

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

North San Joaquin Water Conservation
District
P.O. Box E, Victor, CA 95253

For recorder's use

RESOLUTION 2018-15

**RESOLUTION OF FINAL ORDER OF THE BOARD OF DIRECTORS OF THE
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT FORMING
IMPROVEMENT DISTRICT NO. 3, TO BE KNOWN AS THE SOUTH WATER USERS
IMPROVEMENT DISTRICT, AND LEVYING A SPECIAL ASSESSMENT**

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WHEREAS, the Board of Directors of the North San Joaquin Water Conservation District, on December 17, 2018 at 2:30 PM, held a public hearing on the petition for formation of Improvement District No. 3, to be known as the South Water Users Improvement District, under the provisions of Chapter 3, Part 7, Division 21, of the California Water Code.

Based upon the evidence presented at the public hearing, the Board of Directors finds the following:

- A. Two-thirds or more in number of the holders of title or evidence of title to the land in the proposed improvement district have signed the petition for the formation of an improvement district.
- B. The North San Joaquin Water Conservation District has properly caused to be prepared a Survey of the proposed improvements.
- C. Plans and Specifications, an Estimate of the Cost of the Improvements and a Statement of the Proposed Assessment have been filed with the Secretary of the Board of Directors of the North San Joaquin Water Conservation District.
- D. Proper and timely notice of the hearing was given in accordance with California Water Code Sections 75190 and 75191 and the California Constitution.
- E. Timely notice of the hearing and of the proposed assessment was given to the lien holders of record of the parcels to be included in the proposed improvement district, and all lien holders' objections, if any, were resolved to the satisfaction of the Board of Directors.
- F. The ballots were tabulated and no majority protest exists.
- G. Each of the tracts of land within the boundaries of the proposed improvement district will be benefited by the formation of the improvement district.
- H. It is in the best interests of the North San Joaquin Water Conservation District and the proposed improvement district to form the improvement district and to construct the proposed improvements.
- I. The assessment hereinafter levied is necessary for the purpose of constructing the proposed improvements.

IT IS HEREBY ORDERED as follows:

1. The petition for the formation of Improvement District No. 3 is hereby approved and Improvement District No. 3 is hereby formed. The North San Joaquin Water Conservation District is hereby authorized to proceed with any necessary environmental review, acquisition of required permits and approvals, design engineering, and other pre-construction work and, after completion of the environmental review and securing of required permits and approvals, to proceed with the construction of the improvements set forth in the petition and in accordance with the applicable survey and estimate of the costs.
2. Board of Directors of the North San Joaquin Water Conservation District does hereby levy and apportion the capital assessment of \$50 per acre per year for ten years to all acres listed on Exhibit A.
3. The North San Joaquin Water Conservation District may issue improvement district warrants in one or more series. The standard form of warrant is attached hereto as Exhibit B. District staff is authorized to issue warrants to generate funds for the improvements set forth in the petition. All warrants no matter the series shall be retired at the same times as the first series of warrants issued.
4. The above capital assessment shall be inclusive of an amount equal to interest on any deferred payments and 10 percent for anticipated delinquencies.
5. The capital assessment shall be payable over ten (10) years in twenty (10) annual installments with the first installment due and payable on January 1, 2019, an delinquent if not paid by March 1, 2019.
6. In addition to the above capital assessment, landowners that receive surface water from the district shall pay a per acre-foot water charge sufficient to cover the operation and maintenance costs associated with the delivery of surface water to lands in the improvement district.
7. The improvement district assessment and each installment thereof, shall be and remain a lien on such lands in the same manner and effect as would an annual assessment of the North San Joaquin Water Conservation District, whether or not any such annual assessment is actually levied by the District.
8. This Final Order forming the improvement district and levying the assessments shall be entered in the minutes of the Board and the Secretary of the Board shall cause a certified copy of this Final Order to be recorded in the office of the San Joaquin County Recorder.

Moved by Director Funn, seconded by Director Simpson, that the foregoing resolution be adopted.

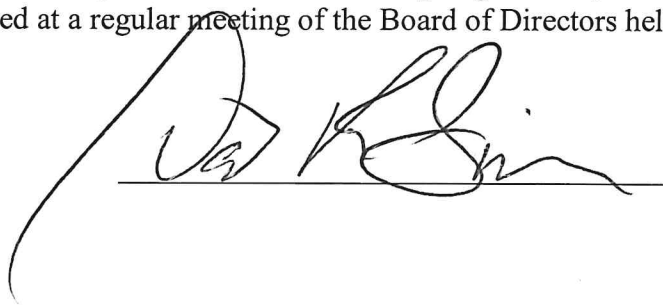
Upon roll call the following vote was had:

Ayes: 5 Directors

Noes: Directors
Absent: Directors
Abstain: Directors

The President declared the resolution adopted.

I, David Simpson, Secretary of the Board of Directors of the NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors held the 17th day of December, 2018.



A handwritten signature in black ink, appearing to read "David Simpson", is written over a horizontal line. The signature is cursive and extends to the left of the line.

Exhibit A
Statement of Capital Assessment,
Improvement District No. 3, South Water Users Improvement District

LANDS WHO SIGNED PETITION FOR FORMATION IMPROVEMENT DISTRICT NO. 3

APN	ACRES	\$/AC/YR	Assessment	Total
			Per Year	Assessment
05120008	25.0	\$50	\$ 1,250.00	\$ 12,500.00
06303001	143.2	\$50	\$ 7,158.50	\$ 71,585.00
06302015	159.3	\$50	\$ 7,965.00	\$ 79,650.00
05120032	9.8	\$50	\$ 490.50	\$ 4,905.00
05926084	47.8	\$50	\$ 2,388.00	\$ 23,880.00
05926086	46.6	\$50	\$ 2,330.00	\$ 23,300.00
06116026	72.7	\$50	\$ 3,637.00	\$ 36,370.00
06115014	20.0	\$50	\$ 1,000.00	\$ 10,000.00
06114069	37.6	\$50	\$ 1,880.00	\$ 18,800.00
06308037	37.1	\$50	\$ 1,852.50	\$ 18,525.00
06306032	38.8	\$50	\$ 1,941.00	\$ 19,410.00
06306036	35.6	\$50	\$ 1,778.00	\$ 17,780.00
05114022	5.0	\$50	\$ 251.50	\$ 2,515.00
06318024	47.9	\$50	\$ 2,392.50	\$ 23,925.00
06318025	157.1	\$50	\$ 7,853.50	\$ 78,535.00
06110022	11.4	\$50	\$ 571.00	\$ 5,710.00
06110032	13.1	\$50	\$ 655.00	\$ 6,550.00
06109017	8.1	\$50	\$ 406.00	\$ 4,060.00
06110017	5.1	\$50	\$ 256.00	\$ 2,560.00
06110035	20.4	\$50	\$ 1,022.00	\$ 10,220.00
06110036	14.1	\$50	\$ 706.50	\$ 7,065.00
06110037	10.0	\$50	\$ 500.00	\$ 5,000.00
06110038	14.0	\$50	\$ 701.00	\$ 7,010.00
05910011	38.1	\$50	\$ 1,902.50	\$ 19,025.00
05910012	82.0	\$50	\$ 4,100.00	\$ 41,000.00
05910026	7.7	\$50	\$ 384.00	\$ 3,840.00
06109041	9.2	\$50	\$ 461.50	\$ 4,615.00
06109042	9.2	\$50	\$ 461.50	\$ 4,615.00
06110027	10.2	\$50	\$ 512.00	\$ 5,120.00
06116002	38.5	\$50	\$ 1,925.00	\$ 19,250.00
06116006	57.0	\$50	\$ 2,851.00	\$ 28,510.00
06116009	79.7	\$50	\$ 3,983.00	\$ 39,830.00
06116011	26.7	\$50	\$ 1,334.50	\$ 13,345.00
06116012	26.7	\$50	\$ 1,334.50	\$ 13,345.00
06116021	21.1	\$50	\$ 1,056.50	\$ 10,565.00
05112043	51.8	\$50	\$ 2,592.00	\$ 25,920.00
06305062	57.1	\$50	\$ 2,857.00	\$ 28,570.00
06305063	52.9	\$50	\$ 2,644.50	\$ 26,445.00
06308043	32.4	\$50	\$ 1,621.50	\$ 16,215.00
06309013	43.0	\$50	\$ 2,150.00	\$ 21,500.00
05914035	14.5	\$50	\$ 725.00	\$ 7,250.00
05914036	19.0	\$50	\$ 950.00	\$ 9,500.00
06114032	16.5	\$50	\$ 825.00	\$ 8,250.00
06114037	19.9	\$50	\$ 995.00	\$ 9,950.00

06114054	34.7	\$50	\$ 1,735.00	\$ 17,350.00
06114060	16.9	\$50	\$ 845.00	\$ 8,450.00
06302010	39.2	\$50	\$ 1,960.00	\$ 19,600.00
06302011	78.4	\$50	\$ 3,920.00	\$ 39,200.00
06302012	40.0	\$50	\$ 2,000.00	\$ 20,000.00
05107022	15.0	\$50	\$ 750.00	\$ 7,500.00
05113076	44.1	\$50	\$ 2,203.50	\$ 22,035.00
05107025	16.9	\$50	\$ 844.50	\$ 8,445.00
05107023	25.0	\$50	\$ 1,250.00	\$ 12,500.00
05107037	7.6	\$50	\$ 379.00	\$ 3,790.00
05107038	10.0	\$50	\$ 500.00	\$ 5,000.00
05107039	12.4	\$50	\$ 621.00	\$ 6,210.00
05107040	10.0	\$50	\$ 500.00	\$ 5,000.00
05119012	19.7	\$50	\$ 985.00	\$ 9,850.00
05114023	5.0	\$50	\$ 251.50	\$ 2,515.00
06116005	60.0	\$50	\$ 3,000.00	\$ 30,000.00
06307061	20.1	\$50	\$ 1,003.50	\$ 10,035.00
06307062	11.8	\$50	\$ 588.50	\$ 5,885.00
06307063	17.3	\$50	\$ 865.50	\$ 8,655.00
05113056	58.4	\$50	\$ 2,921.00	\$ 29,210.00
05113057	10.0	\$50	\$ 500.00	\$ 5,000.00
05113058	10.0	\$50	\$ 500.00	\$ 5,000.00
06316035	39.5	\$50	\$ 1,973.00	\$ 19,730.00
06316036	39.4	\$50	\$ 1,971.50	\$ 19,715.00
06316037	39.4	\$50	\$ 1,968.00	\$ 19,680.00
TOTALS	2373.7		\$ 118,687.00	\$ 1,186,870.00
			per year	over 10 years

Exhibit B
Standard Form of Warrant
Improvement District No. 3, South Water Users Improvement District

IMPROVEMENT DISTRICT NO. ____
OF THE
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
SAN JOAQUIN COUNTY
STATE OF CALIFORNIA
UNITED STATES OF AMERICA
WARRANT

IMPROVEMENT DISTRICT NO. ____ (the "Improvement District"), an improvement district duly formed under the laws of the State of California by, and consisting of a portion of the territory of the North San Joaquin Water Conservation District, a water conservation district duly organized and existing in San Joaquin County, California, hereby promises to pay to _____, or registered assigns (the "Registered Owner"), but solely from moneys on deposit in the Warrant Interest and Principal Fund hereinafter referred to and not otherwise, the principal amount of _____ Dollars (\$_____), on the first day of July 20__ until the payment of such principal amount in full at the rate of ____ per cent (____%) per annum. Interest is payable on the first day of January and the first day of July in each year (each such interest payment date being a "Record Date"), by check mailed to the Registered Owner hereof at his address as it appears on the Warrant register kept pursuant to the Resolution hereinafter referred to as of each such Record Date. Principal and interest on this Warrant are payable in lawful money of the United State of America.

This Warrant is one of a duly authorized issue of Warrants of the Improvement District aggregating in principal amount _____ Dollars (\$_____) and numbered R-1 to _____, inclusive, all of like tenor and date (except for such variations as may be required to designate varying numbers, denominations and maturities) and is issued under the authority of the Water Code of the State of California, and pursuant to a resolution of the North San Joaquin Water Conservation District adopted on _____, 20__ (the "Resolution"). Reference is hereby made to the Resolution, a copy of which is on file at the Office of the Secretary of the Board of Directors of the North San Joaquin Water Conservation District and to all of the provisions of which the Registered Owner of this Warrant by his acceptance hereof thereby assents, for a description of the assessment on certain land, payments

on the unpaid portion of which assessment are pledged as securities for the Warrants under the Resolution, and for the terms and conditions upon which this Warrant is issued, and for the other terms and provisions thereof.

This Warrant shall be transferrable only upon the Improvement District Warrant register to be kept for that purpose at the above-mentioned Office of the Treasurer of the Board of Directors of the North San Joaquin Water Conservation District and only by the Registered Owner hereof in person or by his duly authorized attorney upon surrender of this Warrant together with a written instrument of transfer satisfactory to such Treasurer duly executed by such Registered Owner or his duly authorized attorney, and thereupon a new fully registered Warrant or Warrants in the same aggregate principal amount will be issued to the transferee in exchange therefore, upon payment of any charges prescribed by the Resolution. No such transfer shall be required to be made by the North San Joaquin Water Conservation District during the fifteen (15) days preceding each Warrant interest payment date. The Improvement District and the Treasurer of the Board of Directors of the North San Joaquin Water Conservation District may deem and treat the person in whose name this Warrant is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the interest hereon and principal hereof, and for all other purposes.

It is hereby recited, certified and declared that this Warrant is issued in strict conformity with the Constitution and laws of the State of California and with proceedings of the North San Joaquin Water Conservation District authorizing the same, and that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Warrant have existed, happened and been performed in regular and due time, form and manner as required by law, and that this Warrant, together with all other indebtedness and obligations of the Improvement District, do not exceed the limit prescribed by the Constitution or laws of said State.

It is further recited, certified and declared that the principal of this Warrant and the interest accruing hereon shall be paid solely from revenue derived from the unpaid installments of an assessment levied upon the lands within the Improvement District for improvement purposes, or from the proceeds of a supplemental assessment levied upon such lands in accordance with Sections 75210-75214 of the Water Code of the State of California, all as provided in the Resolution, which amounts, when received, are to be deposited in the North San

Joaquin Water Conservation District Improvement District No. _____ Warrant Interest and Principal Fund established under the Resolution. No other funds of the North San Joaquin Water Conservation District or the Improvement District is liable, and neither the full faith and credit nor the taxing power of the North San Joaquin Water Conservation District or the Improvement District is pledged, for the payment of the interest on or principal of the Warrants.

This Warrant shall not become valid or obligatory for any purpose until the certificate of authentication and registration hereon endorsed shall have been signed by the Treasurer of the Board of Directors of the North San Joaquin Water Conservation District.

IN WITNESS WHEREOF the North San Joaquin Water Conservation District has caused this Warrant to be signed as provided by the law by the President and Secretary of its Board of Directors, and the seal of said District to be affixed hereto, and this Warrant to be dated _____ day of _____, 20__.

NORTH SAN JOAQUIN WATER
CONSERVATION DISTRICT

President of the Board of Directors
of the North San Joaquin
Water Conservation District

(Form of Treasurer's Certificate of Authentication
and Registration to Appear on Registered Warrant)

This is one of the Warrants described in the within mentioned Resolution which has been authenticated and registered this _____ of _____, 20__.

Treasurer of the Board of Directors
of the North San Joaquin
Water Conservation District

(Form of Assignment to Appear on Registered Warrants)

For value received _____ hereby sells, assigns and transfers unto

(Please print or type name and address of Assignee)

(Please insert social security or other identifying number of Assignee)

The within mentioned Warrant and hereby irrevocably constitutes and appoints _____, attorney-in-fact to transfer the same on the Improvement District Warrant register in the Office of the Treasurer of the North San Joaquin Water Conservation District, Lodi, California, with full power of substitution in the premises.

Dated: _____

NOTE: The signature to this assignment must correspond with the name as written on the face of the within Warrant in every particular, without alteration, enlargement or any change whatsoever.