

REPORT TO CITY COUNCIL

Approved by:



Keith Helmuth, P.E., Department Director



Arnaldo Rodriguez, City Manager

Council Meeting of: December 15, 2021

Agenda Number: B-6

SUBJECT:

Annexation of Linden Apartments into Zone of Benefit 4 and Camarena Health into Zone of Benefit 51 of Landscape and Lighting Assessment Districts (LMD) Zone for Fiscal Year 2022/23

RECOMMENDATION:

Adopt Resolutions Approving Annexation of Linden Apartments and Camarena Health) into their respective Zones of Benefit, 4 & 51, and Confirming the Diagrams and Assessments for Citywide Landscape and Lighting Assessment District of their respective Zones of Benefit: 4 and 51.

SUMMARY:

In the fall of 2019, the City approved Precise Plan (PPL 2019-05) for the Linden Apartments Site Plan Review (SPR 2019-07) for Camarena Health. A requirement of both Projects' development is annexation of the parcels into the City's existing LMD Zones of Benefit 4 and 51 for perpetual maintenance of landscaping. This item would fulfill said requirement.

DISCUSSION:

In June of 1991, the City formed the Citywide Landscape Assessment District which allowed for individual LMD's to be formed for the purposes of levying assessments against new development for the maintenance of landscaped areas including median islands, certain park strips, frontage road islands and certain landscaped outlots. Ultimately, the creation of LMD's leads to a greater ability to provide projects that meet the City's goals of more attractive development. In recent years, the City has taken efforts to halt or slow the growth of zones through annexation of new developments into existing zones where such annexation was logical.

LMD Zone 4 is responsible for maintenance of certain landscaped areas in the City along Westberry Boulevard and Sunset Avenue. LMD zone 51 is the citywide area responsible for the maintenance of landscaped areas at various locations across the city. The location of both additions can be found on the map of all city-wide LMD districts, which is attachment 5 of this report.

City staff requests City Council (Council) consider and approve the covenants attached herein which have been signed and notarized by the respective property owners.

FINANCIAL IMPACT:

The parcels will be responsible for participating in the cost of maintaining existing and proposed landscaping additions to their respective zones.

For the addition of Linden Apartments into Zone 4, the annual assessment amount on the parcels subject to this action will be in an amount not to exceed \$64.96 dollars for each of the 29 dwelling units or \$1,884.02 for the parcel as a whole.

For the addition of Camarena Health to Zone 51, the annual assessment amount on the parcels subject to this action will be in an amount not to exceed the following amounts per parcel:

- APN 012-280-001-000 - \$18.59
- APN 012-280-002-000 - \$20.29
- APN 012-280-003-000 - \$20.48
- APN 012-280-010-000 - \$17.60
- APN 012-280-011-000 - \$15.96
- APN 012-280-012-000 - \$15.31
- APN 012-280-013-000 - \$101.22

There are no financial impacts to the General Fund unless future costs exceed that which cannot be recovered through a Proposition 218 process and City does not elect to reduce maintenance levels to a point that are commensurate with revenue received.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The inclusion of the parcels into LMD Zones of Benefit 4 & 51 is consistent with:

Strategy 126 – Clean, attractive streets: Expand or develop programs to create clean, safe, and aesthetically pleasing streets.

Action 134.1: Consider establishment of design/landscape standards for neighborhoods and business construction - *Current landscape design standards have been enforced which aid in the establishment of Well-Planned Neighborhoods and Housing.*

ALTERNATIVES:

Should Council not accept the annexation of the parcels into the existing LMD zone, the goal of spreading costs to as many eligible parcels as possible will be negatively impacted in that some parcel will continue to absorb a larger cost of maintenance than others that may not participate in the sharing the cost.

ATTACHMENTS:

1. Resolution – Confirmation of the Diagram and Assessments for Zone 4
 - Exhibit A – Legal Descriptions
 - Exhibit B – Assessment Diagrams

- Exhibit C – Assessment Amounts
- 2. Resolution – Confirmation of the Diagram and Assessments for Zone 51
 - Exhibit A – Legal Descriptions
 - Exhibit B – Assessment Diagrams
 - Exhibit C – Assessment Amounts
- 3. Covenant for Zone 4, Linden Apartments
- 4. Covenant for Zone 51, Camarena Health
- 5. Map of City-Wide LMD Zones

Attachment 1

Resolution

Confirmation of the Diagram and Assessments for Zone of Benefit 4

RESOLUTION NO. 21-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, APPROVING ANNEXATION OF LINDEN APARTMENTS INTO
ZONE OF BENEFIT 4, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR
CITYWIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE OF
BENEFIT 4 FOR FISCAL YEAR (FY) 2022/23, AND AUTHORIZING THE CITY
CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA
COUNTY AUDITOR**

WHEREAS, the City of Madera Landscape Maintenance District (District) was formed by Resolution No. 91-67, approved June 17, 1991, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, the recommended assessments for FY 2022/23 reflect the cost of landscape maintenance provided by the City for said fiscal year; and

WHEREAS, all of the owners of property proposed to be annexed to the Zone of Benefit 4 of said District consisting of Linden Apartments, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of Engineer's Report, or both; and

WHEREAS, the property owners have agreed that the annual assessment is proportional to, and no greater than, the special benefit conferred on the property by being annexed into the Landscape Maintenance District; and

WHEREAS, the property owners have consented to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost (ENRCC) Index (Los Angeles), plus two percent (2%). The property owner agreed that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the ENRCC Index since the most recent change in the assessment plus two percent per year; and

WHEREAS, the property owners further agree that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs, provided such assessment is consistent with the terms of this covenant.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA hereby finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. That the public interest and convenience require that certain property described in Exhibit "A" and as diagrammed in Exhibit "B," both of which are attached hereto

and by reference incorporated herein, be annexed to City Landscape Maintenance District as Zone of Benefit 4 for the maintenance and servicing of landscaping facilities.

3. The City Council hereby confirms the diagram and annual assessments and levies the assessments for FY 2022/23 for the same, as identified in Exhibits "A," "B" and "C," and as set forth in "Covenant Landscape Maintenance District Zone of Benefit 4."
4. Pursuant to Section 22641 of the Streets and Highways Code, the City Clerk is authorized and directed to forthwith file the diagram and assessments with Auditor of Madera County.
5. The City Engineer and City Clerk are collectively authorized to make any clerical corrections to this resolution and related documents.
6. This resolution is effective immediately upon adoption.

* * * * *

Exhibit A

Legal Description – Linden Street Apartments

Real property in the City of Madera, County of Madera, State of California, described as follows:

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

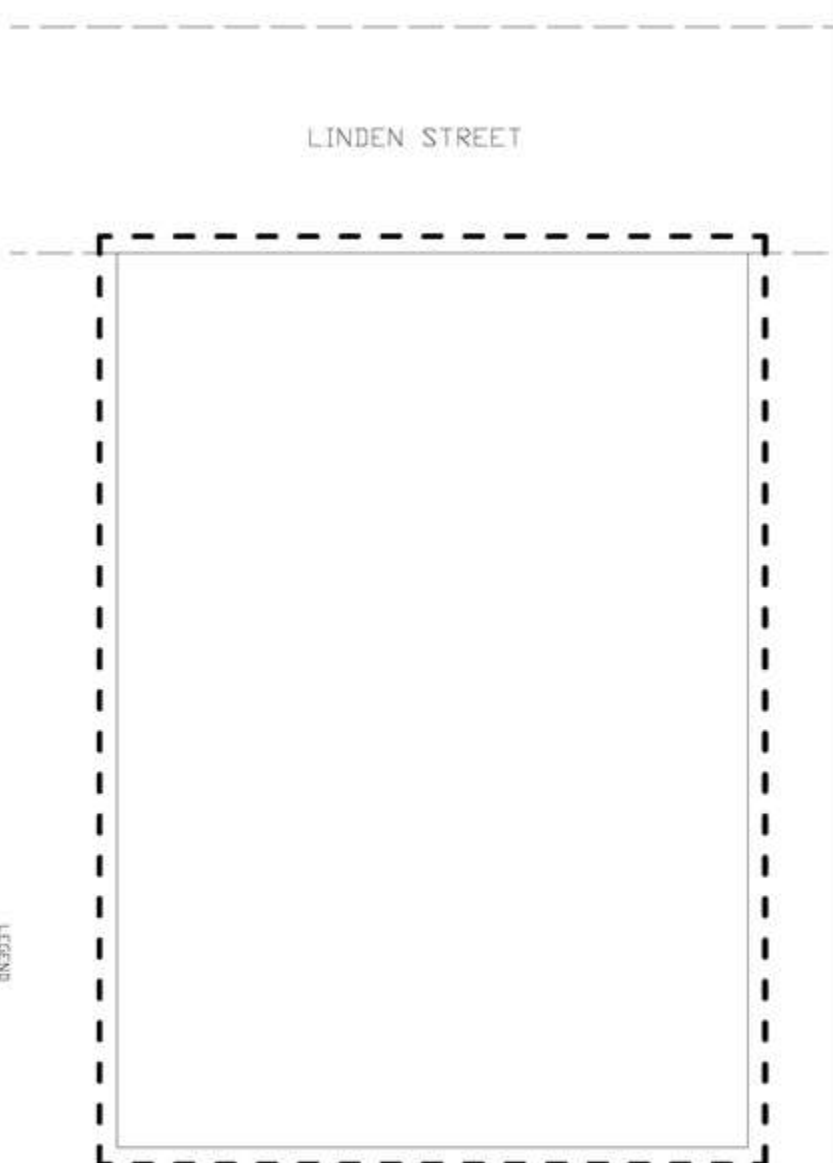
BEGINNING AT A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOL. 369 AT PAGE 39, OFFICIAL RECORDS OF MADERA COUNTY, CALIFORNIA, SAID POINT BEARING EAST 484 FEET AND NORTH 00° 21' EAST 348.4 FEET FROM THE WEST QUARTER CORNER OF THE SAID SECTION 23, THENCE ALONG THE SAID EAST LINE OF SAID TRACT, NORTH 00° 21' WEST 137.5 FEET; THENCE WESTERLY 317.3 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT, THENCE ALONG SAID WEST LINE SOUTHERLY 137.5 FEET; THENCE EASTERLY 317.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

APN: 006-250-014-000

Exhibit B

Assessment Diagram – Linden Apartments

LINDEN STREET



LEGEND

— PARCEL LOT BOUNDARY

--- SUBDIVISION BOUNDARY

1 SUBDIVISION PARCEL LETTER/NUMBER

① ASSOCIATED NUMBER

① ANY NUMBER

NTS



ASSESSMENT DIAGRAM
INCLUSION OF SUBDIVISION 19-S-05
INTO MADERA LANDSCAPE MAINTENANCE DISTRICT - ZONE 4
CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

CITY OF MADERA
Linden Apartments
PLN 2015-05
APN 006-250-014
REV. NOVEMBER 2021

Exhibit C

Assessment Amounts – Linden Apartments

Assessor's Parcel Number	Assessment Amount (FY 2022/2023)
006-250-014-000	\$1,883.84 *

*Assessment amount is equivalent to \$64.96 per dwelling unit

Attachment 2

Resolution

Confirmation of the Diagram and Assessments for Zone of Benefit 51

RESOLUTION NO. 21-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, APPROVING ANNEXATION OF CAMARENA HEALTH INTO
ZONE OF BENEFIT 51, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR
CITYWIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE OF
BENEFIT 51 FOR FISCAL YEAR (FY) 2022/23, AND AUTHORIZING THE CITY
CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA
COUNTY AUDITOR**

WHEREAS, the City of Madera Landscape Maintenance District (District) was formed by Resolution No. 91-67, approved June 17, 1991, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, the recommended assessments for FY 2022/23 reflect the cost of landscape maintenance provided by the City for said fiscal year; and

WHEREAS, all of the owners of property proposed to be annexed to the Zone of Benefit 51 of said District consisting of Camarena Health, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of Engineer's Report, or both; and

WHEREAS, the property owners have agreed that the annual assessment is proportional to, and no greater than, the special benefit conferred on the property by being annexed into the Landscape Maintenance District; and

WHEREAS, the property owners have consented to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost (ENRCC) Index (Los Angeles), plus two percent (2%). The property owner agreed that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the ENRCC Index since the most recent change in the assessment plus two percent per year; and

WHEREAS, the property owners further agree that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs, provided such assessment is consistent with the terms of this covenant.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA hereby finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. That the public interest and convenience require that certain property described in Exhibit "A" and as diagrammed in Exhibit "B," both of which are attached hereto

and by reference incorporated herein, be annexed to City Landscape Maintenance District as Zone of Benefit 51 for the maintenance and servicing of landscaping facilities.

3. The City Council hereby confirms the diagram and annual assessments and levies the assessments for FY 2022/23 for the same, as identified in Exhibits "A," "B" and "C," and as set forth in "Covenant Landscape Maintenance District Zone of Benefit 51."
4. Pursuant to Section 22641 of the Streets and Highways Code, the City Clerk is authorized and directed to forthwith file the diagram and assessments with Auditor of Madera County.
5. The City Engineer and City Clerk are collectively authorized to make any clerical corrections to this resolution and related documents.
6. This resolution is effective immediately upon adoption.

* * * * *

Exhibit A

Legal Description – Camarena Health

The land referred to herein is situated in the State of California, County of Madera, City of Madera and described as follows:

PARCEL A:

Lots 1 through 6 of Madera Professional Center Subdivision, according to the map thereof recorded December 30, 1980 in Book 27 of Maps, at Page 55, Records of Madera County.

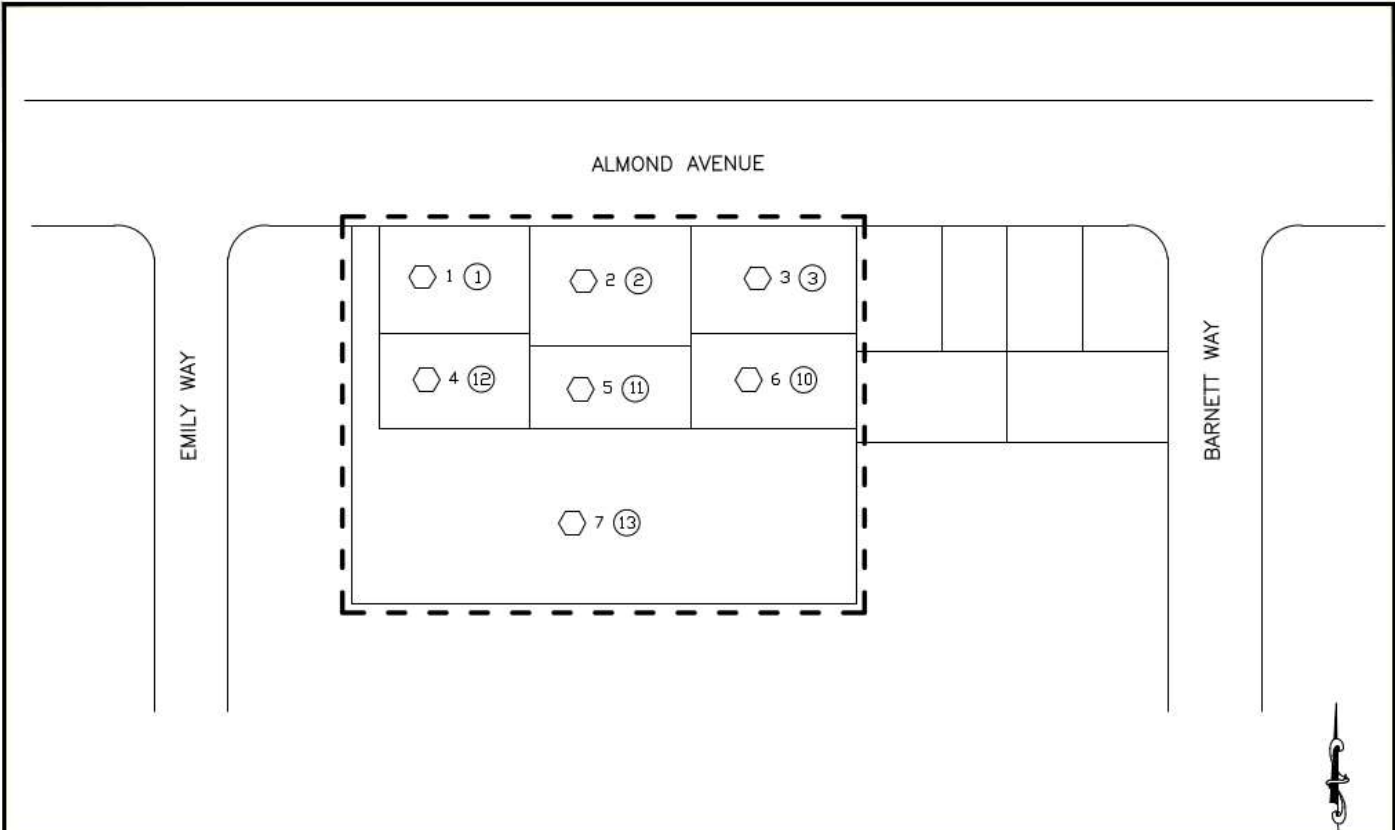
PARCEL B:

TOGETHER with all of 100% interest in Lot 7 (common area) of Madera Professional Center Subdivision, according to the map thereof recorded December 30, 1960 in Book 27 of Maps, at Page 55, Records of Madera County.

APN: 012-280-01, 02, 03, 10, 11, 12 and 13
(End of Legal Description)

Exhibit B

Assessment Diagram – Camarena Health



ASSESSMENT DIAGRAM
 INCLUSION OF CAMARENA HEALTH - 720 E ALMOND AVE.
 INTO MADERA LANDSCAPE MAINTENANCE DISTRICT - ZONE 51
 CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

- LEGEND
- PARCEL LOT BOUNDARY.
 - - - - ASSESSOR'S BOUNDARY
 - 1 SUBDIVISION PARCEL LETTER/NUMBER
 - ① ASSESSMENT NUMBER
 - ① APN NUMBER.

CITY OF MADERA
720 E ALMOND AVE.
REV. MARCH 2020



Exhibit C

Assessment Amounts – Camarena Health

Assessor's Parcel Number	Assessment Amount (FY 2022/2023)
012-280-001-000	\$18.59
012-280-002-000	\$20.29
012-280-003-000	\$20.48
012-280-010-000	\$17.60
012-280-011-000	\$15.96
012-280-012-000	\$15.31
012-280-013-000	\$101.22

Attachment 3

LMD Covenant – Linden Apartments

RECORDING REQUESTED BY:
City of Madera
WHEN RECORDED RETURN TO:
City of Madera
205 W. 4th Street
Madera, CA 93637
Attention: City Clerk

Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT
LANDSCAPE MAINTENANCE DISTRICT
ZONE OF BENEFIT 4**

WHEREAS, Ubaldo Garcia, hereinafter referred to as “Covenantor,” is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

WHEREAS, the Covenantor hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument; and

WHEREAS, all such instruments of Subordination, if any, are attached hereto and made a part of this instrument; and

WHEREAS, Covenantor is required by the City as a condition of Precise Plan (PPL) 2019-05 approval to annex to the City’s Landscape Maintenance District; and

WHEREAS, the Planning Commission on November 12, 2019, approved PPL 2019-05 which provided for the annexation of this commercial parcel into the aforementioned Zone of Benefit; and

WHEREAS, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City’s Landscape Maintenance District.

NOW, THEREFORE, it is agreed:

1. In consideration of the foregoing and the approval of the Site Plan Review and Conditional Use Permit for the commercial parcel, by the City of Madera, the undersigned hereby covenants, promises and agrees with the City of Madera for the benefit of said City.

2. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said District pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.

3. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.

4. The Covenantor consents to an annual assessment on the Subject Property(ies). The assessment, based on dwelling units, currently in an amount not to exceed \$64.96 per dwelling unit with the assessment per parcel being proportional to the number of dwelling units situated on each parcel(s). The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the Subject Property by being annexed into the Landscape Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost Index (ENRCC), plus two percent

(2%). The Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

5. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).

6. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).

7. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.

8. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.

9. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon the undersigned, its grantees, heirs, successors and assigns.

10. The Covenant shall be released and be of no further effect upon written determination by the undersigned and the City Engineer of the City of Madera that its

continued existence and enforcement are no longer necessary.

11. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

12. This Covenant shall be effective on _____, 2021.

IN WITNESS WHEREOF, the parties duly executed this Covenant.

CITY OF MADERA:

By: _____
Santos Garcia, Mayor

COVENANTOR: UBALDO GARCIA

By: _____
Ubaldo Garcia

APPROVED AS TO FORM:

By: _____
Hilda Cantú Montoy, City Attorney

***NOTARY ACKNOWLEDGEMENT
REQUIRED***

ATTEST:

By: _____
Alicia Gonzales, City Clerk

APPROVED:

By: _____
Keith B. Helmuth, P.E., City Engineer

EXHIBIT "A"
TO COVENANT LANDSCAPE MAINTENANCE DISTRICT
ZONE OF BENEFIT 4
Legal Description

Real property in the City of Madera, County of Madera, State of California, described as follows:

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOL. 369 AT PAGE 39, OFFICIAL RECORDS OF MADERA COUNTY, CALIFORNIA, SAID POINT BEARING EAST 484 FEET AND NORTH 00° 21' EAST 348.4 FEET FROM THE WEST QUARTER CORNER OF THE SAID SECTION 23, THENCE ALONG THE SAID EAST LINE OF SAID TRACT, NORTH 00° 21' WEST 137.5 FEET; THENCE WESTERLY 317.3 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT, THENCE ALONG SAID WEST LINE SOUTHERLY 137.5 FEET; THENCE EASTERLY 317.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

APN: 006-250-014-000

Attachment 4

LMD Covenant – Camarena Health

RECORDING REQUESTED BY:
City of Madera
WHEN RECORDED RETURN TO:
City of Madera
205 W. 4th Street
Madera, CA 93637
Attention: City Clerk

Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code

**COVENANT
LANDSCAPE MAINTENANCE DISTRICT
ZONE OF BENEFIT 51**

WHEREAS, Camarena Health Inc, hereinafter referred to as “Covenantor”, is the owner of the real property situated in the City of Madera, County of Madera, State of California, hereinafter referred to as “Subject Property” and more particularly described in attached Exhibit “A” which is incorporated by reference; and

WHEREAS, the Covenantor hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument; and

WHEREAS, all such instruments of Subordination, if any, are attached hereto and made a part of this instrument; and

WHEREAS, Covenantor is required by the City as a condition of Site Plan Review (SPR) 2019-07 approval to annex to the City’s Landscape Maintenance District; and

WHEREAS, the Planning Department on September 10, 2019, conditionally approved Site Plan Review SPR 2019-07 for the Subject Property which provided for the annexation of the Subject Property into the aforementioned Zone of Benefit; and

WHEREAS, maintenance of the landscaping associated with the Subject Property shall be the responsibility of the City’s Landscape Maintenance District.

NOW, THEREFORE, it is agreed:

1. In consideration of the foregoing and the approval of the Conditional Use Permits and Site Plan Review for the Subject Property, by the City of Madera, the undersigned hereby covenants, promises and agrees with the City of Madera for the benefit of said City.
2. The Covenantor consents to annexation of said Subject Property to the City's Landscape Maintenance District, has petitioned the City to annex said Subject Property to said District pursuant to Streets and Highways Code Section 22605, and pursuant to California Constitution Article, XIII D, section 5(b), waives any right to protest or object to such annexation.
3. The Covenantor agrees that the Subject Property receives a special benefit, as the term is defined in California Constitution Article, XIII D, section 2(i), from being annexed to Landscape Maintenance District, and that special benefit includes, but is not limited to, the right and ability to develop the Subject Property.
4. The Covenantor consents to an annual assessment on the Subject Property currently in an amount not to exceed the following for each APN:

APN 012-280-001-000 - \$18.59
APN 012-280-002-000 - \$20.29
APN 012-280-003-000 - \$20.48
APN 012-280-010-000 - \$17.60
APN 012-280-011-000 - \$15.96
APN 012-280-012-000 - \$15.31
APN 012-280-013-000 - \$101.22

The Covenantor agrees that this assessment is proportional to, and no greater than, the special benefit conferred on the Subject Property by being annexed into the Landscape

Maintenance District. The Covenantor also consents to an annual change in the range of the assessment in the amount of the Engineering News Record Construction Cost Index (ENRCC), plus two percent (2%). The Covenantor agrees that if such change in the range of the assessment is implemented less frequently than an annual basis, the change may be based upon the total change in the ENRCC Index since the most recent change in the assessment plus two percent per year. The Covenantor further agrees that temporary decreases in assessment do not represent a waiver of other provisions of this covenant and that the assessment may later be reset to an amount consistent with the assessment prior to the reduction plus the total change in the ENRCC Index plus two percent per year but only to the degree necessary to cover actual and reasonable costs.

5. The Covenantor agrees that he/she has received the written notice required by California Constitution Article, XIII D, Section 4(c).
6. The Covenantor agrees that this shall constitute a ballot in support of the proposed assessment pursuant to California Constitution Article, XIII D, Section 4(d).
7. Furthermore, should City hold a hearing notwithstanding such waiver, Covenantor waives the requirement of 45 days' notice of such hearing in favor of a five-day notice of such hearing.
8. The Covenantor shall fully disclose this covenant to every potential purchaser of the Subject Property.
9. It is the intention of the parties hereof that this document shall constitute a covenant in favor of the City of Madera and shall run with the land and be binding upon the

undersigned, its grantees, heirs, successors and assigns.

10. The Covenant shall be released and be of no further effect upon written determination by the undersigned and the City Engineer of the City of Madera that its continued existence and enforcement are no longer necessary.

11. The provisions of this Covenant shall be deemed independent and severable and the validity or partial invalidity or unenforceability of any other provision or portion thereof shall not affect the validity or enforceability of any one provision thereof. Whenever the context of the Covenant so requires, in interpreting this Covenant, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

12. This Covenant shall be effective on _____ 2021.

IN WITNESS WHEREOF, the parties duly executed this Covenant.

CITY OF MADERA:

By: _____
Santos Garcia, Mayor

By: _____
Keith B. Helmuth, P.E.,
City Engineer

APPROVED AS TO FORM:

By: _____
Hilda Cantú Montoy, City Attorney

ATTEST:

By: _____
Alicia Gonzales, City Clerk

COVENANTOR: Camarena Health _____

By: _____
Paulo A. Soares, CEO

**NOTARY ACKNOWLEDGEMENT
REQUIRED**

EXHIBIT "A"
TO COVENANT
LANDSCAPE MAINTENANCE DISTRICT
ZONE OF BENEFIT 51

Legal Description

The land referred to herein is situated in the State of California, County of Madera, City of Madera and described as follows:

PARCEL A:

Lots 1 through 6 of Madera Professional Center Subdivision, according to the map thereof recorded December 30, 1980 in Book 27 of Maps, at Page 55, Records of Madera County.

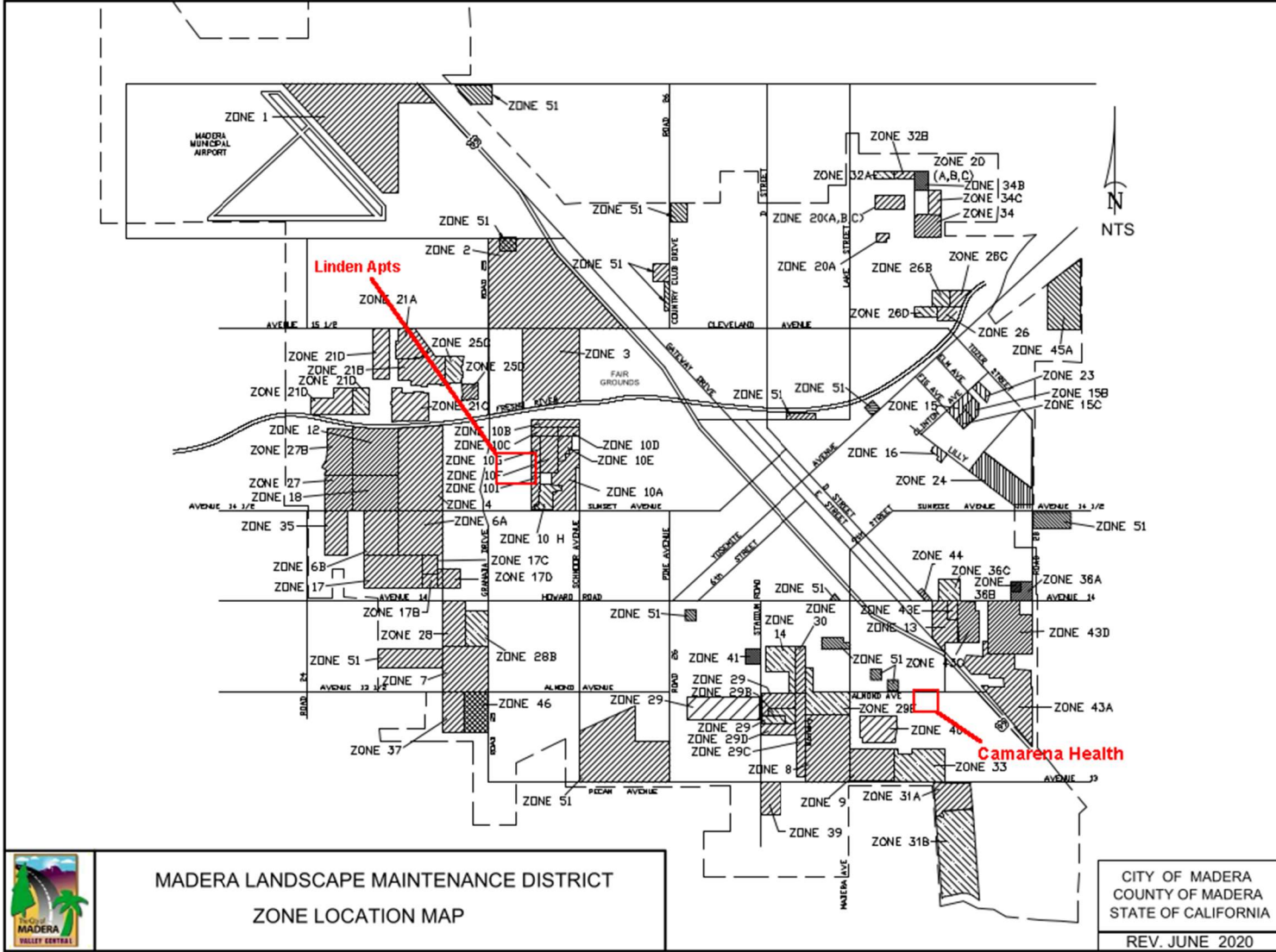
PARCEL B:

TOGETHER with all of 100% interest in Lot 7 (common area) of Madera Professional Center Subdivision, according to the map thereof recorded December 30, 1960 in Book 27 of Maps, at Page 55, Records of Madera County.

APN: 012-280-01, 02, 03, 10, 11, 12 and 13
(End of Legal Description)

Attachment 5

Map of City-Wide LMD Zones



MADERA LANDSCAPE MAINTENANCE DISTRICT
 ZONE LOCATION MAP

CITY OF MADERA
 COUNTY OF MADERA
 STATE OF CALIFORNIA
 REV. JUNE 2020

