437.54	3,437.54
General Benefit	(3,768.34)	(3,768.34)
<b>Total</b>	<b>\$20,028.70</b>	<b>\$20,028.70</b>

In making the assessments contained herein pursuant to the Assessment Law:

1. I identified all parcels which will have a special benefit conferred upon them from the improvements described in this Engineer's Report (the "Specially Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy of which is included in this Engineer's Report.
2. I have assessed the costs and expenses of the improvements upon the Specially Benefited Parcels. In making such assessment:
  - a. The proportionate special benefit derived by each Specially Benefited Parcel from the improvements was determined in relationship to the entirety of the maintenance costs of the improvements;

- b. No assessment has been imposed on any Specially Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements; and
- c. Any general benefits from the improvements have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagram herein have been prepared and computed in accordance with the order of the City Council of the City of San Jacinto and the Assessment Law.



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Brian K. Thomas, P.E.  
Assessment Engineer



## **2. OVERVIEW**

### **2.1 Introduction**

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This Engineer's Report ("Report") describes Annexation No. 90 as a zone of the City of San Jacinto Landscaping, Lighting, and Park District No. 2 (the "Zone") and the charge per Assessment Unit (AU) for Fiscal Year 2015/16 based on the estimated cost to maintain the improvements and provide the services that benefit parcels within the Zone. This Zone, by special benefit assessments, provides funding for the installation, operation, maintenance and servicing of street lights and traffic signals; the installation, maintenance and servicing of landscaped areas (parkways, sidewalks, etc.); the installation, operation, maintenance and servicing of drainage facilities; and graffiti removal from horizontal and vertical surfaces which are appurtenant to the above items; all of which are located in public rights-of-way or easements in the District.

The word "parcel," for the purposes of this report, refers to an individual property assigned its own assessor's parcel number by the Riverside County Assessor's Office. The Riverside County Auditor/Controller uses assessor's parcel numbers and specific fund numbers to identify on the tax roll properties assessed for special district benefit assessments.

### **2.2 Process for Proposed Assessment**

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The City cannot increase or levy new assessments within the District without complying with the procedures specified in Article XIID and Proposition 218. In November 1996, the voters in the State of California added Article XIID to the California Constitution imposing, among other requirements, the necessity for the City to conduct an assessment ballot procedure to enable the owners of each property on which assessments are proposed to be enacted or increased, the opportunity to express their support for, or opposition to, the proposed assessment or increase in such assessment. The basic steps of the assessment ballot procedure are outlined below.

The City must prepare a Notice of Public Hearing ("Notice"), which describes, along with other mandated information, the reason for the proposed assessments and provide a date, time and location of a public hearing to be held on the matter. The City must also prepare an assessment ballot, which clearly gives the property owner the ability to sign and mark their assessment ballot either in favor of, or in opposition to, the proposed assessment. The Notice and assessment ballot are mailed to each affected property owner within the District a minimum of 45 days prior to the public hearing date as shown in the Notice.

After the Notice and assessment ballot are mailed, property owners are given until the close of the public hearing, stated in the Notice, to return their signed and marked assessment ballot. During the public hearing, property owners are given the opportunity to address the City Council and ask questions or voice their concerns. After the public hearing, the returned assessment ballots received prior to the close of the public hearing are tabulated, weighted by the proposed assessment amount on each property and the results are announced by the City Council.

Article XIID provides that if, as a result of the assessment ballot proceeding, a majority protest is found to exist, the City Council shall not have the authority to enact or increase the assessments as proposed. A majority protest exists if the assessments represented by ballots submitted in opposition exceed those submitted in favor of the assessment. All returned ballots are tabulated and weighted according to the financial obligation of each particular parcel.

If there is no majority protest as described above, the City Council may approve the proposed assessments in Annexation No. 90.

## **3. PLANS AND SPECIFICATIONS**

The plans and specifications showing and describing the general nature, location and extent of the improvements to be operated and maintained within Annexation No. 90 are on file in the office of the City Clerk and are incorporated herein by reference.

### **3.1 Description of the Boundaries**

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The proposed boundary of Annexation No. 90 to the District is completely within the City Limits of the City of San Jacinto and is shown on the Boundary Map found in Section 6 of this Report and on file in the office of the City Clerk at the San Jacinto City Hall. The boundary includes the parcels of land that are located in the vicinity of street lighting, landscaping, sidewalk and drainage improvements that were, or soon will be, installed as a condition of approval of a land development project; the operation and maintenance of which will be funded by this assessment district. All parcels of real property included within the District are described in detail on maps on file in the Riverside County Assessor's office or by a tract and parcel number legal description.

The 1972 Act provides for areas within a district to be classified into different zones. Annexation No. 90 to Landscaping, Lighting and Park District No. 2 is comprised of one zone. The costs of the installation, operation, maintenance and servicing of the various improvements and facilities within this zone, will be separately determined, and incidental costs will be prorated and added to determine the total cost. This zone is comprised of Assessor's Parcel Number 432-280-029 (Circle K) and is designated as "Zone 90". Future annexations will be assigned zone designations e.g. Zone 91, Zone 92, Zone 92A, Zone 93, etc., as appropriate.

### **3.2 Description of Improvements and Services**

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The authorized facilities and items of servicing and maintenance are described in the "Master Engineer's Report." Said description is included within this report by reference. A copy of said "Master Engineer's Report" is on file in the Office of the City Clerk of the City of San Jacinto and may be reviewed, or a copy obtained, at City Hall during normal business hours.

The improvements included in Zone 90 to be installed, operated, serviced, and maintained are street lighting and traffic signals; parkway landscaping; trees; sidewalks, curb and gutter, and storm drains (catch basins and pipe in public right-of-way or easement). Also included is the servicing and maintenance required for graffiti removal. A map of the improvements for Zone 90 is provided in Exhibit "B" of this report.

These improvements are located within the street public right-of-ways and dedicated public easements which are within the boundaries of the District and as such are of special benefit to the parcels. The landscaping maintenance includes, but is not limited to, turf, ground cover, shrubs and trees, sprinkler and irrigation systems, drainage systems, and associated appurtenances. Services include personnel, materials, contracting services, utilities, capital projects and all necessary costs associated with the maintenance, replacement and repair required to keep the improvements in a healthy, vigorous and satisfactory condition. The breakdown of maintained improvements is as follows:

- Two and a half street lights on Sanderson Avenue and Esplanade Avenue.
- Traffic Signal at the corner of Sanderson Avenue and Esplanade Avenue.
- 1,942 square feet of landscaped parkway along Sanderson Avenue with three trees, shrubs and ground cover.
- Storm Drains and Catch Basins on Sanderson Avenue and Esplanade Avenue.
- Sidewalk and Curb and Gutter improvements adjacent to Sanderson Avenue.

## 4. ESTIMATE OF COSTS

The estimated costs of administration, maintenance, operation, and servicing the improvements as described in the Plans and Specifications are summarized below. Each year, as part of the assessment district levy calculation process, the costs and expenses are reviewed and the annual costs are projected for the following fiscal year.

### 4.1 Budget

#### Annexation No. 90 (Circle K)

Description	FY 2015/16 Maximum Per AU	FY 2015/16 Maximum Budget	FY 2015/16 Estimated Actual Per AU	FY 2015/16 Estimated Actual Budget
Street Light and Traffic Signal Maintenance	\$920.71	\$4,612.78	\$920.71	\$4,612.78
Park Maintenance	0.00	0.00	0.00	0.00
Landscape Maintenance	2,019.38	10,117.11	2,019.38	10,117.11
Storm Drain Maintenance	771.90	3,867.23	771.90	3,867.23
Sidewalk Maintenance	351.77	1,762.38	351.77	1,762.38
Graffiti Removal	686.14	3,437.54	686.14	3,437.54
General Benefit Contribution	(752.16)	(3,768.34)	(752.16)	(3,768.34)
<b>Total Assessment</b>	<b>\$3,997.74</b>	<b>\$20,028.70</b>	<b>\$3,997.74</b>	<b>\$20,028.70</b>

Beginning in the Fiscal Year starting July 1, 2015, prior to the assessments being placed on the tax roll, the City will review the budget and determine the amount needed to maintain the improvements for the upcoming fiscal year. The actual assessment per AU will be based on the total amount of funds needed to maintain the improvements in a satisfactory and healthy condition. The actual assessment amount may be the same or lower than the maximum allowable assessment; however it may not exceed the maximum after the application of the cost of living inflator, defined in Section 5.7 of this report, unless the excess increase is approved by the property owners in accordance with Assessment Law.

It is the intent of the City of San Jacinto to establish an Operating Reserve which shall not exceed the estimated costs of maintenance, operation and servicing of the improvements prior to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later.

## **5. METHOD OF ASSESSMENT**

### **5.1 Introduction**

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Pursuant to the 1972 Act and Article XIID, all parcels that receive a special benefit conferred upon them as a result of the maintenance and operation of improvements and services shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the maintenance and operation of improvements. 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 local agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping improvements.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

*"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 determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000) [of the Streets and Highways Code, State of California]."*

The 1972 Act also permits the designation of zones 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).

Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property. Article XIID also provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Examples of parcels exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

Furthermore, Proposition 218 requires the City to separate general benefit from special benefit, whereas only special benefit may be assessed.

### **5.2 General Benefit**

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Section 4 of Article XIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must next "separate the general benefits from the special benefits conferred," and only the special benefits can be included in the amount of the assessments imposed.

The improvements being financed consist of the maintenance, operation and servicing of local improvements located within the boundaries of the District and include landscaped areas, drainage, trees, and appurtenant facilities that are located adjacent to the Zone. The improvements are primarily situated within the public rights-of-way along Sanderson Avenue and Esplanade Avenue

which provides ingress and egress the property assessed. Accordingly, there is a direct physical and visual nexus between the parcel being assessed and the improvements to be funded by the assessment that does not exist for parcels outside of the Annexation boundary and that is particular and distinct from that shared by the public at large.

However, Sanderson Avenue is deemed to be a travel corridor and is classified as an urban arterial highway, while Esplanade Avenue is classified as a major highway, and as such, a portion of the costs to maintain those specific improvements should be attributed to general benefit. The nature and location of the improvements require differing levels of general benefit based on the following categories: Street Lights, Traffic Signals and Maintenance.

The traffic signal is located at the intersection of Sanderson Avenue and Esplanade Avenue which are classified as urban arterial streets and as such the majority of cars traveling through the intersection are for through traffic. Based upon the City's General Plan Traffic Study (2005) and the average anticipated trip generation for the property land use based upon the Trip Generation Report, 7<sup>th</sup> Edition, from the Institute of Transportation Engineers, a reasonable estimate of 90% of all trips will be for pass-through and non-project related trips.

The street lights being installed are adjacent to the property and while they will benefit motorists driving on San Jacinto Avenue, the safety and economic benefits received by the property within the Zone will account for a greater percentage of special benefit. Both Sanderson Avenue and Esplanade Avenue are classified as Urban Arterial Streets. As such, the benefit derived from parcels or lots fronting on those streets is determined to be 80% special benefit because approximately 80% of the trips on Urban Arterial Streets end on or near such streets. It is estimated that 20% of the trips on Urban Arterial Streets are "pass-through" trips which represent general benefit.

The maintenance improvements include the landscape, storm drain maintenance, sidewalks, curb and gutter and graffiti removal. The nature and location of these improvements as adjacent to the property and for the safety, esthetic, and economic benefit of the property do not confer to the general public at large except to a minimal degree. The sidewalk is being installed to connect shoppers to a larger nearby retail center and the landscape, drainage, curb and gutter and graffiti maintenance are directly related to the use of the property. As expressed by the Court in *Beutz v. County of Riverside* (2010), "... courts of this state have long recognized that virtually all public improvement projects provide general benefits." A conservative estimate would result in the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the local street lighting improvements on local streets to be 2.00% and the special benefit is estimated to be 98.00%.

Based upon this, it has been determined that there is an amount of general benefit to the surrounding community and the public in general from the maintenance, operation and servicing of the improvements within the boundaries of the District and therefore a portion of the project costs should be attributed to general benefit. The general benefit costs are as follows:

<b>Improvement</b>	<b>Total Estimated Costs</b>	<b>General Benefit Contribution</b>	<b>Estimated General Benefit Costs</b>
Street Lights	\$492.30	20.00%	\$98.46
Traffic Signal	3,780.00	90.00%	3,402.00
Landscape Maintenance	7,063.50	2.00%	141.27
Strom Drain Maintenance	2,700.00	2.00%	54.00
Concrete Maintenance	1,230.45	2.00%	24.609
Graffiti Removal	2,400.00	2.00%	48.00

### **5.3 Special Benefit**

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With the exception of the general benefit described above, the maintenance, operation and servicing of the local landscaping improvements within the District are for the specific benefit of the properties within the District, and as such confer a special and direct benefit to parcels within the District.

The net amount to be assessed upon parcels within the Zone in accordance with this report is apportioned by a formula and method which fairly distributes the amount among all assessable lots or parcels in proportion to the estimated special benefit to be received by each lot or parcel from the improvements, namely the maintenance and servicing of public landscaping, lighting and drainage facilities within the Zone. The maintenance and servicing of public landscaping, lighting, drainage facilities and street trees installed and constructed in public places in the City of San Jacinto provides a special benefit which is received by each and every lot or parcel within the Zone. Landscaping and street trees within the District enhance the aesthetic appeal of parcels within the landscaping and street tree zones. Such landscaping improves erosion resistance and dust control. The streets within the District improve access to all lots or parcels assessed. Street lights improve ingress and egress of such lots or parcels by illuminating access after sunset. Such street lights, by so improving ingress and egress, improve the security of such lots or parcels by improving the night time visibility of such lots or parcels and improve the access of emergency vehicles thereto, and in the case of commercial lots or parcels, facilitate the opening and operation of business uses after sunset.

The overall appeal and safety of an area is enhanced when landscaping improvements are in place and kept in a healthy and satisfactory condition. Conversely, appeal and safety decreases when landscaping is overgrown, unsafe or destroyed by the elements or vandalism.

- **Improved Aesthetics.** Street landscaping improvements improve the commercial activity, appearance and desirability for the property within the boundaries of Annexation No. 90. Regular maintenance ensures that the improvements do not reach a state of deterioration or disrepair so as to be materially detrimental to the property adjacent to the improvements.
- **Increased Safety:** Safety for pedestrians involves not only a degree of protection from vehicular accidents, but also from criminal activity. Well maintained areas mitigate crime, especially vandalism, and enhance pedestrian safety.

Street trees, median landscaping, hardscaping and appurtenant facilities within and adjacent to City streets, if well maintained, provide beautification and shade.

Proper maintenance of drainage systems increases safety during periods of heavy rain and prevents property damage.

The primary benefits of street lighting are for the convenience, safety, security and protection of property.

1. Improvement to traffic circulation and reduction in night time accidents and attendant human misery and decrease in personal property loss.
2. The deterrence of crime and the aid to police protection.
3. Promotion of business during nighttime hours.
4. Increased nighttime safety on roads and highways.
5. The improved ability of pedestrians and motorists to see, which helps people safely find their way.
6. Improved ingress and egress to lots and parcels.
7. Reduction in vandalism and other criminal acts, and reduced damage to improvements.
8. The enhancement to the value of property which results from the foregoing benefits.

All of the above mentioned items for street landscaping, drainage, and lighting improvements provide special benefit to the property within Annexation No. 90 that are not realized by parcels outside the boundaries of the Zone.

## 5.4 Method of Assessment Spread

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As discussed above, each of the parcels within the District is deemed to receive special benefit from the improvements. Each parcel that has a special benefit conferred upon it as a result of the maintenance and operation of improvements is identified and the proportionate special benefit derived by each identified parcel is determined in relationship to the entire costs of the maintenance and operation of the improvements. The total costs of maintenance, less the amount of general benefit identified in Section 5.2 of this Report, will be assessed to the parcels within the District based on the estimated Assessment Units assigned to each parcel. To assess special benefit appropriately, it is necessary to relate parcels of different land uses and development status to each other. The AU method of apportionment uses the single family home as the basic unit of assessment. The following shows how each parcel's AUs have been determined:

## 5.5 Assessment Formula

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The basic formula used to calculate the amount spread to each lot or parcel within the District for each type of improvement or facility starts with an AU. The basic AU is given a value of one (1) for a single-family residential parcel. From this base, the remaining parcels are related according to their equivalent special benefit within a zone or future annexation. The purpose of this formula is to fairly equate special benefit conferred on property with differing land uses for each type of improvement or facility within a zone (e.g., single-family residential versus commercial office versus vacant property, for street lighting).

## 5.6 Assessment Unit Method

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The following table shows the assessment formula for the District using the AU method for common land uses:

Land Use	Landscaping Assessment Formula	Lighting Assessment Formula	Park Assessment Formula	Graffiti Removal	Drainage Assessment Formula
Churches	0.5 AU per Assessable Acre	0.5 AU per Assessable Acre	0.5 AU per Assessable Acre	0.5 AU per Assessable Acre	0.5 AU per Assessable Acre
Commercial/Industrial	3.0 AU per Assessable Acre	3.0 AU per Assessable Acre	3.0 AU per Assessable Acre	3.0 AU per Assessable Acre	3.0 AU per Assessable Acre
Residential Single Family	1.0 AU per Residential Unit	1.0 AU per Residential Unit	1.0 AU per Residential Unit	1.0 AU per Residential Unit	1.0 AU per Residential Unit
Apartments	0.6 AU per Parcel	0.6 AU per Parcel	0.6 AU per Parcel	0.6 AU per Parcel	0.6 AU per Parcel
Public Schools	0.0 AU per Parcel	0.5 AU per Assessable Acre	0.0 AU per Parcel	0.5 AU per Assessable Acre	0.5 AU per Assessable Acre

## **5.7 Cost of Living Inflator**

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Each fiscal year beginning Fiscal Year 2016/17, the maximum allowable assessment amount may be increased by the percent change in the January to January Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside area, published by the United States Department of Labor, Bureau of Labor Statistics; provided however, that any such annual increase shall not exceed seven and one-half percent (7.5%).

If for any reason the percentage change is negative the maximum allowable assessment would not be decreased by reason of such negative percentage change and would remain at the amount as computed on the previous fiscal year regardless of any CPI adjustment. The annual assessment cannot exceed the actual costs to operate the District in any given year. If operating costs are such that the maximum assessment amount is not needed, the City would levy only what is needed for that year.

## **6. ASSESSMENT DIAGRAM**

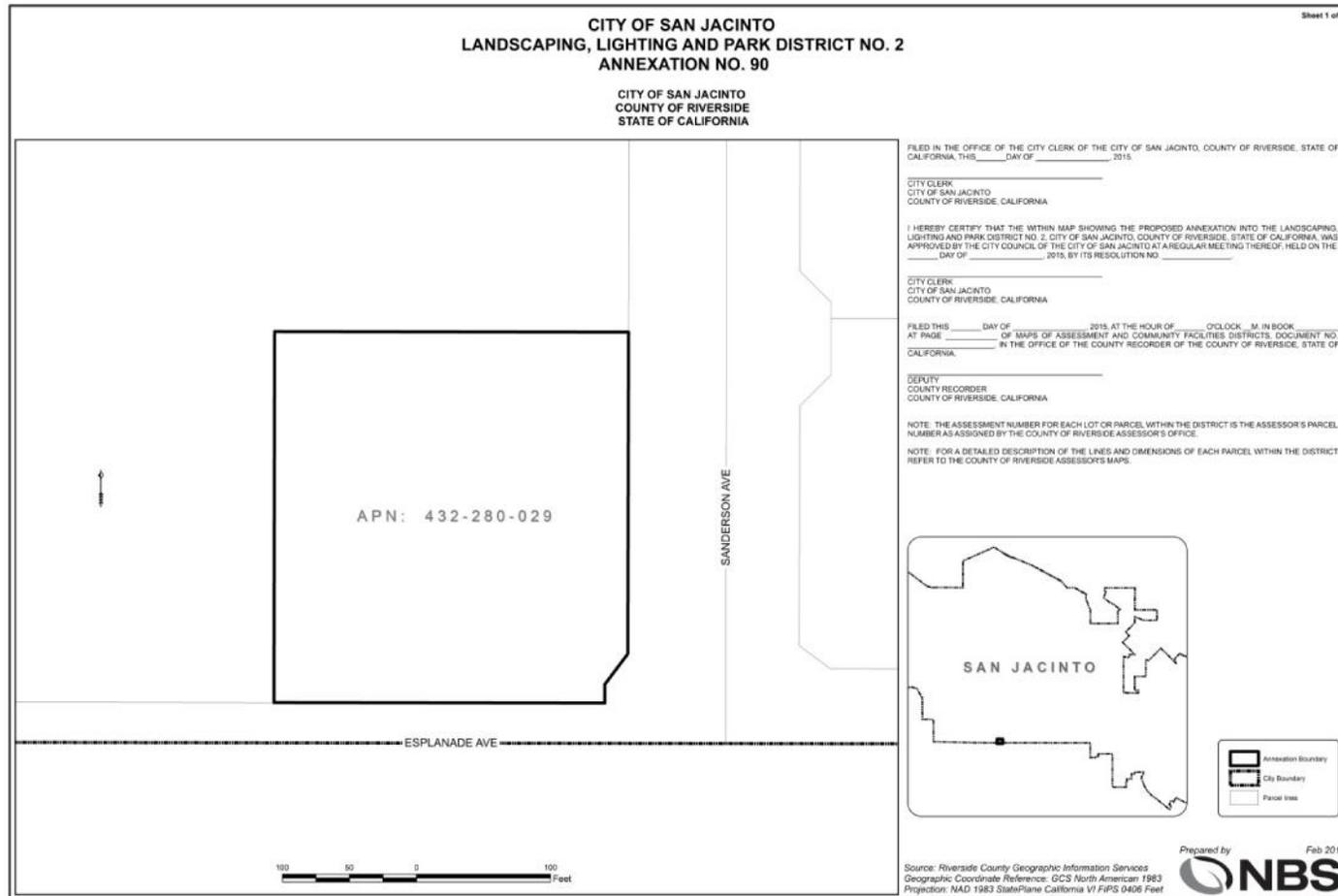
The assessment diagram is provided in Exhibit "A" of this report. The lines and dimensions shown on maps of the County Assessor for the current year are incorporated by reference herein and made part of this report.

## **7. ASSESSMENT ROLL**

The assessment roll is provided in Exhibit "C" of this report. The description of each lot or parcel as part of the records of the County Assessor are by reference made part of this Report.

# EXHIBIT A

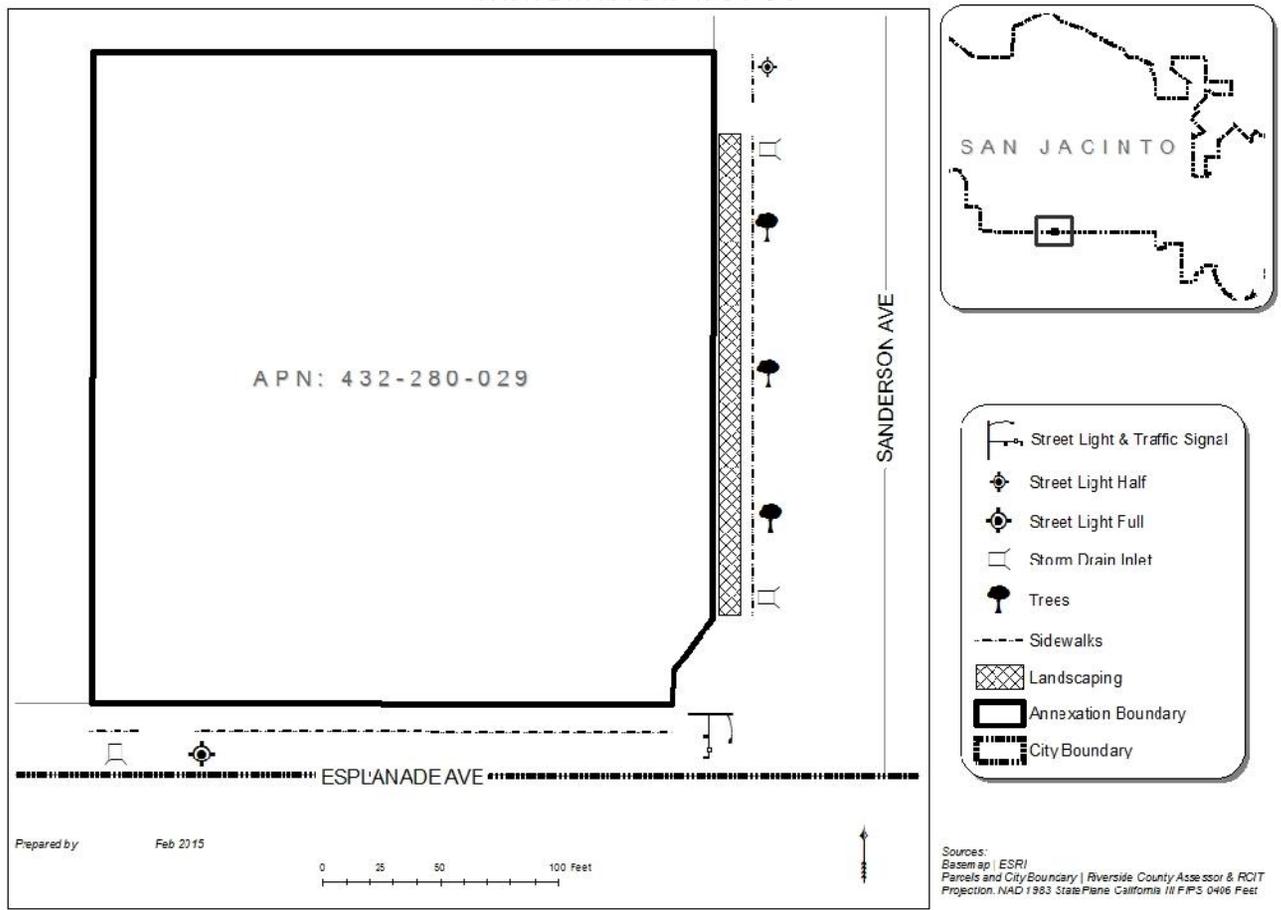
## ANNEXATION DIAGRAM



# EXHIBIT B

## MAP OF IMPROVEMENTS

CITY OF SAN JACINTO  
 LANDSCAPING, LIGHTING AND PARK DISTRICT NO. 2  
 ANNEXATION NO. 90



# EXHIBIT C

## City of San Jacinto Landscape, Lighting, & Park District No. 2 Annexation No. 90

### ASSESSMENT ROLL

Parcel Identification (APN)	Property Owner Name	Assessable Acreage (acres)	Asmt. Units (AU)	Street Lights	Park Maint.	Landscape Maint.	Storm Drain Maint.	Sidewalk Maint	Graffiti Removal	Dollars per AU (\$)	Assessment per Parcel (\$)
<b>Parcel 1</b> 432-280-029	<b>CIRCLE K STORES, INC.</b>	1.67	5.01	\$1,112.32	\$0.00	\$9,975.84	\$3,813.23	\$1,737.77	\$3,389.54	\$3,997.74	\$20,028.70
<b>TOTALS</b>		1.67	5.01	\$1,112.32	\$0.00	\$9,975.84	\$3,813.23	\$1,737.77	\$3,389.54	\$3,997.74	\$20,028.70