

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

Approve the Annexation of location L-23 into the Apple Valley Landscaping and Lighting Assessment District No. 1

Applicant: Apple Valley Commons, LLC

Location: Northwest Corner of Highway 18 and Dale Evans Parkway

Summary Statement:

As part of the requirements for the Lewis Retail Center to subdivide 48.6 acres into twenty-nine (29) parcels and three (3) lettered lots within the General Commercial (C-G) zone, located at the northwest corner of Highway 18 and Dale Evans, the applicant Apple Valley Commons, LLC, has provided required engineer's report for the landscaping and lighting assessment district. The district will provide the Town financing to maintain the landscaping and street lighting adjacent to the shopping center.

Continued page 2

Recommended Action:

1. Adopt Resolution No. 2008-02, a Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory, L-23, into the Apple Valley Landscaping and Lighting Assessment District No. 1.
2. Receive and approve the Engineer's Report as filed or as amended (Note: The Engineer's report has already been filed and is made a part of this agenda item for the Council's review and approval).
3. Receive and approve the Landowner's consent
4. Adopt Resolution No. 2008-03, a Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-23 ordering improvements, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972.

Proposed by: Engineering Division **Item Number** _____

T. M. Approval: _____ **Budgeted Item** **Yes** **No** **N/A**

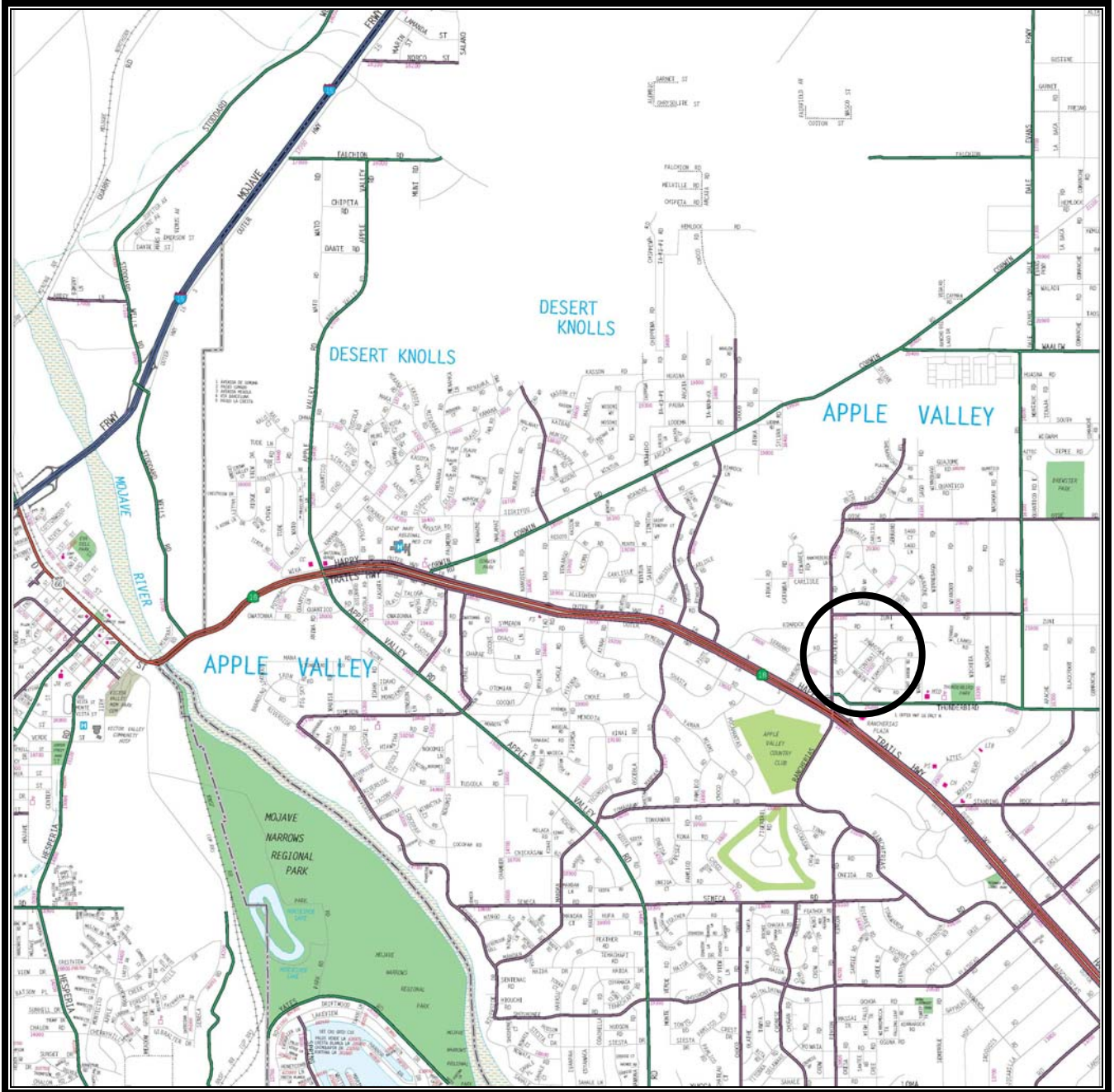
Council Meeting Date: 1/8/08

The Landscaping and Lighting Act of 1972 permits the installation, maintenance and servicing of landscaping and lighting through annual special assessments on real property benefiting from the improvements. The 1972 Act allows the forming of an assessment district without holding a public hearing when all affected landowners provide their written consent. The applicant has elected to proceed with the streamline process and has executed the landowner consent form to create the district and to waive the public hearing.

In order to annex this location, L-23, into the Apple Valley Lighting and Landscaping Assessment District No. 1, the Town Council should proceed with the actions listed in the recommendation.

Attachments

Location Map
Assessment District Engineer's Report to Annex L-23



LOCATION MAP

ENGINEER'S REPORT
Parcel Map 17684, and L.L.A. 2007-002

Town of Apple Valley
Annexation L-23 to Apple Valley Landscaping and
Maintenance Assessment District No.1

Prepared by:

MADOLE and ASSOCIATES
1455 Auto Center Drive Suite 200
Ontario, California 91761

Contact:

Robert Niedringhaus P.E.

Annexation L-23 to L.M.D. No. 1

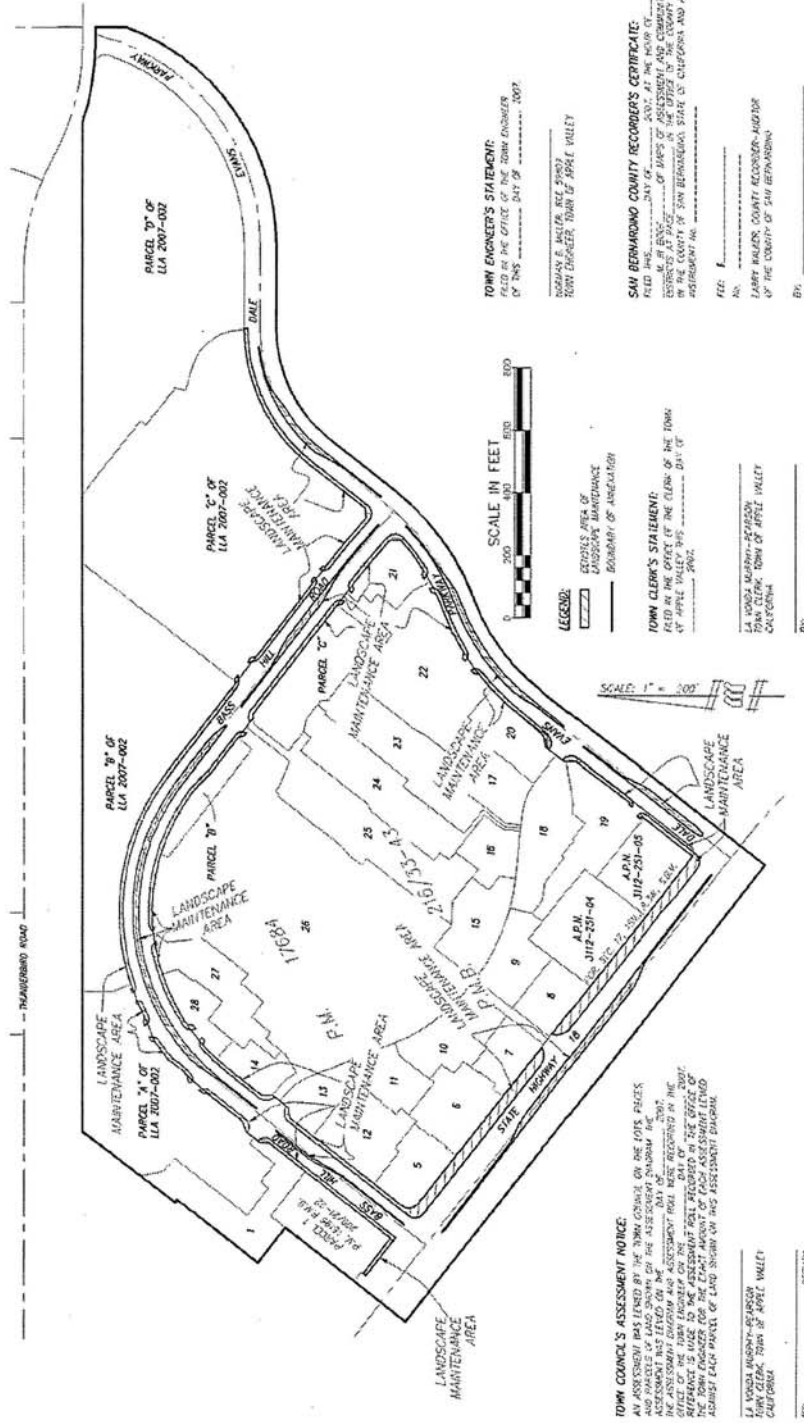
Town of Apple Valley
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Parcel Map 17684, and L.L.A. 2007-002

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ASSESSMENT DIAGRAM

ANNEXATION L-23 TO APPLE VALLEY LANDSCAPING AND MAINTENANCE ASSESSMENT DISTRICT No. 1

IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



TOWN COUNCIL'S ASSESSMENT NOTICE
 PARCELS 1 THROUGH 28 ARE SUBJECT TO THE STATE PRICES AND PARCELS 1 THROUGH 10 ARE SUBJECT TO THE TOWN'S ASSESSMENT DISTRICT No. 1. THE ASSESSMENT DISTRICT No. 1 IS A SPECIAL DISTRICT FOR THE PURPOSE OF PROVIDING LANDSCAPING AND MAINTENANCE SERVICES TO THE PARCELS WITHIN THE DISTRICT. THE ASSESSMENT DISTRICT No. 1 IS A SPECIAL DISTRICT FOR THE PURPOSE OF PROVIDING LANDSCAPING AND MAINTENANCE SERVICES TO THE PARCELS WITHIN THE DISTRICT.

LAUREN MARRAS, RECORDER
 TOWN CLERK, TOWN OF APPLE VALLEY
 CALIFORNIA
 BY: _____ DEPUTY

TOWN CLERK'S STATEMENT
 I, LAUREN MARRAS, RECORDER OF THE TOWN OF APPLE VALLEY DO HEREBY CERTIFY THAT THE ASSESSMENT DISTRICT No. 1 IS A SPECIAL DISTRICT FOR THE PURPOSE OF PROVIDING LANDSCAPING AND MAINTENANCE SERVICES TO THE PARCELS WITHIN THE DISTRICT.

LAUREN MARRAS, RECORDER
 TOWN CLERK, TOWN OF APPLE VALLEY
 CALIFORNIA
 BY: _____ DEPUTY

SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE
 I, LAUREN MARRAS, RECORDER OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ASSESSMENT DISTRICT No. 1 IS A SPECIAL DISTRICT FOR THE PURPOSE OF PROVIDING LANDSCAPING AND MAINTENANCE SERVICES TO THE PARCELS WITHIN THE DISTRICT.

LAUREN MARRAS, RECORDER
 COUNTY RECORDER-AUDITOR
 OF THE COUNTY OF SAN BERNARDINO
 BY: _____ DEPUTY

TOWN ENGINEER'S STATEMENT
 I, [Name], ENGINEER, DO HEREBY CERTIFY THAT THE ASSESSMENT DISTRICT No. 1 IS A SPECIAL DISTRICT FOR THE PURPOSE OF PROVIDING LANDSCAPING AND MAINTENANCE SERVICES TO THE PARCELS WITHIN THE DISTRICT.

SCALE IN FEET
 0 100 200 300 400 500 600 700 800

SCALE: 1" = 200'

LEGEND
 [Symbol] EXISTING AREA OF LANDSCAPING MAINTENANCE
 [Symbol] BOUNDARY OF ANNEXATION

Exhibit A

Annexation Overview and Landscape Area Plans

Annexation L-23 to L.M.D. No. 1

Town of Apple Valley
Parcel Map 17684, and L.L.A. 2007-002

Assessment District L-23 is established to provide landscaping and landscape maintenance within parkways and medians which primarily provide specific aesthetic benefit to the retail shopping centers that are generally located north of Highway 18, south of Thunderbird Road, west of Dale Evans Parkway and those fronting Bass Hill Road. The following is a more detailed description of the areas to be maintained under L-23:

Dale Evans Parkway

The Dale Evans Parkway landscape area is located along Dale Evans Parkway, extending from the intersection of Highway 18 and Dale Evans Parkway to the intersection of Thunderbird Road and Dale Evans Parkway. Landscaped areas include various twelve (12) foot wide parkway strips along the west side of Dale Evans Parkway, as well as twenty (20) foot wide median strips along the center of Dale Evans Parkway, as identified in the Assessment Diagram.

The twelve (12) foot wide parkway strips shall consist of a 6 foot wide sidewalk at right of way landscape improvements and a new irrigation system with a variety of shrubs and trees adapted to the climate of Apple Valley. Also included is a rock mulch pattern design.

The twenty (20) foot wide medians shall consist of an 18" maintenance strip in stamped and colored concrete at the back of curb and landscape improvements and a new irrigation system with a variety of shrub and trees adapted to the climate of Apple Valley.

Bass Hill Road

The Bass Hill Road landscape area is located along Bass Hill Road, extending from the intersection of Highway 18 and Bass Hill Road to the intersection of Dale Evans Parkway and Bass Hill Road. Landscaped areas include various twelve (12) foot wide parkway strips along the both sides of the street, as well as twenty (20) foot wide median strips along the center of Dale Evans Parkway, as identified in the Assessment Diagram.

The twelve (12) foot wide parkway shall consist of a 6 foot wide sidewalk at right of way landscape improvements and a new irrigation system with a variety of shrub and trees adapted to the climate of Apple Valley. Also included is a rock mulch pattern design.

The twenty (20) foot wide medians shall consist of an 18" maintenance strip in stamped and colored concrete at the back of curb and landscape improvements and a new irrigation system with a variety of shrub and trees adapted to the climate of Apple Valley.

Highway 18

The Highway 18 landscape area is located along Highway 18, extending from the intersection of Dale Evans Parkway and Highway 18 to the intersection of Bass Hill Road and Highway 18. Landscaped areas include three varying width parkways strips along the north side of Highway 18, as well as a twenty (20) foot wide median at the center of the Highway, as identified in the Assessment Diagram.

The parkways strips west of Dale Evans Parkway and east of Bass Hill Road shall consist of a meandering 6 foot wide sidewalk. Landscape improvements include a new irrigation system and a variety of shrubs and trees adapted to the climate of Apple Valley. Also included is a rock mulch pattern design.

The twenty (20) foot wide median shall consist of an 18" maintenance strip in stamped and colored concrete at the back of curb. The median includes landscape improvements consisting of a new irrigation system and a variety of shrubs and trees adapted to the climate of Apple Valley. Also included is a rock mulch pattern design.

For specific details relating to irrigation, planting and landscape improvements, see the approved Landscape Plans for Bass Hill Road, Dale Evans Parkway and Highway 18 on file at the Town of Apple Valley Engineering Department.

Exhibit A
DALE EVANS PARKWAY LANDSCAPE AREAS

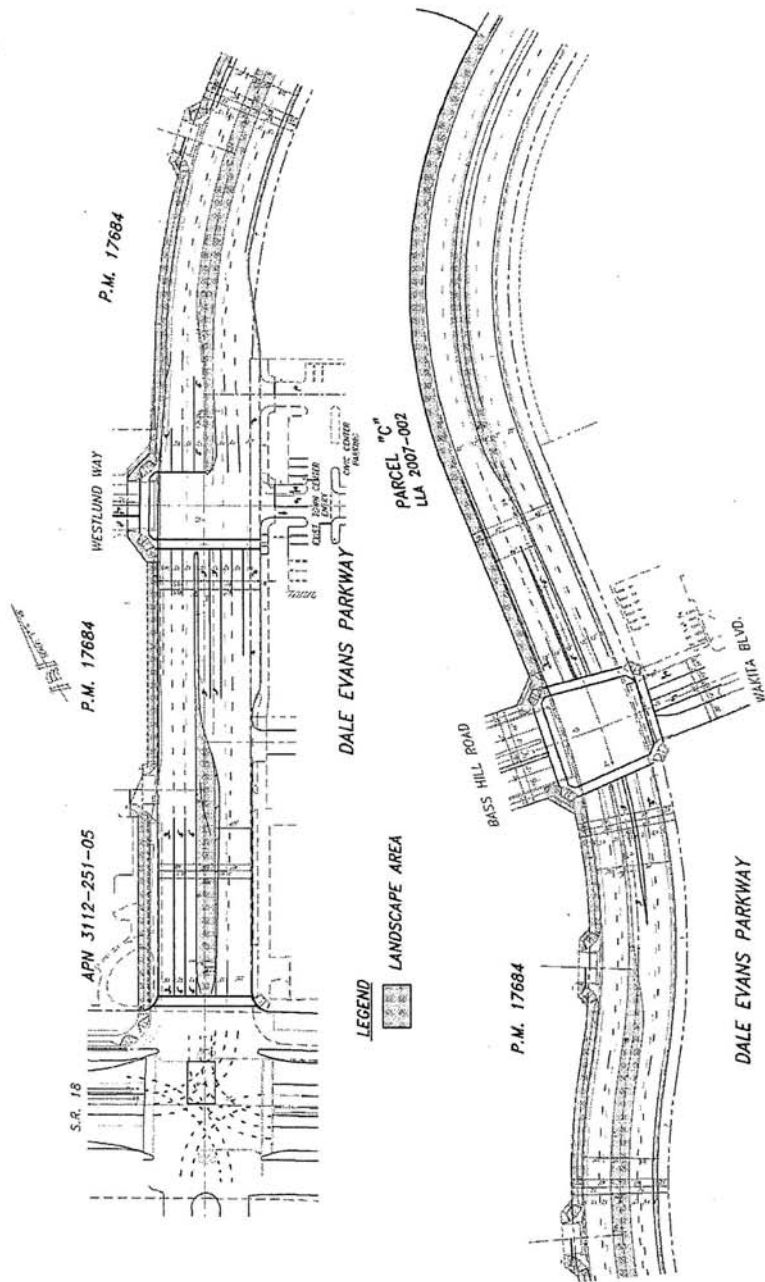
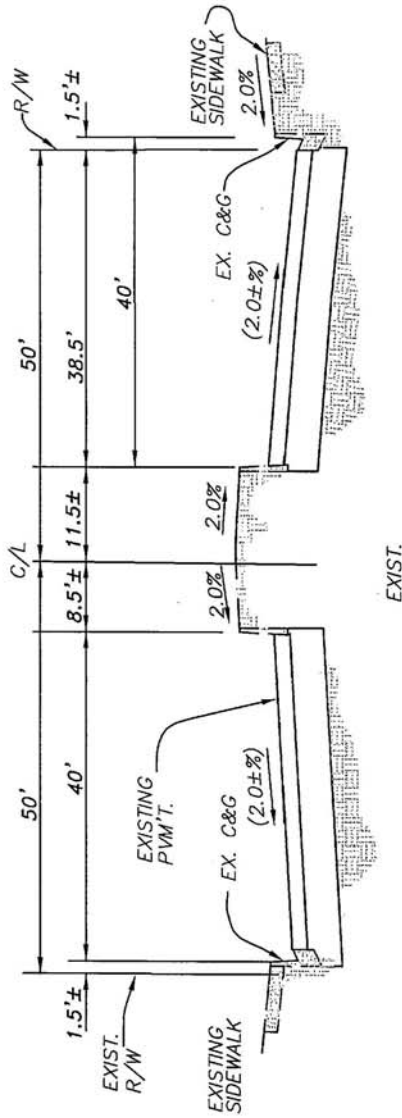


Exhibit A
DALE EVANS PARKWAY SECTION OF LANDSCAPE AREAS



DALE EVANS PARKWAY

N.T.S.

Exhibit A
BASS HILL ROAD LANDSCAPE AREAS

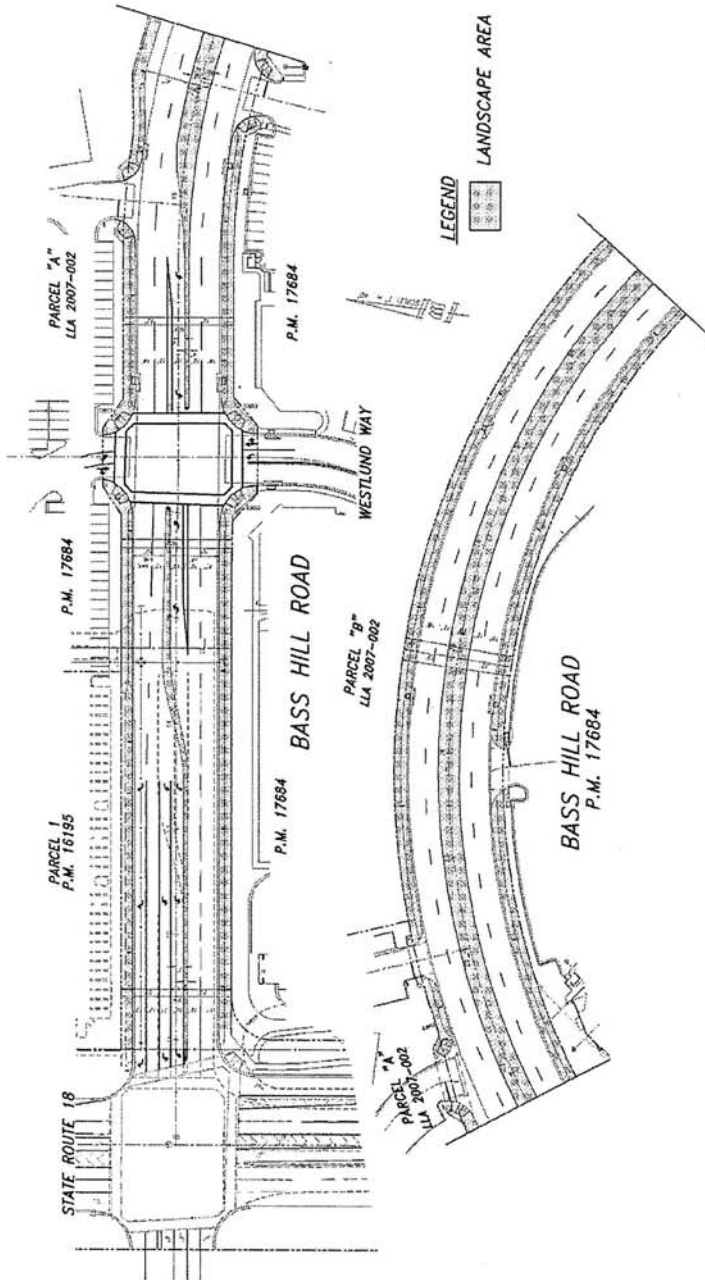
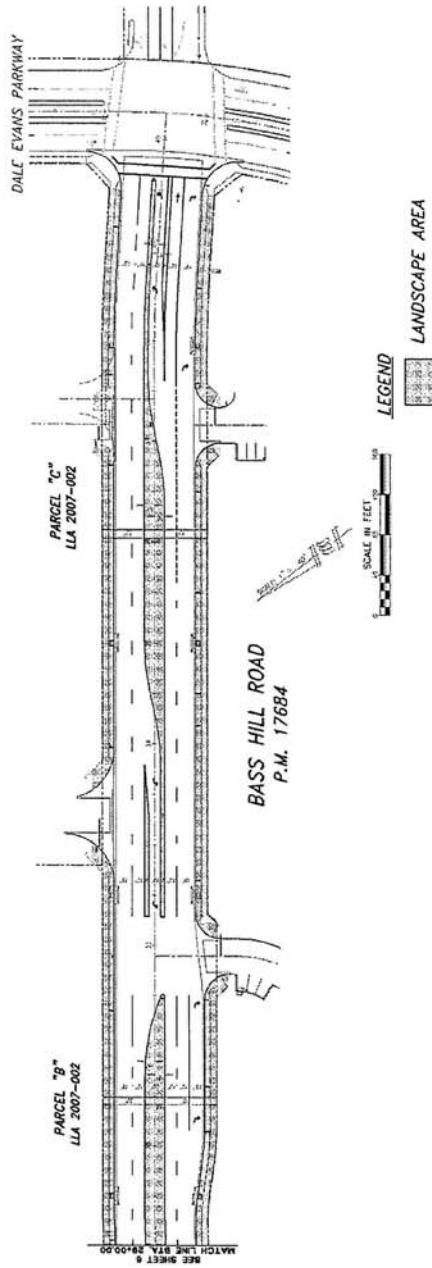
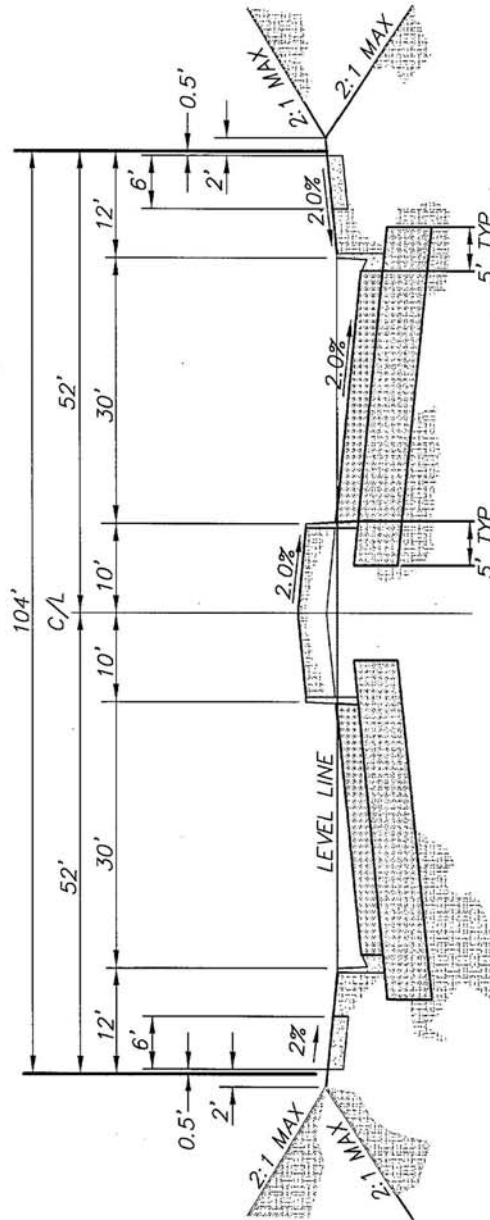


Exhibit A
BASS HILL ROAD LANDSCAPE AREAS



**Exhibit A
BASS HILL ROAD SECTION OF LANDSCAPE AREAS**

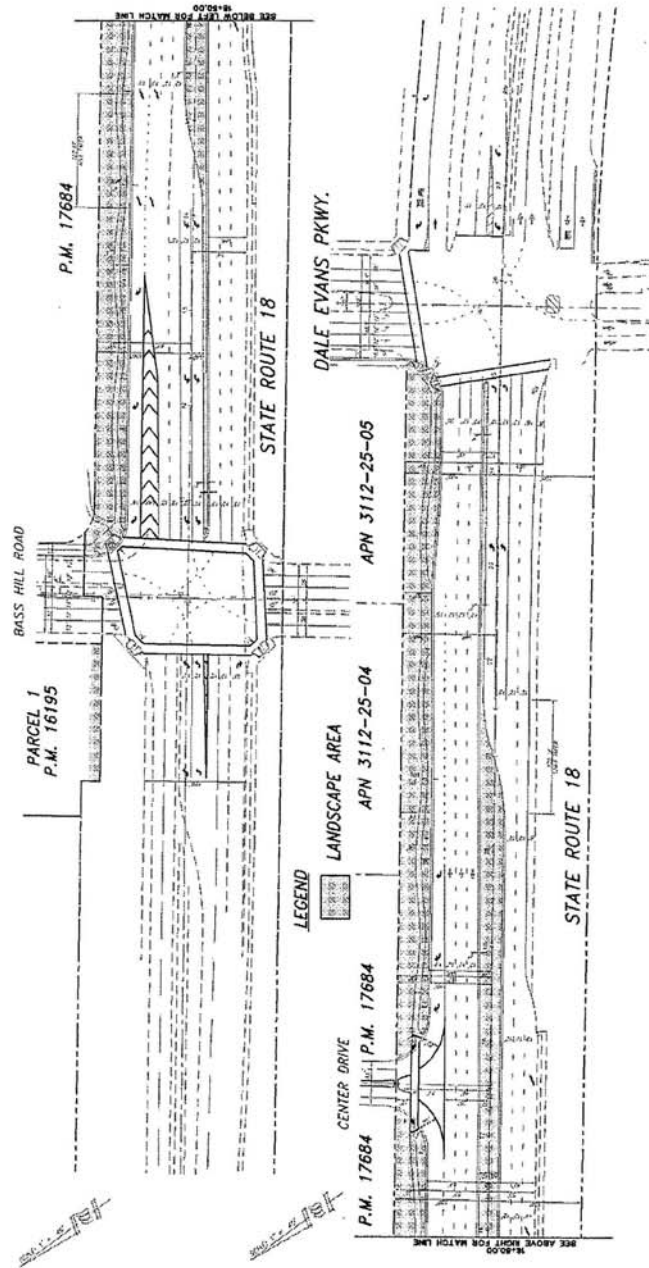


BASS HILL ROAD

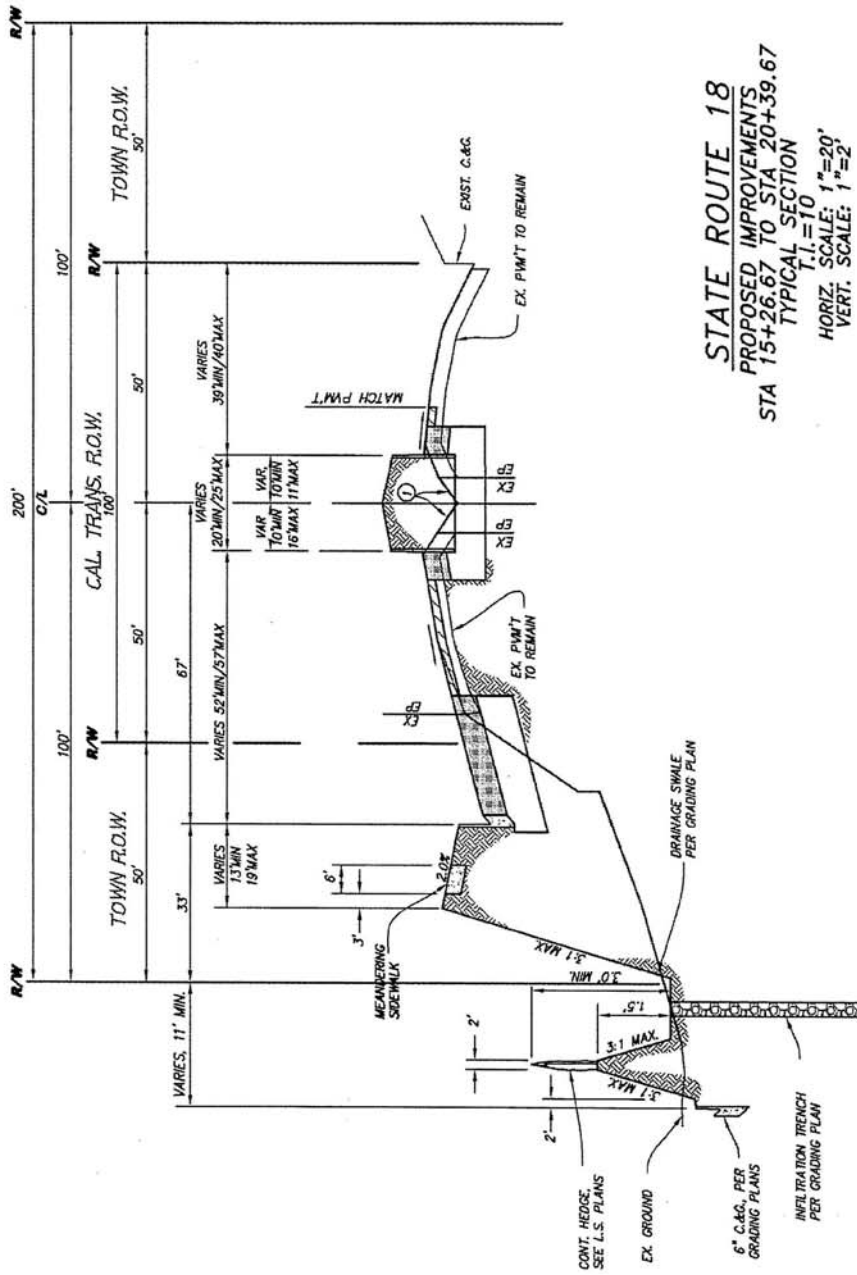
TYPICAL SECTION

N.T.S.

Exhibit A HIGHWAY 18 LANDSCAPE AREAS



**Exhibit A
HIGHWAY 18 SECTION OF LANDSCAPE AREAS**



STATE ROUTE 18
PROPOSED IMPROVEMENTS
STA 15+26.67 TO STA 20+39.67
TYPICAL SECTION
T.I. = 10
HORIZ. SCALE: 1"=20'
VERT. SCALE: 1"=2'

Exhibit B

Estimated Annual Maintenance Cost Annexation L-23 to L.M.D. No. 1 Town of Apple Valley Parcel Map 17684, and L.L.A. 2007-002

SECTION 1- REGULAR ANNUAL MAINTENANCE COST ESTIMATE

Landscape Maintenance: The total landscape area, including all center medians and parkway strips along Highway 18, Bass Hill Road and Dale Evans Parkway, is approximately 214,751 square feet (sf). It is estimated that this area would cost \$0.02 per square foot per month to maintain.

Cost Estimate: $214,751 \text{ sf} \times \$0.02 \text{ per sf/month} \times 12 \text{ month/year} = \$51,540/\text{year}$

Water Consumption: An estimated cost of \$4,000 bi-monthly is used for the cost of watering the proposed landscaping in Annexation of L-23

Cost Estimate: $\$4,000/\text{two month period} \times 6 \text{ two month periods} = \$20,000/\text{year}$

Electrical Usage: The estimated annual electrical cost for Annexation L-23 is:

Cost Estimate: $\$80/\text{month} \times 12 \text{ month/year} = \$960/\text{year}$

Publishing, Noticing, Miscellaneous: An amount of \$300 per year is assigned for the proportionate share of the subject incidental costs in Annexation L-23.

Cost Estimate: \$300/year

Contingencies, Administration: An amount of approximately five (5) percent is estimated for the incidental costs including contingencies and administration.

Cost Estimate: $(\$51,540 + 20,000 + \$960 + \$300) \times 0.05 = \$3,640/\text{year}$

• **Total Regular Annual Maintenance Cost Estimate: \$76,440**

SECTION 2- CAPITAL RESERVE COST ESTIMATE

Irrigation and Landscaping major repair or replacement cost estimate: In the event that any or all the components of Assessment District L-23 need replacement or major repairs, that which is above and beyond the regular annual maintenance activities, which exceed the regular annual maintenance cost, a Capital Reserve will be added to the annual assessment.

The Annualized Capital Reserve Cost along with the Regular Annual Maintenance cost establishes the Maximum Annual Assessment.

Reserve for Replacement Assessment Estimate (assumed 20 year life):

<u>Improvement</u>	<u>Construction Cost</u>	<u>Annual Reserve Amount</u>
Irrigation & Landscaping	675,000 x 5%	\$33,750

Total Capital Reserve, Replacement and Major Repair Cost: \$33,750

*An escalation factor is hereby established to provide for increased maintenance costs due to inflation in future fiscal years. The maximum annual increase shall be the current annualized Consumer Price Index (expressed as a percent) plus two percent (2%). Said Consumer Price Index shall be the Consumer Price Index for all Urban Consumers for the Los Angeles-Riverside-Orange County area, published by the United States Department of Labor, Bureau of Labor Statistics.

A summary of the maintenance, servicing, and incidental and capital reserve costs is presented in Exhibit "C".

Exhibit C

Determination of Assessment Amount Annexation L-23 to L.M.D. No. 1 Town of Apple Valley Parcel Map 17684, and L.L.A. 2007-002

The annual assessment to each parcel is established and based on the Regular Annual Maintenance Costs along with the Annualized Capital Reserve Costs per Exhibit "B" divided by the number of lots within the tract. For the first several years, it is anticipated that the cost to maintain the assessment district will be limited to the Regular Maintenance. However, as costs rise due to major repairs and replacement, not covered by regular maintenance, the annual levee will be adjusted, utilizing the Capital Reserve portion of the Maximum Annual Assessment. The annual assessment will never exceed the Maximum Annual Assessment, including the annual escalation factor without a vote by ballot by the property owners.

*Estimated Annual Regular Maintenance and Reserve Costs:

Total Regular Annual Maintenance, Servicing, and Incidental Costs:	\$76,440
Total Capital Reserve Costs:	\$33,750
Total Costs:	\$101,190
Total Square Footage within Maintenance District:	3,787,512
Maximum Per Square Foot per Parcel within Assessment District Annual Assessment Amount:	\$0.029 / square foot
Maximum Per Square Foot per Parcel within Assessment District Annual Assessment Amount:	\$0.0024 / square foot
Regular Annual Assessment per square footage (\$76,440/3,787,512 square foot):	\$0.020 / square foot

*Excludes future escalation factors

Exhibit D
Assessment Roll
Annexation L-23 to L.M.D. No. 1
Town of Apple Valley
Parcel Map 17684, and L.L.A. 2007-002

Assessment Roll						
Parcel	A.P.N.	Site Address	Property Owner	Area In Square Feet	Maximum Assessment Amount	Annual Assessment Amount
L.L.A. 2007-002						
Parcel "A" of L.L.A. 2007-002	3112-251-60	Vacant Land	APPLE VALLEY COMMONS I LLC	219,143	\$6,375.52	\$4,422.77
Parcel "B" of L.L.A. 2007-002	3112-251-61	Vacant Land	APPLE VALLEY COMMONS II LLC	306,647	\$8,921.27	\$6,188.78
Parcel "C" of L.L.A. 2007-002	3112-251-62	15000 Dale Evans Pkwy	LOWES HIW INC	546,570	\$15,901.35	\$11,030.94
Parcel "D" of L.L.A. 2007-002	3112-251-63	Vacant Land	APPLE VALLEY COMMONS II LLC	690,358	\$20,084.57	\$13,932.88
Parcel Map 17684, P.M.B. 216/33-43						
Parcel 1	3112-251-28	14900 Bass Hill Rd.	APPLE VALLEY COMMONS I LLC	68,221	\$1,984.75	\$1,376.84
Parcel 5	3112-251-32	20254 Highway 18	APPLE VALLEY COMMONS I LLC	38,846	\$1,130.15	\$783.99
Parcel 6	3112-251-33	20280 Highway 18	APPLE VALLEY COMMONS I LLC	49,100	\$1,428.47	\$990.94
Parcel 7	3112-251-34	20290 Highway 18	APPLE VALLEY COMMONS I LLC	28,629	\$832.90	\$577.79
Parcel 8	3112-251-35	20302 Highway 18	APPLE VALLEY COMMONS I LLC	30,563	\$889.17	\$616.83

Assessment Roll						
Parcel	A.P.N.	Site Address	Property Owner	Area In Square Feet	Maximum Assessment Amount	Annual Assessment Amount
Parcel 9	3112-251-36	20306 Highway 18	APPLE VALLEY COMMONS I LLC	39,630	\$1,152.95	\$799.82
Parcel 10	3112-251-37	20296 Highway 18	APPLE VALLEY COMMONS I LLC	50,475	\$1,468.47	\$1,018.69
Parcel 11	3112-251-38	20284 Highway 18	APPLE VALLEY COMMONS I LLC	31,889	\$927.75	\$643.59
Parcel 12	3112-251-39	20258 Highway 18	APPLE VALLEY COMMONS I LLC	51,439	\$1,496.51	\$1,038.15
Parcel 13	3112-251-40	20262 Highway 18	APPLE VALLEY COMMONS I LLC	35,902	\$1,044.50	\$724.58
Parcel 14	3112-251-41	20266 Highway 18	APPLE VALLEY COMMONS I LLC	25,232	\$734.07	\$509.24
Parcel 15	3112-251-42	20310 Highway 18	APPLE VALLEY COMMONS I LLC	47,617	\$1,385.32	\$961.01
Parcel 16	3112-251-43	20418 Highway 18	APPLE VALLEY COMMONS I LLC	28,354	\$824.90	\$572.24
Parcel 17	3112-251-44	20432 Highway 18	APPLE VALLEY COMMONS I LLC	36,964	\$1,075.39	\$746.01
Parcel 18	3112-251-45	20442 Highway 18	APPLE VALLEY COMMONS I LLC	61,718	\$1,795.56	\$1,245.60
Parcel 19	3112-251-46	14898 Dale Evans Pkwy	APPLE VALLEY COMMONS I LLC	64,314	\$1,871.09	\$1,297.99
Parcel 20	3112-251-47	14940 Dale Evans Pkwy	APPLE VALLEY COMMONS I LLC	39,700	\$1,154.99	\$801.23
Parcel 21	3112-251-48	14992 Dale Evans Pkwy	APPLE VALLEY COMMONS I LLC	31,930	\$928.94	\$644.41

Assessment Roll						
Parcel	A.P.N.	Site Address	Property Owner	Area In Square Feet	Maximum Assessment Amount	Annual Assessment Amount
			LLC			
Parcel 22	3112-251-49	20450 Highway 18	APPLE VALLEY COMMONS I LLC	132,250	\$3,847.55	\$2,669.08
Parcel 23	3112-251-50	20426 Highway 18	APPLE VALLEY COMMONS I LLC	97,709	\$2,842.65	\$1,971.97
Parcel 24	3112-251-51	20352 Highway 18	APPLE VALLEY COMMONS I LLC	85,359	\$2,483.35	\$1,722.73
Parcel 25	3112-251-52	20346 Highway 18	APPLE VALLEY COMMONS I LLC	112,367	\$3,269.09	\$2,267.80
Parcel 26	3112-251-53	20288 Highway 18	TARGET CORP	572,112	\$16,644.44	\$11,546.43
Parcel 27	3112-251-54	20276 Highway 18	APPLE VALLEY COMMONS I LLC	57,046	\$1,659.64	\$1,151.31
Parcel 28	3112-251-55	20270 Highway 18	APPLE VALLEY COMMONS I LLC	26,986	\$785.10	\$544.63
Misc. Parcels along Highway 18						
Walgreens - Parcel 1 of P.M. 16195, P.M.B. 200/21-22	3112-171-20	20250 Highway 18	KETCHUM APPLE VALLEY LLC	61,724	\$1,795.73	\$1,245.72
Exist. Bank	3112-251-05	14880 AZTEC Road	UNION BANK	48,892	\$1,422.41	\$986.74
Exist. Bowling Alley	3112-251-04	20410 Highway 18	KWON YOUNG HO & JENNIFER	69,826	\$2,031.45	\$1,409.24
TOTAL INCOME COLLECTED					\$110,190.00	\$76,440.00

Exhibit E
PROPERTY OWNERS
Annexation L-23 to L.M.D. No. 1
Town of Apple Valley
Parcel Map 17684, and L.L.A. 2007-002

Property Owners		
A.P.N.	Mailing Address	Property Owner
3112-251-60	APPLE VALLEY COMMONS I LLC c/o Lewis Retail 1156 N MOUNTAIN AVE UPLAND, CA 91786	APPLE VALLEY COMMONS I LLC
3112-251-61	See Above	APPLE VALLEY COMMONS II LLC
3112-251-62	Lowe's HIW, Inc 101 Andover Park E., Suite 200 Tuckwila, WA 98188	LOWE'S HIW INC
3112-251-63	APPLE VALLEY COMMONS II LLC c/o Lewis Retail 1156 N MOUNTAIN AVE UPLAND, CA 91786	APPLE VALLEY COMMONS II LLC
3112-251-28	APPLE VALLEY COMMONS I LLC c/o Lewis Retail 1156 N MOUNTAIN AVE UPLAND, CA 91786	APPLE VALLEY COMMONS I LLC
3112-251-32	See Above	APPLE VALLEY COMMONS I LLC
3112-251-33	See Above	APPLE VALLEY COMMONS I LLC
3112-251-34	See Above	APPLE VALLEY COMMONS I LLC
3112-251-35	See Above	APPLE VALLEY COMMONS I LLC
3112-251-36	See Above	APPLE VALLEY COMMONS I LLC
3112-251-37	See Above	APPLE VALLEY COMMONS I LLC
3112-251-38	See Above	APPLE VALLEY COMMONS I LLC
3112-251-39	See Above	APPLE VALLEY COMMONS I LLC
3112-251-40	See Above	APPLE VALLEY COMMONS I LLC
3112-251-41	See Above	APPLE VALLEY COMMONS I LLC
3112-251-42	See Above	APPLE VALLEY COMMONS I LLC
3112-251-43	See Above	APPLE VALLEY COMMONS I LLC
3112-251-44	See Above	APPLE VALLEY COMMONS I LLC
3112-251-45	See Above	APPLE VALLEY COMMONS I LLC
3112-251-46	See Above	APPLE VALLEY COMMONS I LLC
3112-251-47	See Above	APPLE VALLEY COMMONS I LLC
3112-251-48	See Above	APPLE VALLEY COMMONS I LLC
3112-251-49	See Above	APPLE VALLEY COMMONS I LLC
3112-251-50	See Above	APPLE VALLEY COMMONS I LLC
3112-251-51	See Above	APPLE VALLEY COMMONS I LLC

Property Owners		
A.P.N.	Mailing Address	Property Owner
3112-251-52	See Above	APPLE VALLEY COMMONS I LLC
3112-251-53	PO BOX 9456 , MINNEAPOLIS, MN, 55440	TARGET CORP
3112-251-54	APPLE VALLEY COMMONS I LLC c/o Lewis Retail 1156 N MOUNTAIN AVE UPLAND, CA 91786	APPLE VALLEY COMMONS I LLC
3112-251-55	See Above	APPLE VALLEY COMMONS I LLC
3112-171-20	KETCHUM APPLE VALLEY LLC 104 WILMOT RD DEERFIELD, IL 60015	KETCHUM APPLE VALLEY LLC
3112-251-05	UNION BANK 400 CALIFORNIA ST SOUTH SAN FRANCISCO, CA 94104	UNION BANK
3112-251-04	YOUNG HO KWON 21311 STOCKTON PASS RD WALNUT, CA 91789	YOUNG HO & JENNIFER KWON

Exhibit F
Land Owners Consent to Formation of Maintenance District
Annexation L-23 to L.M.D. No. 1
Town of Apple Valley
Parcel Map 17684, and L.L.A. 2007-002

(See Parcel Specific Sheets Attached)

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

APN 3112-251-04

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

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Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F

Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002 (Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Parcel Map 17684 Parcel 1, 5 through 25, 27 and 28

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Parcel Map 17684 Parcel 26

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F

Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002 (Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Lot Line Adjustment 2007-002 Parcels "A"

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Lot Line Adjustment 2007-002 Parcels "B", and "D"

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Lot Line Adjustment 2007-002 Parcels "C"

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

Exhibit F
Land Owners Consent to Formation of Maintenance District

Town of Apple Valley Annexation L-23 to Apple Valley Landscape
Maintenance District No. 1, Parcel Map 17684, and L.L.A. 2007-002
(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Parcel Map 16195 P.M.B. 200 / 21-22 Parcel 1

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Landscape Maintenance District No. 1 and be assessed annually for the cost of maintenance as described in the Engineers Report on file with the Town Clerk for the purpose of providing the following improvements:

Perimeter (parkway) and median landscaping and sidewalk within the dedicated public roadways along Highway 18, Dale Evans Parkway and Bass Hill Road. See assessment diagram for precise location of the boundaries.

The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the information of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineers Report attached hereto and reference incorporated herein.

Name: _____ Date: _____

Address: _____

RESOLUTION No. 2008-02

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF APPLE VALLEY INITIATING PROCEEDINGS
FOR AN ANNEXATION OF TERRITORY INTO THE
APPLE VALLEY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 1**

**APPLE VALLEY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-23**

(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highways Code), has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environment and aesthetic beauty of the Town and is in the general public interest; and, therefore, proposes to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1 (AVLLAD #1) and declares its intention to levy and collect assessments pursuant to said Landscaping and Lighting Act of 1972. The specific improvement areas and improvements therefore are described in the AVLLAD #1 Engineer's Report on file in the office of the Town Clerk of the Town of Apple Valley and incorporated herein by this reference.

Section 2: The proposed Landscaping and Lighting assessment district to be benefited by said improvements to be assessed to pay the costs and expenses thereof shall be designated as "Annexation No. L-23 of the Apple Valley Landscaping and Lighting Assessment District No. 1", Town of Apple Valley, San Bernardino County, California, and is comprised of the area within and adjacent to Parcel Map No. 17684, as more particularly described in the Engineer's Report, on file in the office of the Town Engineer of the Town of Apple Valley and incorporated herein by this reference.

Section 3: The Developer, Apple Valley Commons, LLC, owner of that certain real property located in the Town of Apple Valley, County of San Bernardino, State of California, is developing the property as a commercial subdivision.

Section 4: As a condition of its approval of final tract map 17684, the Town required that certain landscape and drainage easements within and adjacent to Tract 17684, be improved with landscaping and related improvements to a standard acceptable to the Town, and that the Developer

provide a means satisfactory to the Town for assuring the continued maintenance, operation and servicing of said improvement areas and the improvements thereto.

Section 5: In response to the Town of Apple Valley's conditions to its approval of the recordation of the final tract map, the Developer has executed and filed with the Town Council a Landowner's Consent wherein the Developer has among other things, requested the formation of a maintenance district for the continued maintenance, operation and servicing of said improvement areas and all improvements thereon.

Section 6: Pursuant to Sections 22585 and 22605 of the Streets and Highway Code of the State of California, the Town hereby proposes to initiate proceedings for an annexation into the Apple Valley Landscaping and Lighting Assessment District #1 in accordance with the provisions of the "Landscaping and Lighting Act of 1972".

Section 7: Pursuant to the provisions of Section 22608 and 22608.2 of the Streets and Highway Code, the Town has determined that the Developer has given written consent to the proposed assessment of that certain real property described in the Engineer's Report on file in the office of the Town Clerk of the Town of Apple Valley and incorporated herein by this reference, to provide for the continued maintenance, operation and servicing of the improvement areas, and all the improvements thereon, and that the property is to be assessed without notice, or hearing.

Section 8: The Town Engineer of the Town of Apple Valley is hereby designated engineer for the purpose of these formation proceedings. The Town Council hereby directs the engineer to prepare and file with the Town Clerk of the Town of Apple Valley, a report in accordance with Article 4 of Chapter 1 of the Landscaping and Lighting Act of 1972. Reference is hereby made to said report for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

APPROVED and ADOPTED this 8th day of January 2008.

MAYOR

ATTEST:

TOWN CLERK

(SEAL)

RESOLUTION No. 2008-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY INTO THE APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1, ORDERING IMPROVEMENTS, AND TO LEVY AND COLLECT ASSESSMENTS PURSUANT TO THE LIGHTING AND LANDSCAPING ACT OF 1972

APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-23

(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environment and aesthetic beauty of the Town and is in the general public interest; and, on this date the Town Council adopted its Resolution Initiating Proceedings for the annexation of territory, Annexation No. L-23, into the Apple Valley Light and Landscaping Assessment District No. 1, Town of Apple Valley, San Bernardino County, California, and directed the preparation and filing of an Engineer's Report on the proposed formation pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highways Code)

Section 2: The Engineer for the proceedings has filed an Engineer's Report with the Town Clerk.

Section 3: Owners of all land within the boundaries of the proposed assessment district have filed their consent to the formation of the proposed district without notice or hearing, and to the adoption of the Engineer's Report and the levy of assessments stated therein.

Section 4: The Town Council hereby orders the improvements and the formation of the assessment district and annexing into the Apple Valley Lighting and Landscape District #1 described in the Resolution Initiating Proceedings and in the Engineer's Report.

Section 5: The Town Council hereby confirms the diagram and assessment contained in the Engineer's Report, and levies the assessment pursuant to Exhibit "A" of the Engineer's Report.

APPROVED and ADOPTED this 8th day of January 2008.

MAYOR

ATTEST:

TOWN CLERK

(Seal)