Freitas + Freitas

Engineering and Planning Consultants, Inc.

January 22, 2010

10001

Ms. Vicki Morris General Manager Aromas Water District P.O. Box 388 Aromas, CA 95004

Subject:

Water System Engineer's Report

Connection of Oak Ridge Mutual Water Company/Via Del Sol Drive Area

Dear Ms. Morris:

As you requested, we have prepared and revised the enclosed Water System Engineer's Report for the addition of Oak Ridge Mutual Water Company and portions of Via Del Sol Drive to your water system.

A connection to the existing pipeline in San Juan Road serving the Ballentree and Marilyn Estate areas of Aromas Water District is feasible. The closest proximity of Aromas' system is a 6" pipeline located at the intersection of San Juan Road and Dunbarton Road. A new 8" pipeline would be constructed within Dunbarton Road to Oakridge Drive up to a new pump station located at about elevation 375 feet on Oak Ridge Road. New 5/8" services and water meters would be installed from the new pipeline to serve the new connections.

Below the new pump station the system would receive water from Ballantree Water Tanks system. This tank is located at an elevation of 482 feet. All service connections below elevation 375 would be served off this tank pressure zone and would have a minimum of about 50 psi pressure at the new service meter.

A new 50 gpm duplex pump station in Oak Ridge would be built at this 375 feet elevation to pump trough a new 6" pipeline to the new 100,000 gallon tank located at the high point of Oak Ridge Mutual Water System. This is about elevation 705 feet as shown on the USGS map. New 5/8" services and water meters would be installed from the new pipeline to serve the new connections.

The new tank at elevation 705 feet would be high enough to feed water via gravity 6" pipeline down to Via Del Sol Drive and thence to homes along this road. New 5/8" services and water meters would be installed from the new pipeline to serve the new connections. Another storage tank would not be required to serve Via Del Sol area.

The following preliminary conclusions have been identified for connection Oak Ridge Mutual Water Company system to Aromas Water District System:

G:\10001 Oak Ridge Report\Oak Ridge ENGINEERS REPORT.doc

3233 Valencia Ave., Suite A1, Aptos, California 95003 831-688-1168 fr8tus@aol.com

- 1. Oak Ridge Mutual Water Company and the Via Del Sol Drive area could be integrated into the water system of the Aromas Water District System as shown on the preliminary plan enclosed with this report. The preliminary cost of construction would be \$3,030,087.
- 2. Oak Ridge Mutual Water Company and the Via Del Sol Drive area would need to receive approval from the Board of Directors of the Aromas Water District to connect up to their water system.
- 3. Paying for the needed construction could be provided by a cash contribution from each participant in the amount of \$49,674 per member.
- 1. If financing of the proposed improvements were required, an assessment district in accordance with California law could be set up such that government bonds could be sold to finance the improvements. The preliminary cost of construction using an assessment district would be \$3,207,191. This would raise the contribution needed from each member to about \$52,577 not including interest required for yearly repayment of the bonds issued by the assessment district.

If you have any questions, please call me.

Sincerely,

Michael J. Freitas Freitas + Freitas Engineering and Planning Consultants, Inc.

Enclosure: Water System Engineer's Report

WATER SYSTEM ENGINEER'S REPORT for CONNECTION OF OAK RIDGE MUTUAL WATER COMPANY & VIA DEL SOL DRIVE AREA

AROMAS WATER DISTRICT AROMAS, CALIFORNIA

TO

JANUARY 2010

Prepared By:

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WATER SYSTEM ENGINEERS REPORT CONNECTION OF OAK RIDGE MUTUAL WATER COMPANY AND VIA DEL SOL DRIVE AREA TO AROMAS WATER DISTRICT AROMAS, CALIFORNIA

Table of Contents

Transmittal Letter

<u>Section</u>	-
1. General Information	Page
2. Oak Ridge Water System	1
3. Via Del Sol Water Systems	1
4. Aromas Water District	•
5. Water Source Flow Requirements	2
6. Storage	2
7. Preliminary Plan for Connection to Aromas Water District	2
8. Preliminary Construction Costs	2
9. Other Costs	3
10. Available Methods To Finance Improvements	4
11. Sequence of Tasks for Moving this Project Forward	5
12. Summary of Conclusions	5
	6
<u>Figures</u>	
1. Location Map for Oak Ridge Mutual Water, Via Del Sol and Aromas Water District	~
2. Oak Ridge Mutual Water Company and Via Del Sol Area	7
3. Preliminary Construction Plan	8
4. Enlarged Via Del Sol Drive Construction	9
	10
Appendix A - Municipal Improvement Act of 1913 and Improvement Bond Act of 1915	11
Appendix D - Santa Cruz County Assessment District Charblist	
Appendix C - Preliminary Assessment District Costs	13 14
Appendix D - Parcel Owners Contacted Who Wish to Be Included.	
The to be included.	15

WATER SYSTEM ENGINEER'S REPORT

For

CONNECTION OF OAK RIDGE MUTUAL WATER COMPANY AND VIA DEL SOL DRIVE AREA TO AROMAS WATER DISTRICT

Aromas, California

General Information

Oak Ridge Mutual Water Company is a small rural mutual water company serving residences in the Dunbarton Drive area of Aromas, California. This small mutual water company has insufficient water sources and wishes to be adsorbed into Aromas Water District in Aromas. The Oak Ridge's system is located along Oak Ridge Road just easterly of Dunbarton Road. Another area adjacent to Oak Ridge Mutual Water along Via Del Sol Drive also wishes to be adsorbed into Aromas Water District. Shown on Figure 1 - Location Map is the Aromas Water District, Oak Ridge Mutual Water Company and Via Del Sol Drive area.

The Oakridge Mutual Water Company consists of an area off Dunbarton Road in Monterey County and serves potentially 35 lots. At the present time 33 lots are developed and want to be served. However, only 19 homes are connected to the present system. A list of parcel owners who were contacted and wish to be included in this report are shown in Appendix D.

The Via Del Sol Drive area has 28 homes that also suffer from water supply sufficiency problems and also wish to be adsorbed into Aromas Water District. A list of parcel owners who were contacted and wish to be included in this report are shown in Appendix D.

Both areas are shown on Figure 2 - Map of Oak Ridge Mutual Water Company and Via Del Sol Drive Area.

Therefore, the number of additional water services to Aromas Water District would be 64 residential water services.

All residences in the mutual water company system and along Via Del Sol Drive are provided with individual wastewater disposal systems consisting of septic tanks and appropriately sized leachfields built to the standards of Monterey County Environmental Health Department

The Oak Ridge system operates as a mutual water company under the laws of the State of California. The Via Del Sol Drive homes have seven small shared water systems typically serving two or three homes with the remaining homes having individual water systems. Both are governed by the Monterey County Health Department requirements.

Oak Ridge Water System

The water system consists of 4 supply wells. They vary in depth from 195 feet to 300 feet. One approximately 10,000 gallon steel tank is provided for each of the two pressure zones. With the exception of periodic disinfection of wells and tanks, no treatment of the water is performed. The lower zone tank receives the water from all four wells. When the lower tank is nearly full, a transfer pump is activated, lifting water to the upper tank. The lower tank is located about at elevation 400 feet and the upper tank is located about at elevation 650 feet. When insufficient water is available from the wells, the lower tank cannot be filled sufficiently to activate the transfer pump. Thus the upper tank cannot be refilled and homes served from this upper tank have no water. Homes within proximity of the upper tank and on the top of the ridge are not served from the existing system.

The water distribution system is 4" diameter pipe that does not meet current water system standard requirements. This main line has only small 2-1/2" fire hydrants and as such provides only marginal fire protection.

In 1976 the Monterey Department of Environmental Health issued a water supply permit to serve a potential 44 connections to the Oakridge Mutual Water Company. A number of very large lots, that could be subdivided in the future, received more then one connection (shares). At the time of permitting, a sustained pumping test of the wells produced a total of about 60gpm. By September of 1979, the production had declined to about 12 gpm. As a result of this reduced water flow, the Monterey Department of Environmental Health prohibited the Water Company from making additional connections. Since then no changes have been made to the water supply system and the prohibition remains in effect.

Based on State and County Health requirements, a system with 44 connections requires a sustainable supply of about 65 gpm, whereas 33 connections requires a supply of about 55 gpm. The Oak Ridge Mutual System clearly has a source deficiency.

The apparent deficiency in supply became reality when during recent years water had to be trucked in during late summer and fall to supplement the deficient water supply. Because of the system design, the Oakridge Mutual Water Co. has the challenging task to explain to home owners in the lower pressure zone, who do not run out of water, that there is a water supply problems in the upper zone and that people had run out of water. Implementation of operational control strategies on the transfer pump may minimize this system deficiency.

3. <u>Via Del Sol Drive Water System</u>

The Via Del Sol Drive homes have seven small shared water systems typically serving two or three homes with the remaining homes having individual water systems. There are no wells, pipelines or storage tanks in these shared systems large enough to accommodate more residences.

4. Aromas Water District

The Aromas Water District was formed in 1959 with the development of a single community well to replace the numerous individual private wells throughout the village of Aromas. The district now includes four discontinuous areas; two of which extend into neighboring San Benito County. Geographically, the largest of the three discontinuous areas includes the Rancho Larios subdivision (40 homes) in San Benito County, which is located about 10 miles from the village of Aromas. These are also shown on Figure 1 – Location Map.

The District provides potable drinking water and distributes it to customers throughout the District. The Monterey County portion of the District is within the Pajaro groundwater basin. Water basin management is conducted by the Pajaro Valley Water Management Agency (PVWMA), which provides management parameters for all water purveyors within the Pajaro basin. The PVWMA is one of the other agencies discussed in this report.

Water is pumped from operating wells to ten water storage tanks. The pipeline distribution system allows water from the various wells to be mixed before entering the main water storage tank, the Pine Tree Tank. The District has a total of about 153,000 lineal feet of pipelines to distribute water from the wells to the storage tanks and to District customers.

As of September 2008 there were 890 connections with a maximum daily demand of 583 gpm (0.68 gpm per connection). At this time it was estimated that within its approved LAFCO Sphere of Influence an additional potential of 471 connections could be added with an additional maximum day demand of 320 gpm. The Districts capacity was thus determined to be 1361 connections with a maximum day demand of 925 gpm.

The four existing production wells of the District (San Juan, Pleasant Acres, Carpenteria and Marshall) have a current capacity of 1,220 gpm.

5. Water Source Flow Requirements

Using the maximum daily demand factor of 0.68 gpm per connection accepted for Aromas Water District, the additional 64 connections for Oak Ridge Mutual and Via Del Sol Drive area would use about 43.5 gpm capacity of Aromas Water District's capacity. This amount is currently available from the District.

6. Storage

A water system of 64 connections would require about 50,000 gallons of storage for domestic use only not counting any fire protection storage. Storage of 100,000 gallons is recommended for this area to account for domestic use and fire protection needs.

7. Preliminary Plan for Connection to Aromas Water District

Aromas Water District will require that all components of the connection system serving Oak Ridge and Via Del Drive areas be new materials constructed in accordance with Aromas Water District and State Department of Health Services Standards. Aromas Water Co. is not interested in providing only water through a master meter to provide

water to the area. They prefer that the area be annexed to their system and that Aromas Water District provide full water service, including meter reading and maintenance of the system, including pipes, tanks and pumps. No financial credit should be anticipated from Aromas Water District to Oakridge Mutual Water's system for its water system.

A connection to the existing pipeline in San Juan Road serving the Ballentree and Marilyn Estate areas of Aromas Water District is feasible. The closest proximity of Aromas' system is a 6" pipeline located at the intersection of San Juan Road and Dunbarton Road. A new 8" pipeline would be constructed within Dunbarton Road to Oak Ridge Drive up to a new pump station located at about elevation 375 feet on Oak Ridge Road. New 5/8" services and water meters with backflow preventers would be installed from the new pipeline to serve the new connections.

Below the new Oak Ridge pump station the system would receive water from Ballentree Pump and Tank system. Water is pumped from the San Juan Well system to the Ballentree System pipeline. The existing San Juan Well booster pumps would need to be enlarged to accommodate the new services in this zone. Ballentree system has two 15,000 gallon tanks located at an elevation of 482 feet. All new Oak Ridge service connections below elevation 375 would be served off this tank pressure zone and would have a minimum of about 50 psi pressure at the new service meter.

A new 50 gpm duplex pump station would be built at this 375 feet elevation to pump trough a new 6" pipeline to the new 100,000 gallon tank located at the high point of Oak Ridge Mutual Water System. This is about elevation 705 feet as shown on the USGS map. New 5/8" services and water meters with backflow preventers would be installed from the new pipeline to serve the new connections.

The new tank at elevation 700 feet would be high enough to feed water via gravity 6" pipeline down to Via Del Sol Drive and thence to homes along this road. New 5/8" services and water meters would be installed from the new pipeline to serve the new connections. Another storage tank would not be required to serve Via Del Sol area.

Aromas Water District policy is to serve each parcel with one water meter. Parcels with more than one residence will have to have another meter or meters to serve additional residences.

This proposed water system is shown on Figure 3 - Preliminary Construction Plan.

8. Preliminary Construction Costs

Shown on the following Table 1 – Preliminary Construction Costs is a preliminary construction cost estimate for the proposed water system improvements.

TABLE 1
PRELIMINARY CONSTRUCTION COSTS

Item#	<u>Description</u>	Quantity	<u>Unit</u>	_	Unit Cost	Cost
1	Enlarge San Juan Well Pumps	1	ea.	\$	10,000	\$ 10,000
2	Connect to Existing Pipeline System	1	ea.	\$	2,500	\$ 2,500
3	8" Water Main Piping	5,500	lf.	\$	100	\$ 550,000
4	8" Gate Valves	12	ea.	\$	2,250	\$ 27,000
5	6" Water Main Piping	6,500	lf.	\$	90	\$ 585,000
6	6" Gate Valves	13	ea.	\$	2,250	\$ 29,250
7	Single 5/8" Water Service	61	ea.	\$	2,500	\$ 152,500
8	Fire Hydrants	12	ea.	\$	3,000	\$ 36,000
9	Booster Pump Station	1	ea.	\$	100,000	\$ 100,000
10	100,000 Gallon Tank	1	ea.	\$	150,000	\$ 150,000
11	SCADA Radio System	1	ea.	\$	30,000	\$ 30,000
Subtotal						\$ 1,672,250
Construc	ction Contingencies				10.00%	\$ 167,225
Construc	ction Total					\$ 1,839,475

Other Costs

There are other accumulative costs associated with the connection to the Aromas Water District:

- 1) The connection fee to Aromas
- 2) Reimbursement fee to Aromas Community Services District #98-I
- 3) Sphere of Influence Change and Annexation for Aromas Water District
- 4) Approval of Pajaro Valley Water Management Agency
- 5) Preparation of an Environmental Impact Document
- 6) Engineering, Inspection, Appraisal and other costs.

The Aromas Water District charges presently \$10,843 for connection of each home to the water system. This cost reflects payment for new consumers fair share for the Aromas water system and been determined and approved by the Aromas Water District's Board of Directors.

The Aromas Community Service's District 98-1 was formed in 1998 by 29 land owners residing in the Ballentree and Marilyn Lane area. They paid for construction of the pipeline to Aromas Water District system through the issue of 20 year payoff bonds. Their agreement with the Aromas Water District requires that each new connection must share in the entire cost of this pipeline. In other words, if one additional home is connected to this pipeline, independent of its actual point of connection, it must share in the total cost of the pipeline. This concept is similar to Aromas' connection fee referred to above. Payment is based on the remaining payoff value of the bonds at the time of connection and thus decreases yearly from 1998.

The remaining balance on 3/01/2010 is \$375,000. Thus, one new connection to this pipeline would have to pay 1/(29+1) of the total pipeline cost to connect to Aromas CSD 98-1. However, the more connections are made at one time, the lower the individual connection charge. If all 64 properties are connected, the connection charge drops will be about \$4,032.

A Sphere of Influence change for Aromas Water District will have to be requested and approved from the Local Agency Formation Commission (LAFCO) and the new service areas annexed to Aromas Water District.

Approval of Pajaro Valley Water Management Agency will be required as Oak Ridge and Via Del Sol are out of the area where water from PVWMA can be served.

As will be discussed further in this letter the preliminary construction total cost is not the total cost for the project. The following other costs shown on Table 2 – Other Construction Related Costs below must be included in the project costs:

TABLE 2 OTHER CONSTRUCTION RELATED COSTS

			D COS.	13			
1	Aromas Water Connection Fee	61	ea.	\$	10.8	43 \$	661,423
2	Buy in To CSD 98-1	61	ea.	\$	4.0	32 \$	245,952
3	County of Monterey Permit Fees			•	.,	2	10,000
4	Surveying, Engineering and Design fees				6%	\$	110,369
5	Construction Inspection				6%	\$	•
6	Appraisers Fee				076	- 1	110,369
7	Title Fees and Recording Fees					\$	15,000
8	PG&E Service Fee					\$	5,000
9	LAFCO Report Fee					\$	2,500
10	Environmental Document					\$	10,000
11	-					\$	10,000
	Easement Costs					\$	10,000
Other Fees Total Total Construction Related Costs						\$	1,190,612
						\$	3,030,087

Therefore the Total Construction Related Costs are \$3,030,087 which would be \$49,673 for each of 61 connections.

10. Available Methods To Finance Improvements

Assuming that the Aromas Water District agrees to allow Oakridge Mutual Water Company to connect up to its system, you would have to pay for the improvements as noted above. Three possible methods could be utilized to pay for the work. These methods are as follows:

- 1. Cash Contribution by each connection.
- 2. Loan or Grant to Oak Ridge Mutual Water Company.
- 3. Formation of an Assessment District in accordance with the provisions of California Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915.

Cash Contributions

Cash contribution is self-explanatory. Each of the 64 connections would have to contribute prior to construction the required amount without financing. As previously stated, the cash contribution for each connection would need to be about \$50,105 to cover the costs.

Loans and Grants

Depending on financial need, loans and grants are available through a revolving fund from the California Department of Health Services (DOHS) for small water providers to improve water treatment of their water systems. It is very doubtful that Oak Ridge would qualify for a loan or grant of this type, Oak Ridge is affluent and the mutual water company would not need to exist if water service was provided by the Aromas Water District.

Assessment Districts

Assessment Districts for water improvements have recently been completed in Santa Cruz County area. Aromas Water District could be the public agency in charge of any assessment district type of financing. Basically, construction of improvements is financed by sale of bonds by the public agency and secured through liens on the properties benefited. Appendix A includes a description of how assessment districts operate.

Appendix B is a checklist and description of the procedure to set up a similar assessment district in another county.

Additional costs for assessment bond counsel, bond discount, county administration and other miscellaneous fees are required with assessment district formation. Shown on Appendix C is a summation of project costs using the assessment district as a method of financing. As can be seen, formation of an assessment district and sale of bonds would add about \$180,000 of additional costs to the project.

The Estimated Total Costs using assessment district financing would be \$3,386474 or about \$52,914 per connection.

11. Sequence of Tasks for Moving this Project Forward

As previously stated a number of work tasks and intergovernmental approvals need to be completed for this project to be completed as described in the report above. Shown below is a list of tasks and approvals in sequential order now thought to be necessary for the project completion:

Tasks

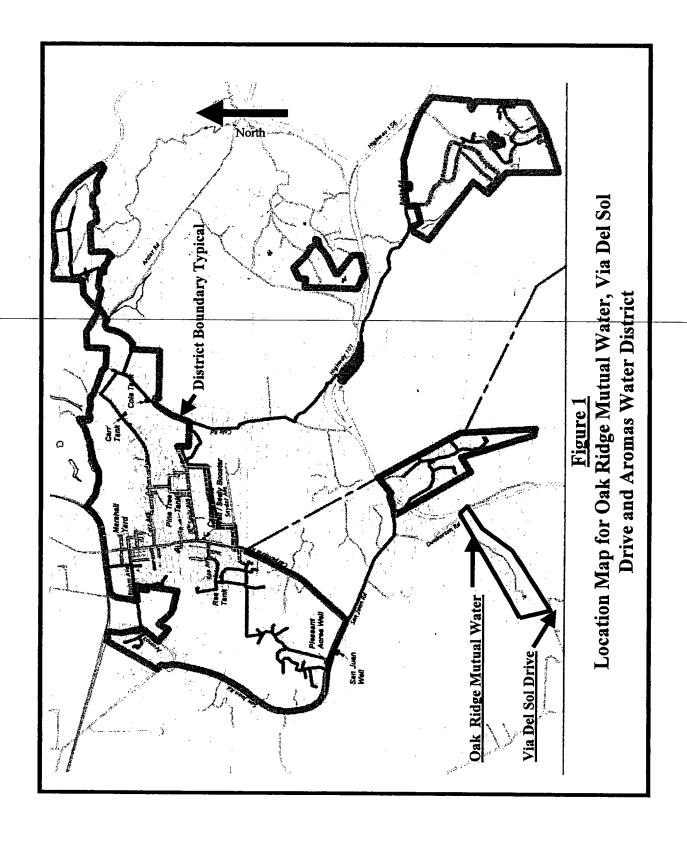
- 1. Approve This Report
- 2. Informal Vote of Property Owners to Proceed
- 3. Contract to Finance Final Engineering & Agency Approval Costs
- 4. Prepare Engineering Design
- 5. Prepare Environmental Document
- 6. Prepare LAFCO Approval & Annexation
- 7. Approval of PVWMA
- 8. Easement Appraisal and Acquisition
- 9. Proposition 218 Proceedings
- 10. Preparation of Assessment District Proceedings

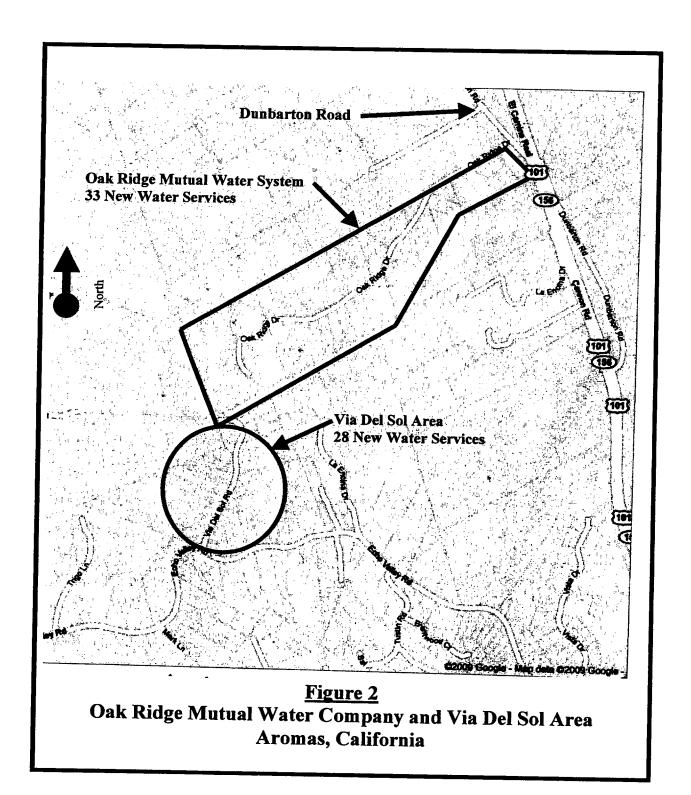
- 11. Receive Construction Bids for Project
- 12. Final Assessment District Approval and Selling of Bonds
- 13. Construction of the Project
- 14. Water Service to New Areas

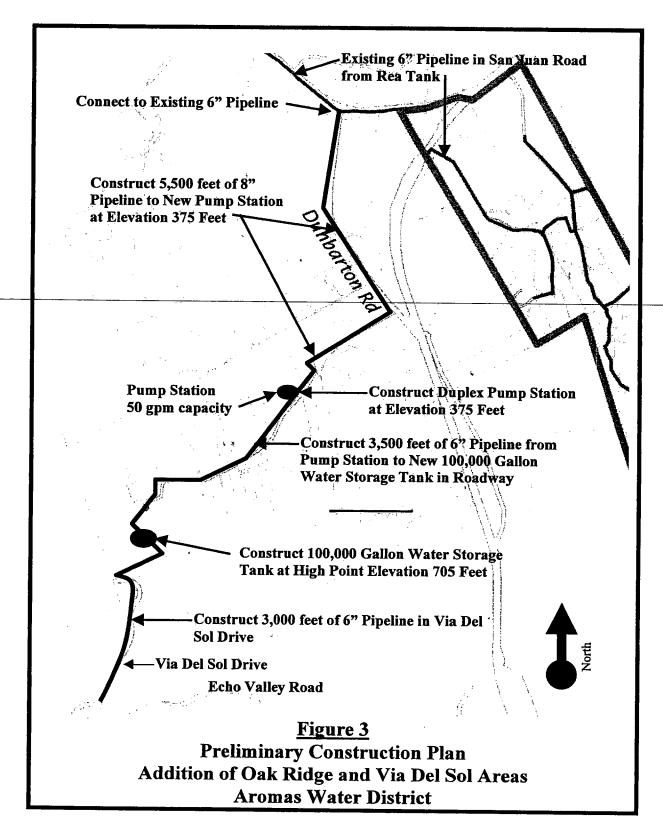
11. Summary of Conclusions

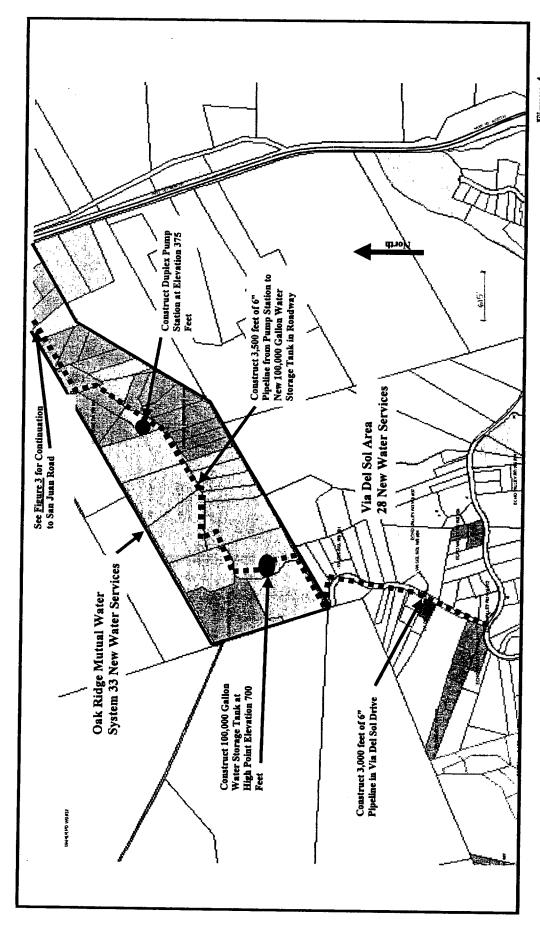
The following preliminary conclusions have been identified for connection Oak Ridge Mutual Water Company system to Aromas Water District System:

- Oak Ridge Mutual Water Company and the Via Del Sol Drive area could be integrated into the water system of the Aromas Water District System as shown on the preliminary plan enclosed with this report. The preliminary cost of construction would be \$3,030,087.
- 2. Oak Ridge Mutual Water Company and the Via Del Sol Drive area would need to receive approval from the Board of Directors of the Aromas Water District to connect up to their water system.
- 3. Paying for the needed construction could be provided by a cash contribution from each participant in the amount of \$49.674 per member.
- 4. If financing of the proposed improvements were required, an assessment district in accordance with California law could be set up such that government bonds could be sold to finance the improvements. The preliminary cost of construction using an assessment district would be \$3,207,191. This would raise the contribution needed from each member to about \$52,577 not including interest required for yearly repayment of the bonds issued by the assessment district.









<u>Figure 4</u> Enlarged Via Del Sol Drive Construction

Appendix A Municipal Improvement Act of 1913 and Improvement Bond Act of 1915

The 1913 Act

The 1913 Act proceedings are generally as follows:

The public agency adopts the Resolution of Intention to order the improvement, briefly describing the proposed improvement, specifying the exterior boundaries of the assessment district, providing for issuance of improvement bonds, if any, declaring its intention to levy assessments to maintain, repair or improve the facility, if it so intends, providing for the disposition of any surplus remaining in the improvement fund after completion of the improvements, designating a contact person, and providing for a reserve fund.

The agency directs to preparation of an Engineer's Report that will contain:

- (a) Plans and specifications of the proposed improvements (which need not be detailed), if not already installed, and a general description of the works and other property to be acquired.
- (b) Descriptions of lands and easements to be acquired.
- (c) An estimate of the cost of the improvement and the costs of lands, rights of way, easements and incidental expenses in connection with the improvement.
- (d) A diagram showing, as they existed at the time of the passage of the resolution of intention, all of the following:
 - (1) The exterior boundaries of the assessment district.
 - (2) The boundaries of any zones within the district.
 - (3) The lines and dimensions of each parcel of land within the district. The diagram may refer to the assessor's map for a detailed description of the lines and dimensions of the parcels. Each parcel, including each condominium interest, shall be given a separate number on the diagram.
- (e) A proposed assessment for each parcel in proportion to its estimated benefits from the improvement, identifying parcels by diagram number and assessor's parcel number.

This report is filed with the public agency, which may modify the report in any respect. A resolution of preliminary approval is adopted, and a time and place is set for public hearing, not less than thirty days after passage of the resolution. Bids for the construction of the improvements and sale of the bonds can be called for, to be received at or before the time fixed for the hearing. The notice inviting construction bids must be first published at least fourteen days before the date set for receipt of the bids.

Prior to the public hearing on the assessment district the public agency shall adopt a resolution describing the boundaries of the district by reference to a map. This map must be filed with the county recorder within fifteen days after adoption of the resolution fixing the time and place of the hearing and in no event later than fifteen days prior to such hearing.

Notices of adoption of the resolution of intention and of the public hearing are published and posted at least twenty days prior to the date set for the public hearing. Posted notices must be posted conspicuously on all open streets within the district, at not more than 300 feet apart, but not less than three in all.

At least twenty days before the day fixed for the hearing, notice of the adoption of the resolution of intention and the filing of the report, setting time, place and purpose of the public hearing, stating estimated costs, the amount to be assessed against the particular parcel covered by the notice, a statement as to the right to file written protest, and the name and telephone number of a person to answer questions, must be mailed to all owners of property as their names appear on the assessment roll or as known to the clerk.

After the public agency passes on the report, any interested person may object to the proposed improvement, to the extent of the assessment district, or to the proposed assessment by filing a written protest with the clerk of the

agency at or before the time set for the hearing. The protest must identify the property in which the signer is interested.

The public agency may remedy, revise and correct any error or informality, and may confirm, amend, alter, modify or correct the assessment and diagram. However, the assessments cannot be increased unless consent from the owner is obtained or an additional noticed hearing is conducted.

Protests may be withdrawn, in writing, at any time prior to the conclusion of the hearing. If protests against the proposed improvements are not withdrawn by the owners of more than one-half of the area of the land to be assessed, no further proceedings shall be taken for a period of one year, unless the protests are overruled by a four-fifths affirmative vote of the legislative body.

The proposed assessment is confirmed as filed, as modified or as corrected, and the proposed improvement is ordered to be made or acquired by resolution of the agency.

After confirmation by the public agency, the clerk files the final diagram and notice of assessment with the county recorder, and the assessment and diagram with the appropriate local agency official. Upon recordation the assessment becomes due and payable and establishes a lien on each parcel.

After recordation, the person designated as collection officer by the local agency mails a notice of recordation to property owners and publishes said notice.

The 1915 Act

The provisions of the 1915 Act, when used in conjunction with the 1913 Act, are generally as follows:

After a thirty-day cash payment period, the designated collection officer makes and tiles a list of unpaid assessments with the treasurer of the agency. A resolution determining unpaid assessments and providing for bond issue is adopted and a copy filed with the county auditor.

The public agency determines the denominations of the bonds and the amount to mature each year. After printing they are sold to the highest bidder or a sale is negotiated with a single underwriter. The proceeds of the sale are paid into funds held by the local agency for the proceedings.

The assessments securing the bonds are a lien against the parcels of land on which they are made. The lien is subordinate to all taxes and all special assessment liens previously imposed, but has priority over any subsequent special assessment liens and all other liens, no matter when created.

A portion of each assessment is payable each year, in an amount sufficient to pay the principal and interest on the bonds when due. This installment is payable in the same time and manner as the general taxes of the public agency on real property. The county auditor keeps a record of the installments of principal and interest that are to be collected each year.

The treasurer of the public agency keeps a separate redemption fund for each district, into which he deposits all collected assessments and interest and penalties thereon. Out of this fund he pays the bond debt service when due, making principal payments to redeem bonds each September 2, and paying interest each March 2 and September 2. Any assessment may be paid in full before due, and if the amounts accumulated in the redemption fund from such early payments are sufficient, the treasurer may redeem any bond before maturity.

If a parcel having an unpaid assessment is divided, the unpaid installments of the original assessment must be segregated and apportioned to the newly created parcels in accordance with their benefit. An amended assessment and amended assessment diagram must be prepared as required by law.

Appendix B Santa Cruz County Assessment District Checklist

Constructing

Public Improvements

By

ASSESSMENT DISTRICT



COUNTY OF SANTA CRUZ Department of Public Works

DRAFT

I. Authority

- A. There are a number of acts that deal with financing of municipal improvements, but one which has been fundamental to assessment district formation in California is the Municipal Improvement Act of 1913. Its provisions can be found in Division 12 of the Streets and Highways Code of the State of California.
- B. Effective November 1996, Proposition 218 affected the procedure required for formation of assessment districts. The procedures required were added to the California State Constitution by Proposition 218 under Article XIIID, Section 4.

II. Initiating the Process

- A. Applicants request a form from Public Works to initiate the assessment district formation process. On the form, applicants will describe the type of improvements desired, and the location where the improvements are to be constructed. Applicants will submit a \$1000.00 deposit with the completed form. The \$1000 deposit represents the initial deposit for the preliminary work of assessment district formation to be performed at-cost by County staff.
- B. Applicants will be responsible for all costs associated with assessment district formation and operation, and construction of the improvements. The bulk of the costs will be included in the assessment placed on each parcel in the assessment district.
- C. The County will work with the applicant to locate and qualify bond counsel, an assessment engineer, and bond underwriters.

III. Procedure

- A. Applicants circulate petitions to the owners of the parcels of land which are in the proposed assessment district area of benefit. Tenants, if any, who are responsible for paying special assessments on an included parcel may have a right to approve the assessment superior to the parcel owner's right in such a special case. Sixty percent or more of the owners (or tenants in the special case mentioned) must signify approval of proceeding with assessment district formation for the process to continue. The petitions will be accompanied by a map of the proposed boundaries of the assessment district and a description of the proposed improvements.
- B. When applicants determine that the required petition signoff has been achieved, the petitions are submitted to Public Works, which will then examine and certify the petitions. The first of four assessment district hearings by the Board of Supervisors can then be scheduled.
- C. The First Board Meeting considers the assessment district initiating resolutions, including those which appoint the bond counsel, the assessment engineer, and the managing underwriter. If the Board approves, the process moves forward.
- D. The Engineer of Work (assessment engineer) completes the Engineer's Report and files it with the Clerk of the Board of Supervisors. The Engineer's Report contains plans and specifications of the work of improvements, an estimate of the costs, spread of the assessment and roll. description of lands and easements to be acquired, and an assessment

diagram.

- E. The Second Board Meeting considers and adopts a resolution approving the Engineer's Report and directs action pursuant to the approval.
- F. The Clerk of the Board and the Engineer of Work complete and record the Map of the Proposed Boundaries of the Assessment District within 15 days of the Second Board Meeting.
- G. Bond Counsel mails Notices of Proposed Assessment and Ballot to the property owners (and special case tenants, if any) at least 45 days before a public hearing at a subsequent Board meeting.
- H. A Third Board Meeting holds a public hearing for presentation of the assessment district project and the taking of public testimony.
- I. A Fourth Board Meeting at least seven days after the Third Board Meeting, and at least 45 days after Notices of Proposed Assessment and Ballots are sent, holds a public hearing to hear formal protests, tally the ballots, and if majority approval is present, adopt the final resolutions to proceed with the formation and financing of the assessment district.

IV. Important Considerations

- A. Once the Notice of Assessments is filed subsequent to the Fourth (and final) Board Meeting, the owners of parcels receiving an assessment will have 30 days to pay the assessment before it is included in the bond financing.
- B. It should be noted that one of Proposition 218's primary intents was to make it easier for those opposed to the assessment district to terminate the process by protest. In principle, the process allows a simple majority by area or proportion of the proposed assessment, presumably whichever is the lesser, to terminate the process at any point before the final tally of ballots.
- C. Because the assessment district improvements are to be funded by municipal bonds, which are then paid off with the assessments, the actual requirement for approval of the assessment district is "yes" votes by two-thirds of the property owners affected.

PRELIMINARY FORM

COUNTY OF SANTA CRUZ DEPARTMENT OF PUBLIC WORKS

REQUEST FOR PETITION TO FORM AN ASSESSMENT DISTRICT

	MOIL: Please print or type
	1. Name of Applicant:
•	(Address) (City) (Zip)
	(Telephone)
	2. Describe type of improvements desired:
	3. Where are the desired improvements needed? Attach map or sketch NOTE: Describe the limits of the needed improvements, (where they should start and end):
_	
	 Approximate number of land owners who will pay for the improvement.
	5. State reasons why improvements are needed now:
٠	I AM WILLING to circulate a petition among my neighbors, who would benefit from these improvements, to obtain their signatures requesting the construction of the work under special assessment district proceedings.
	It would be beneficial if at least three property owners within the proposed limits of work sign this request.
_	

A \$1000 cash deposit payable to the County of Santa Cruz is required with the submittal of this Request.

- Q. What is an Assessment District?
- A. "Assessment District" refers to a special area or district where public improvements, such as curbs, gutters, pavement, sidewalks, storm drains, street lights, sanitary sewers, water facilities, and street trees, can be constructed and/or installed by means of Special Assessment Proceedings.
- Q. What do you mean "Special Assessment Proceedings"?
- A. It's a reasonable and equitable way by which you and a majority of neighbors can obtain needed improvements in your neighborhood and pay your fair share of the costs over a period of time at low interest rates.
- Q. Tell me more what's the authority?
- A. This is provided by a State Law and referred to as the "Municipal Improvement Act of 1913". If you're interested in looking further into this, it is in Division 12 of the Streets and Highways Code of the State of California, obtainable in most libraries.
- Q. How do I benefit?
- A. Here are a few of the usual benefits:
 - a) Historically, property values are increased substantially more than the cost of the improvements.
 - b) Cleaner, neater appearance of neighborhood.
 - c) Better traffic movement.
 - d) Fewer drainage problems like standing water and property flooding.
 - e) Improved health conditions by the replacement of septic tanks with properly designed sewers.
 - f) Elimination of septic tank pumping costs.
 - g) Safer pedestrian travel with new sidewalks.
 - A safer neighborhood with new street lights.

- Q. Who pays for improvements?
- A. You, the property owner.
- Q. Why doesn't the "County" pay for them?
- A. Because the "County" is "you"...And if this were the practice, you would end up paying for everybody else's improvements. The assessment district procedure is the fairest because you pay your proportionate share of the total cost based upon the benefit you receive.
- Q. But how about all the taxes I pay each year, and the gas tax money, and money from traffic fines, etc?
- A. Generally speaking, this revenue cannot legally be used for improvements of purely local benefit. It's the policy in this and most other counties to require that local improvements be paid for by the benefiting property, and not out of general tax revenues which are needed for other things such as road maintenance, etc.

O.K., LET'S DO SOMETHING ABOUT IT!!!!!!!

- Q. How do I start such improvements?
- A. Contact the Department of Public Works, 701 Ocean Street, Santa Cruz, California, Phone 425-2133.
- Q. What do I ask for?
- A. A preliminary form on which you may hire a private bonding attorney to prepare a formal petition to create an assessment district.
- Q. What details must I give on the preliminary form?
- A. Describe the type of improvements desired, and the location where they are needed. Also briefly explain why the improvements are needed now. After filling out the form, take it to your attorney and mail a copy to the County together with a \$1000.00 deposit payable to the County of Santa Cruz.
- Q. What is the next step?
- A. You should then hire a consulting engineer to make a preliminary feasibility study to determine suggested limits of the work, the type of improvements, and a rough cost estimate.

If the project is deemed feasible, request your bonding attorney to prepare a legal petition for signatures of those landowners desiring the improvements. You will be given the petition to circulate for your neighbor's signatures.

- Q. Whom should I get to sign it?
- A. Property owners who will benefit from the work. An engineer from the private consulting firm will tell you what streets and property are involved - if you are in doubt.
- Q. How many should sign it?
- A. Signatures accounting for sixty percent of the area of property subject to assessment would be sufficient but more is desirable. If you can get every benefiting property owner to sign it, that's best.
- Q. Who gets the completed petition after I get as many signatures as possible?
- A. Bring or mail it to the consulting engineering firm.
- Q. Is there anything else that my neighbors and I have to do then?
- A. No...except to keep in contact with your engineer and attorney if you want to follow the status of the job.
- Q. How will I know if my petition is granted or not?
- A.
 Your engineer will send you a letter telling you what action the Board of Supervisors took on your petition.
- Q. Are petitions very often denied?
- A. No....providing you have enough signatures of property owners who benefit, and the proposed work is feasible.
- Q. May work ever be started without a petition...or without a sixty percent petition?
- A. Yes. By a 4/5ths vote, the Board of Supervisors can start an assessment proceeding at any time by declaring that the public interest requires it if a health hazard exists, such as the lack of sanitary sewers, would be a typical example.

LET'S ASSUME THE PETITION IS ADEQUATE.....

- Q. What happens then?
- A. The Board of Supervisors adopts a "Resolution of Intention" to conduct the proceedings and appoints the Director of Public Works as the "Engineer of Work". A bonding attorney is also appointed and a consulting engineer is hired to design the proposed improvements. Plans and specifications are then pre-

pared, along with any necessary maps and descriptions of easements and property to be acquired. Detailed cost estimates for construction and incidental expenses are prepared. Approximate or typical assessment charges are estimated.

- Q. Is there anything I can do to help?
- A. Yes. If you're asked to grant a right of way, recognize that it's only so the improvements can be put in. The County can't do any work on private property. Cooperation will be to your advantage. Payments to purchase land, along with the legal, appraisal, and court expenses encountered when land is condemned simply are added to the total project cost to be shared by the adjoining property owners.
- Q. How will I know when the job is ready to commence, so I can protest what I may not like about it?
- A. The Board of Supervisors will adopt a "Resolution Appointing Time and Place of Hearing on Engineer's Report," and all benefiting property owners will be notified by letter, by a newspaper announcement, and by posters in the neighborhood of the time and place that the Board of Supervisors will hear and consider protests.

The letter (Notice to Property Owners) containing the assessment number, parcel number, and estimated assessment for each parcel, is mailed at least 20 days prior to the date fixed for the hearing.

- Q. How does the County know whether I'm an owner?
- A. The County's tax assessment roll provides the listing of property owners and their addresses. If you recently purchased your property, the name of the previous owner may still be listed....so advise the Department of Public works if your name does not appear on the list of property owners.
- Q. Suppose I don't receive the notice. Will my property still be assessed?
- A. Yes. Under State law it is sufficient to mail notices to owners listed on the County's last tax assessment roll.

THE PUBLIC HEARING AND RECEIPT OF BIDS.....

- Q. If I am not in favor of the work proposed...what should I do?
- A. Mail your written protest to the Clerk of the Board of Supervisors describing the reason why you do not wish the work to proceed before the time fixed for the public hearing. Any protest received after this time on the day of the hearing would be "late", and doesn't have to be considered, by law.

- Q. What's the basic purpose of this public hearing?
- A. To decide whether or not to construct the improvements. The bids are received before the hearing and the results are announced before the hearing is opened. The property owner will then know whether the estimated assessment figures in the mailed notices are just right, too high, or too low.
- Q. If I favor the project...should I attend the hearing?
- A. It will be helpful to the Board of Supervisors if they are aware of those in favor of the work.
- Q. Can I protest that my estimated assessment is too high?
- A. Yes. File your written protest with the Clerk of the Board of Supervisors prior to the Public Hearing, describing the reasons why you consider your individual estimated assessment is too high.
- Q. If several of my neighbors and I want to protest, do we all have to write separate letters and all appear at the hearing?
- A. No...you can all sign your names to the same letter, but don't forget to identify each property represented. At the hearing, it's best if you agree on a spokesperson to represent the group.
- Q. Can I still protest, even though I signed the original petition?
- A. Yes, you can change your mind....but you should have a very good reason for doing so.
- Q. How many protests does it take to kill the project?
- A. It isn't really "how many"; it's the percentage of area owned by protestants that is being assessed within the assessment district that counts.
- Q. What percentage does it take then?
- A. Over 50% (by area) protest would prevail, unless the Board of Supervisors, by a four-fifths vote, overrules the protests.
- Q. Can a protest be withdrawn?
- A. No, not "legally" withdrawn, but the Board of Supervisors will "recognize" such withdrawal before the Board votes on your project.
- Q. Can I ever re-start the same project, once it is protested out?
- A. Yes....after six months.

- Q. Does the County construct the improvements?
- A. No. All work must be publicly advertised for competitive bids from licensed contractors.
- Q. Is my final assessment based on the contractor's low bid?
- A. Yes, and in addition to the contractor's costs, incidental expenses are added. They include costs for engineering, inspection costs, right of way costs, survey costs, legal fees, bond printing, etc.
- Q. Does a contract have to be awarded to the lowest responsible bidder?
- A. If it's a reasonable bid....yes!

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- Q. What if the low bid is unreasonably high?
- A. The following alternatives are available:
 - a) reject all bids and re-advertise for new bids.
 - b) reject all bids and abandon the project.
 - c) schedule a public hearing to decide whether to award, readvertise, or abandon the project.
- Q. Is a contract ever awarded when the low bid is higher than the Engineer's estimate?
- A. Sometimes, yes....when the low bid is obviously competitive in comparison with other bids, or if changed conditions have increased prices since the estimate was made.
- Q. If there is little opposition to the project and an insufficient number of protests, what happens then?
- A. The Board adopts a "Resolution Approving the Engineer's Report, Ordering the Work, and Confirming the Assessment" and the contract is then awarded.

AFTER THE PUBLIC HEARING....

- Q. When will the work start?
- A. Within about 30 days after the award of the contract.
- Q. What happens after the improvements are satisfactorily completed?
- A. After the work has been completed, the Department of Public Works certifies the fact of completion and the Board of Supervisors accepts the work and files a Notice of Completion.

- Q. Will the completed improvements be maintained by the County?
- A. Yes...at no additional cost to the people in the assessment district.
- Q. When must I pay the assessment?
- A. After the Board of Supervisors confirms the assessment, the assessment roll and diagram are filed with the County Surveyor and the Notice of Assessment is recorded in the office of the County Recorder. A Notice to Pav Assessment is then mailed to the owners of each parcel assessed. The notice shows the date of recordation and the expiration date of the cash payment period, which is 30 days after recordation.
- Q. What if I can't or don't want to pay in cash?
- A. Your total assessment, less any portion paid within the 30 day period is pooled with the District's remaining assessment. Bonds are issued on this remainder and are repaid over a period of about 15 years, together with accrued interest.
- Q. When do I make my payments?
- A. Your billing will be included on your regular County annual tax bill.
- Q. Does this apply to all projects?
- A. It applies to all projects financed through the "Improvement Bond Act of 1915." This is the bond act usually used.
- Q. What happens if I don't pay on time?
- A. Penalties and interest are assessed, the same as County taxes.
- Q. Can I complete the payments of my whole assessment before it's due?
- A. Yes....after bonds have been issued, assessments may be paid and properties cleared of the lien of the assessment by payment of the total of the following sums:
 - a) any installment of principal and interest which has been posted to the tax roll for the current fiscal year;
 - o) the unpaid balance of principal plus 5% thereof;
 - c) the amount of any delinquencies including penalties, interest and costs;
 - d) estimated cost of calling bonds; and
 - e) interest to the date of call unless included in (a) above.
- Q. What happens if I sell?
- A. The buyer assumes the unpaid assessment. However, some lenders require the assessment to be paid off when a new mortgage is obtained.

Appendix C Preliminary Assessment District Costs

Appendix C

Preliminary Assessment District Costs Oak Ridge Mutual Water Co./Via Del Sol

CONST	RUCTION COSTS						
Item #	Description	Quantity	<u>Unit</u>	T	Init Cost		C4
1	Enlarge San Juan Booster Pumps	1	ea.	\$		•	Cost
2	Connect to Existing Pipeline System				10,000		10,000
3	8" Water Main Piping	1	ea.	\$	2,500		2,500
4	8" Gate Valves	5,500	lf.	\$	100		550,000
5	6" Water Main Piping	12	ea.	\$	2,250	-	27,000
6	6" Gate Valves	6,500	lf.	\$	90		585,000
7	Single 5/8" Water Service	13	ea.	\$	2,250	\$	29,250
8	Fire Hydrants	61	ea.	\$	2,500	\$	152,500
9	Booster Pump Station	12	ea.	\$	3,000	\$	36,000
10	100,000 Gallon Tank	1	ea.	\$	100,000	\$	100,000
11	SCADA Radio System	1	ea.	\$	150,000	\$	150,000
Subtotal	SCADA Radio System	1	ea.	\$	30,000	\$	30,000
	tion Contingencies					\$	1,672,250
	tion Total			1	0.00%	\$	167,225
oonst ut	Non Total					\$	1,839,475
OTHER	CONSTRUCTION RELATED COSTS						
1	Aromas Water Connection Fee						
2	Buy in To CSD 98-1	61	ea.	\$	10,843	\$	661,423
3	County of Monterey Permit Fees	61	ea.	\$	4,032	\$	245,952
4	Surveying, Engineering and Design fee					\$	10,000
5	Construction Inspection	S			6%	\$	110,369
6	Appraisers Fee				6%	\$	110,369
7	Title Fees and Recording Fees					\$	15,000
8	PG&E Service Fee					\$	5,000
9	LAFCO Report Fee					\$	2,500
10	Environmental Document					\$	10,000
11	Easement Costs					\$	10,000
Other Fee						\$	10,000
	struction Related Costs					\$	1,190,612
	20 action Velated Costs					\$	3,030,087
ASSESSM	IENT DISTRICT COSTS						
Assessmen	of Fees						
1	Bond Counsel Fee			_			
2	Bond Counsel Expenses			2	2.5%	\$	75,752
3	Bond Counsel Additional Costs					\$	3,250
4	Trustee's fee					\$	7,500
	Assessment Fees Subtotal					\$	5,000
Bonding F						\$	91,502
1	Bond discount (2% of bond amount)						
2	Bond Printing, advertising and issue cost	i		;		\$	60,602
	Bonding Fees Subtotal	S				\$	10,000
Assessment	t Engineering					\$	70,602
Total Asses	ssment District Costs					\$	15,000
					:	\$	177,104
ENGINEE	R'S ESTIMATE TOTAL COSTS				:	\$	3,207,191
Cost Per Co	onnection		61		:	5	52,577

Appendix D List of Interested Property Owners

	Oak Ridge Driv		1	1	1
	141-071-015-000	ARGUELLO, Ginny	19306	Oak Ridge Drive	A =====
2	141-071-014-000		19312		
3	141-071-026-000		19364		
4	141-081-008	BOWES, Joe & Christine	19230		
5	141-071-025	BRONNAR, Lorran (or Atkinson?)	19355	1	
6	141-081-004	TAYLOR, Judy & BROWN, Shirley	19260		
7	141-081-009	WOOLDRIDGE, Brent & Terri	19290	Oak Ridge Drive	
8	141-081-010-000	BUENO, Juana & JAREGUI, Oscar	19294	Oak Ridge Drive	
9	141-071-003-000	CERAOLO, Richard & Angie	3698	Norwood Ave.	Aromas San Jose
10	141-071-033-000	CHASCO, Maria (incl 141-171-030)	19345	Oak Ridge Drive	
11	141-081-012-000	CHU, Gene & Joan	19210	Oak Ridge Drive	Aromas
12	141-071-019-000	CRANE, Scott	19388		Aromas
13	141-071-013-000	FONG, Frank & May	19920	Oak Ridge Drive Merritt Drive	Aromas
14	141 071 027 000	ANTONIO, Jose & GONZALEZ.	17720	Ivienti Drive	Cupertino
14	141-071-027-000	Michaela DONNELLY, Beth & HARTFORD,	19366	Oak Ridge Drive	Aromas
15	141-071-041-000	Richard Richard	19332	Oak Ridge Drive	A ======
16	141-081-003-000	HUBBARD, Jon & Judi	19275	Oak Ridge Drive	Aromas
17	141-081-013-000	KEIM, Janes & Dianne	774	Mays Blvd, Ste10	Aromas Incline Ville
18	141-071-039-000	SAGAL, Mark & KEITH, Margaret	13940	Oak Ridge Drive	Aromas
19		LIVERMORE, Michael	7468	Leafwood Drive	Salinas
20	1	McCAULEY, Mac & Ann		Oak Ridge Drive	
21	I	THOMAS, Christopher & Heidi		0 1 5 1	Aromas
22		CORONEL, Emilio & Lily (Also			Aromas
23		Sakra, Rosemary)		Oak Ridge Drive	Aromas
24		NUNEZ, Juan & Ana	19356	Oak Ridge Drive	Aromas
25		SCRODIN, Dan & Debbie	19240	Oak Ridge Drive	Aromas
26		SWANSON, Randy & Denise	19285	Oak Ridge Drive	Aromas
27	141 000 000 000	TAYLOR, Irene c/o Judy Taylo	19276	Oak Ridge Drive	Aromas
\neg		FOMASELLO, Frank	19338	Oak Ridge Drive	Aromas
28	444	KECK, Jeff & Candie	19392	Oak Ridge Drive	Aromas
29		VEACH, Jack	19329	.	Aromas
30	l	WEBER, Mark	19370	Dak Ridge Drive	Aromas
31		WEBSTER, John & Oralee	1		Aromas
32	I	ZUMARAN, Andrew & Carol			Aromas
33	141-011-005-000 F	HIGGENBOTTOM, Dorothy			Aromas

	Via Del Sol Area				
	Parcel #	<u>Name</u>	House #	Street	City
1	127-171-015-000	MONROE, Roger and Dorinda	1101	Via Del Sol	Salinas
2	127-171-014-000	MOLLER, Jay Et Al [Chiodo, Frank]	1125	Via Del Sol	Salinas
3	127-171-029-000	ROGERS, Timothy	1143	Via Del Sol	Salinas
4	127-171-030-000	HUFFSTUTLAT, Steven	1145	Via Del Sol	Salinas
_5	127-171-028-000	CONTRERAS, Pablo & Alicia	1141	Via Del Sol	Salinas
6	127-171-012-000	LEMMON, Jason & Katie	1147	Via Del Sol	Salinas
7	127-171-011-000	DOUCET, Reginald, Jr. & Odessa	1149	Via Del Sol	Salinas
8	127-171-010-000	HOLLOWELL, Stanley (S.Peterson-Dad)	1155	W. D. 10. 1	
9_	127-171-010-000	· · · · · · · · · · · · · · · · · · ·	1155	Via Del Sol	Salinas
10		PERALES, Norman & Martha	1146	Via Del Sol	Salinas
10	127-171-026-000	McGOWAN, Glen & Sandra KUSANOVICH, Stephen &	1177	Via Del Sol	Salinas
11	127-171-027-000	Laura	1169	Via Del Sol	Salinas
12	127-192-002-000	RUSSO, Jack, Jr. & Julie	1179	Via Del Sol	Salinas
13	127-191-019-000	CHITWOOD, Howard & Charlene	1174	Via Del Sol	Salinas
14	127-191-018-000	PERRY, Robert & Martha	1172	Via Del Sol	Salinas
15	127-191-013-000	PLACENCIA, Horacio	1178	Via Del Sol	Salinas
16	127-191-015-000	PERALES, Rita Trust	1148	Via Del Sol	Salinas
17	127-191-022-000	BURL, Emiliano & Lilia	5900	Via Del Sol	Salinas
18	127-191-029-000	NUNEZ, Robert	1182	Via Del Sol	Salinas
19	127-191-024-000	BENZOR, Elias & Sandra	1180	Via Del Sol	Salinas
20	127-191-009-000	ELDER, Daryl & Alisa			Salinas
21	127-191-010-000	BOBBITT, Peter & Donna	1184 1/2	Via Del Sol	Salinas
22		BRYAN, Jack & Barbara	1184	Via Del Sol	Salinas
23	127-191-008-000	ELDER, Daryl & Alisa	1188	Via Del Sol	Salinas
24	127-191-034-000	BARAJAS, Miguel & Leonor	1226	Via Del Sol	Salinas
25	127-191-035-000	DONNELLY, Ercilia & Mark		Via Del Sol	Salinas
26		SOLANO, Robert & Dava		Via Del Sol	Salinas
27		TOLF, Doris	1222 - A	Via Del Sol	Salinas
28		PULSEY, David & Deborah		Via Del Sol	Salinas
		7		· 10 DOI DOI	Dumas