



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
DAVID A. WEBB, DIRECTOR

August 4, 2016

James C. Person, Jr.
507 29th Street, Suite A
Newport Beach, CA 92663

Subject: Proposed Underground Utility Assessment District No. 102

Dear James,

Thank you for your inquiry in forming an Underground Utility Assessment District in your neighborhood. Enclosed is a petition package for the proposed Underground Utility Assessment District Number 102. Included with the package are the Instructions for Petition Signatures, Petition for Special Assessments Proceedings, a Certificate of Petition Circulation, and signature sheets and map depicting the boundaries of the proposed district (Exhibit 1).

The petitions need to be circulated in accordance to the enclosed instructions and must be executed by the legal owner of the property (his or her name should appear on the Assessor's Tax Roll). If in doubt, please have the property owner provide proof of ownership. If the property is under a trust, please have the trustee write "Trustee" on the petition. All property owners should sign in your presence, sign in the presence of a notary public officer, or provide an acknowledgment of their signature sufficient to allow each person collecting signatures for this petition to sign, under penalty of perjury, the enclosed "Certificate of Petition Circulation." The petition signature pages may be duplicated as needed.

Please note that it is the current City practice to require that the petitions be signed by property owners representing more than **60 percent** of area of the property subject to the proposed assessment in order to advance the proposed undergrounding district. Exhibit 1 shows the general boundaries for the proposed district which are 32nd Street, Newport Boulevard, Channel and 28th Street, also known as Cannery Village. The estimated cost per parcel to underground existing overhead utilities is **\$23,400** per parcel. The proposed boundaries and cost estimate are subject to change up to the confirmation of the assessments and based on final engineering.

After the petition signatures have been collected, please return the petition signatures to my attention. If you have any questions or concerns, I can be reached via phone at (949) 644-3342 or email MSinacori@newportbeachca.gov.

Sincerely,

Michael J Sinacori, P.E.
Assistant City Engineer

Enclosures

CITY OF NEWPORT BEACH

UTILITY UNDERGROUND UTILITY ASSESSMENT

INSTRUCTIONS FOR PETITION SIGNATURES

The petition should be signed by property owners representing at least 60% in area of the property subject to assessment. The signatures shall be by owners of assessable acreage. "Owner" means only:

a person who, at the time the petition is filed . . ., appears to be the owner upon the assessor's roll or, in the case of transfers of land, or parts thereof, subsequent to the date upon which the last assessor's roll was prepared, appear[s] to be the owner on the records in the county assessor's office which the county assessor will use to prepare the next assessor's roll. If any person signing the petition appears . . . as a joint tenant or tenant-in-common, or as a husband and wife, that property shall be counted as if those persons had signed the petition.

If the person signing the Petition does not appear to be the owner as shown on the records of the County Assessor, evidence should be submitted to support the ownership. If the person is signing on behalf of a corporation, etc., documentation should be presented to show that the person signing the Petition has the authority to do so.

Please note that the Petition should include the following information:

1. Property owner's name
2. Signature of property owner
3. Date of signature
4. Address of Property
5. Telephone and email contact information
6. Assessor's parcel number

FILED IN THE OFFICE OF THE CITY CLERK
THIS ____ DAY OF _____, 201__

LEILANI BROWN, CITY CLERK

**CITY OF NEWPORT BEACH
PROPOSED ASSESSMENT DISTRICT NO. 102
UTILITY UNDERGROUNDING ASSESSMENT DISTRICT
PETITION FOR SPECIAL ASSESSMENT PROCEEDINGS**

TO THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH:

1. This petition is submitted to you pursuant to Sections 2804, 5896.5 and 5896.6 of the California Streets and Highways Code to request that the City Council initiate and conduct special assessment proceedings pursuant to the Municipal Improvement Act of 1913 (Sections 10000 and following, Streets and Highways Code) (the “1913 Act”) to establish an assessment district, to be known as the “Assessment District No. 102” (the “Assessment District”), for the purpose of financing a project for the undergrounding of existing overhead utility facilities within the Assessment District (the “Project”), as follows:

a. relocation of existing electricity, telephone and cable television facilities from their present above-ground locations to locations underground, including the removal of existing utility poles and overhead wires;

2. We, the undersigned, are the owners of one or more of the parcels of property located within the boundary shown on the exhibit map attached hereto as Exhibit 1, all of which property is situated within the City of Newport Beach (the “City”).

2.

3. We have been advised that the present best estimate of the cost and expense of the Project and bond financing and therefore the total amount to be assessed to the parcels in this Assessment District is approximately **\$2,828,080 (estimated cost of \$23,400 for each of the 121 parcels included in Assessment District No. 102)**. We are aware that this amount is subject to modification (increase or decrease) during the course of the legal proceedings. We are also aware that these costs do NOT include the costs of connecting the structures on our property to the newly undergrounded facilities, which costs will vary from parcel to parcel and will be an additional cost to each property owner which will not be financed through the Assessment District.

4. In the event that the City Council certifies this petition and Assessment District 102 is ultimately established, we acknowledge that:

a. The cost of the Project will be charged to the parcels in the Assessment District in proportion to benefit, as determined by you following a public hearing;

b. A report will be prepared and filed on the Project and the Assessment District, including a detailed cost estimate and a proposed allocation among the benefited parcels of the portion of the costs representing special benefit on the basis of proportionality to the estimated special benefit to each parcel, and that you will conduct a public hearing on the report and will conduct the assessment ballot procedure required by Article XIID of the California Constitution;

c. The cost of engineering, legal and other incidental and financing costs will be included in the amounts being assessed against the property in the Assessment District, and that the cost of connecting our structure to the newly undergrounded facilities will not be included in the assessment;

d. If assessments are levied and recorded as requested by this petition, we will have 30 days following the recording of assessments to pay our assessment in cash, at a discount and without interest; that, upon expiration of the 30-day cash payment period, you will take the required steps to authorize and sell limited obligation improvement bonds under the Improvement Bond Act of 1915 (Section 8500 and following, Streets and Highways Code) in the amount of the unpaid assessments; that if we do not pre-pay our assessment in cash, it will become payable over a period of years, with interest and annual administrative costs added; and that the determination respecting the period of years and the interest rate or rates to be established by the bond sale;

e. If assessments are levied, and if we do not pre-pay our assessments, annual installments of principal, interest and administrative costs will be collected on the property tax roll; that such installments will be subject to the same late charges and penalties as for property taxes if we do not pay such installments by the annual December 10 and April 10 deadlines; and that our parcel is subject to foreclosure (no notice of delinquency or grace period) if we do not pay by said annual deadlines; and

f. Pursuant to provisions of Article XIID of the California Constitution, protests to the proceedings will be counted solely upon the amount proposed to be assessed to the property for which a protest assessment ballot is submitted, as said proposed assessment amount is set forth in the engineer's report (which will NOT include the cost of undergrounding our individual service connection work on our parcel).

g. The boundaries are preliminary and subject to change based on the final assessment engineering.

5. We waive investigation proceedings and all other provisions of Division 4, Streets and Highways Code, as provided in Section 2804 of that Code.

THE UNDERSIGNED HEREBY CERTIFY AND ACKNOWLEDGETHE FOLLOWING:

1. I AM THE OWNER OF THE PROPERTY IDENTIFIED BELOW.
2. I HAVE REVIEWED A MAP DEPICTING THE PROPOSED BOUNDARIES OF UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 102.
3. I UNDERSTAND THAT THE PROJECT CONSISTS OF THE RELOCATION OF EXISTING OVERHEAD UTILITY FACILITIES TO LOCATIONS UNDERGROUND.
4. I UNDERSTAND THAT THE ESTIMATED COST TO UNDERGROUND OVERHEAD UTILITIES IS \$23,400 PER PARCEL.
5. I UNDERSTAND THAT THERE IS ADDITIONAL INFORMATION ON THE PROJECT ON THE CITY'S WEBSITE: <http://newportbeachca.gov/ADstatus>.
6. I UNDERSTAND THAT ANY PETITION SUBMITTED TO THE CITY WILL BE A PUBLIC RECORD AVAILABLE FOR INSPECTION.

STREET ADDRESS OF PROPERTY: _____

ASSESSOR'S PARCEL NO.: _____

OWNERS NAME (PRINTED): _____

OWNER'S SIGNATURE: _____

DATE OF SIGNATURE: _____

OWNER'S MAILING ADDRESS (IF DIFFERENT): _____

PHONE: _____

E-MAIL: _____

PLEASE SEE THE REVERSE OF THIS PAGE

FOR THE BOUNDARY MAP FOR PROPOSED ASSESSMENT DISTRICT NO. 102

CERTIFICATE OF PETITION CIRCULATION

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

The undersigned, being first duly sworn, deposes and says:

I circulated the petition accompanying this affidavit within the territory shown on the attached petition for UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 102. The persons whose signatures appear on said petition are, to the best of my knowledge, owners of property within the boundary of the district proposed to be formed. Each and all of said persons signed said petition in my presence OR submitted a notarized signature OR acknowledged their signature on the petition to me.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT.

Executed this _____ day of _____, 201____, at Newport Beach, California.

Signature

Print Name