

**CITY OF RIVERBANK  
ENGINEER'S ANNUAL LEVY REPORT  
SIERRA VISTA ESTATES  
LANDSCAPING AND LIGHTING DISTRICT**

**Fiscal Year 2008/2009**

*This District may also be referred to as:*  
**RIVERBANK LANDSCAPING AND LIGHTING DISTRICT NO. 2000-01**

**INTENT MEETING:                      May 12, 2008**  
**PUBLIC HEARING:                      June 9, 2008**



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# ENGINEER'S REPORT AFFIDAVIT

City of Riverbank  
Stanislaus County, State of California

## *Sierra Vista Estates Landscaping and Lighting District*

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2008/2009 as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

MuniFinacial  
Assessment Engineer

By: \_\_\_\_\_

Gladys Medina  
Sr. Project Manager  
District Administration Services

By: \_\_\_\_\_

Richard Kopecky  
R.C.E. # 16742

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## I. OVERVIEW

### A. Introduction

The City of Riverbank ("City") annually levies and collects special assessments in order to maintain the improvements within the Sierra Vista Estates Landscaping and Lighting District ("District"). The District was formed in fiscal year 2000/2001 and is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (the "1972 Act") and in compliance with the substantive and procedural requirements of the *California Constitution Article XIID* ("Article XIID"). The District includes all parcels within the residential development known as Sierra Vista Estates and was previously referred to as the Riverbank Landscaping and Lighting District No. 2000-01.

This Engineer's Annual Levy Report ("Report") has been prepared in accordance with the provisions of *Chapter 3, Section 22622* of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2008/2009. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel's special benefits.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessment Number by the County of Stanislaus Assessor's Office. The County of Stanislaus Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify properties assessed on the tax roll for special district benefit assessments on the tax roll.

Pursuant to *Chapter 3, beginning with Section 22620* of the 1972 Act the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Engineer's Annual Levy Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to *Chapter 4, Article 1, beginning with Section 22640* of the 1972 Act. The assessment rate and method of apportionment described in this Report as approved following approval of or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2008/2009.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

## **B. Applicable Legislation**

The District has been formed and is annually levied pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, beginning with Section 22500*. The assessments and methods of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received.

### **Compliance with the Current Legislation**

All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are in compliance with the provisions of the Article XIID, which was established through the passage of Proposition 218 in November 1996.

This District was formed after the passage of Proposition 218 and the assessments contained herein were established and approved pursuant to the provisions of the Article XIID Section 4. Specifically, parcels within the District are assessed for only the reasonable cost of the proportional special benefit conferred on those parcels pursuant to Article XIID Section 4 (a); and the assessments and assessment range formula described in this report were approved by the property owners at the time of formation through a property owner protest ballot proceeding pursuant to Article XIID Section 4 (c, d & e).

Briefly the assessment range formula states that the maximum assessment initially approved by the property owners may be increased each year by the 3% to establish an adjusted maximum assessment each year. This adjusted maximum assessment is calculated independently from the actual assessment approved each fiscal year. The proposed assessment for the current fiscal year may be less than or equal to the maximum assessment rate previously approved and adopted for the District. Any proposed assessment that exceeds the adjusted maximum assessment rate is considered an increased assessment. Pursuant to the provisions of the Article XIID, all new or increased assessments (the incremental increase) are subject to both the substantive and procedural requirements of Article XIID Section 4, including a property owner protest proceeding (property owner assessment balloting).

### **Provisions of the 1972 Act (Improvements and Services)**

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping;
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- 3) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- 4) The maintenance and/or servicing of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
  - a) Repair, removal, or replacement of all or any part of any improvements;
  - b) Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
  - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
  - d) The removal of trimmings, rubbish, debris, and other solid waste;
  - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
  - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements; and,
  - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 5) Incidental expenses associated with the improvements including, but not limited to:
  - a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
  - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
  - c) Compensation payable to the County for collection of assessments;
  - d) Compensation of any engineer or attorney employed to render services;
  - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; and,
  - f) Costs associated with any elections held for the approval of a new or increased assessment.

## II. PLANS AND SPECIFICATIONS

The District provides for the continued maintenance and operation of local landscaping, street lighting and related services and improvements within the public right-of-ways for the benefit of parcels and properties within the development known as Sierra Vista Estates within the City.

The District is comprised of a single residential development consisting of Sixty-four single-family residential parcels. The District was formed to ensure the ongoing maintenance of local landscaping and lighting improvements associated with this residential subdivision and installed as part of the development of properties within the subdivision. The annual cost and expenses of providing the improvements are equitably spread among only the benefiting parcels within the District.

### A. Changes or Modifications to the District

Modifications to the District structure could include but are not limited to:

- Substantial changes or expansion of the improvements provided;
- Substantial changes in the service provided;
- Modifications or restructuring of the District or Zones including annexation or detachment of Zones or specific parcels;
- Revisions in the method of apportionment;
- Proposed new or increased assessments.

Some changes or modifications to the District would require the approval of the property owners within the District in accordance with the provisions of Article XIID Section 4. No other changes or modifications to the District are proposed for Fiscal Year 2008/2009.

### B. Description of the District & Improvements

The District is located generally on the south of Reich Lane, east of Terminal Avenue, north of Van Dusen Avenue and west of Claus Road. The District includes sixty-four (64) residential parcels within the subdivision known as Sierra Vista Estates, identified on Book 75 Page 58 parcels 02 through 20, 27 through 67 and 69 through 72 of the Stanislaus County Assessor's Parcel Maps.

The improvements providing benefit to parcels within the District include specific street lighting facilities and landscaped areas originally installed as part of this residential development. The improvements may include but are not limited to street lighting facilities and all-landscaping material and facilities within the District including ground cover, shrubs, trees and plants; irrigation and drainage systems; masonry walls or other fencing, entryway monument, and associated appurtenant facilities located within the District:

- Approximately 400 linear feet of perimeter and parkway landscaping along the east side of Terminal Avenue, north of Van Dusen Avenue (approximately 2,000 square feet).
- Screening block wall approximately 400 linear feet with a height of 9 feet that was installed as part of the development associated with the landscaping.
- Twelve streetlights throughout the development.

All improvements within the District are maintained and serviced on a regular basis. City staff will determine the frequency and specific maintenance operations required. The District assessments fund all necessary utilities, operations, services, administration and maintenance costs associated with the improvements. The annual cost of providing the improvements within the District are spread among all benefiting parcels in proportion to the benefits received. The expenditures and assessments set forth in this report are based upon the City's estimate of the costs associated with the improvements including all labor, personnel, equipment, materials and administrative expenses.

### III. METHOD OF APPORTIONMENT

#### A. General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

#### B. Benefit Analysis

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance of the improvements at the time of formation through a property owner protest ballot proceeding pursuant to the Article XIID Section 4.

**Special Benefits** — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.

- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

**General Benefits** - The improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most

developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments. Therefore, it has been determined that the District improvements and the on-going operation and maintenance of those improvements provide no identifiable or measurable general benefit to properties outside the District or to the public at large.

### C. Assessment Methodology

**Equivalent Dwelling Units:** To assess benefits equitably, it is necessary to correlate the different type of parcels within the District to each other as well as their relationship to the improvements. The Equivalent Dwelling Unit method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are typically apportioned as a function of land use type, size and development.

The Equivalent Dwelling Unit method of assessment apportionment uses the single family home site as the basic unit of assessment. A single family home site equals one Equivalent Dwelling Unit (EDU). Every other land use is typically converted to EDU's based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single family home site. Although the EDU method of apportionment is an appropriate method of calculating each parcel's benefit, it should be noted that all properties within this District are identified as single family home sites and therefore benefit equally with each parcel assigned 1.0 EDU.

The following formulas are used to calculate the annual assessments. The Balance to Levy represents the total amount to be collected through the annual assessments. The Levy per EDU (Assessment Rate), is the result of dividing the total Balance to Levy by the total District EDU. This Assessment Rate multiplied by each parcel's individual EDU determines each parcel's levy amount.

$$\textit{Total Balance to Levy} / \textit{Total EDU} = \textit{Levy per EDU (Assessment Rate)}$$

$$\textit{Assessment Rate} \times \textit{Parcel's EDU} = \textit{Parcel Levy Amount}$$

Or more simply stated, since all District parcels are 1 EDU:

$$\textit{Total Balance to Levy} / \textit{Total Assessable Parcels in Zone} = \textit{Parcel Levy Amount}$$

## **D. Assessment Range Formula**

Any new or increase in assessments require certain noticing and meeting requirements by law. Prior to the passage of Proposition 218, legislative changes in the Brown Act defined the definition of “new or increased assessment” to exclude certain conditions. These conditions included “any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed.” This definition and conditions were later confirmed through SB 919 (Proposition 218 implementation statutes).

The assessment range formula applied to District Assessments provides for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

The following describes the proposed assessment range formula:

Wherein, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

1. Beginning in Fiscal Year 2001/02 and each fiscal year thereafter, the Maximum Assessment will be recalculated annually.
2. The new adjusted Maximum Assessment for the year represents the prior year's Maximum Assessment adjusted by three percent (3.0%).
3. The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased by 3%, and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District's annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer's Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual

assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIII D Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

## IV. DISTRICT BUDGET 08/09

	<b>Total District</b>
<b>DIRECT COSTS</b>	
Landscape Maintenance	\$1,282
Utilities	839
Repairs/Abatement	1,251
Street Lighting	1,239
Miscellaneous/Materials/Equipment	0
Facility Maintenance Materials	520
Capital Expenditure	0
<b>Direct Costs (Subtotal)</b>	<b>\$5,131</b>
<b>ADMINISTRATION COSTS</b>	
District Administration	\$2,575
County Administration Fee	43
<b>Administration Costs (Subtotal)</b>	<b>\$2,618</b>
<b>LEVY BREAKDOWN</b>	
<b>Total Direct and Admin. Costs</b>	<b>\$7,749</b>
Reserve Collection/ (Transfers)	0
Contribution Replenishment	0
Other Revenues/General Fund Contribution	0
CIF Collection/(Transfer)	0
<b>Balance to Levy</b>	<b>\$7,749</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	64
Total Parcels Levied	64
Total Equivalent Dwelling Units (EDU)	64.00
<b>Assessment Rate (Levy Per EDU)</b>	<b>\$121.08</b>
<b>Maximum Assessment Rate Approved</b>	<b>\$124.70</b>
<b>FUND BALANCE INFORMATION</b>	
Beginning Reserve Fund Balance (Estimated)	\$1,951
Reserve Collection/ (Transfers)	0
<b>Ending Reserve Fund Balance (Projected)</b>	<b>\$1,951</b>
Beginning Capital Improvement Fund	\$0
Collections/(Transfers)	0
Capital Improvement Expenditures	0
<b>Ending Capital Improvement Fund</b>	<b>\$0</b>

## **APPENDIX A — DISTRICT BOUNDARY MAPS**

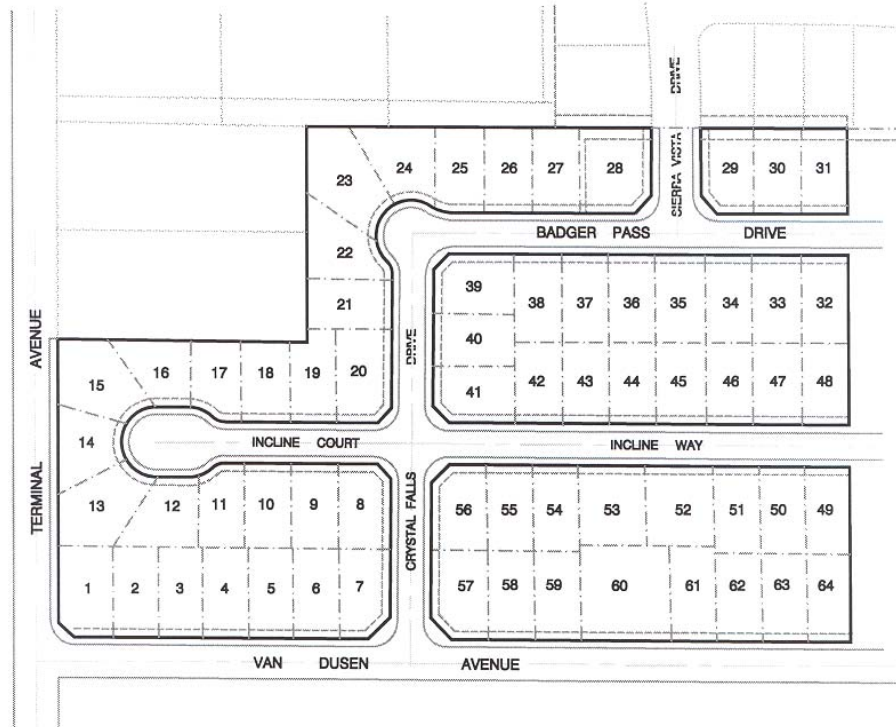
The original assessment diagrams and tract maps for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The boundaries for the District are contiguous with the boundaries of the Sierra Vista Estates subdivision and defined as the corresponding parcels identified on the Stanislaus County Assessor's Map. The parcel identification, lines, and dimensions of each parcel within the District are those lines and dimensions shown on the Stanislaus County Assessor's Map of for the year in which this Report was prepared and by reference are incorporated and made part of this Report.

The following page is a reproduction of the original Assessment Diagram for the District.

**ASSESSMENT DIAGRAM OF  
 LANDSCAPE AND LIGHTING DISTRICT NO. 2000-01  
 WITHIN ASSESSOR'S PARCEL MAP 075-58 (Fiscal Year 2000/01)**

CITY OF RIVERBANK  
 COUNTY OF STANISLAUS  
 STATE OF CALIFORNIA



**SIERRA VISTA**

APN 075-58-02 THROUGH 20  
 075-58-27 THROUGH 67  
 075-58-69 THROUGH 72

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 28785 Single Oak Drive  
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 JANUARY 2000

**MAP LEGEND**

- DISTRICT BOUNDARY
- PROPERTY LINES
- EASEMENT LINES

## **APPENDIX B — 2008/09 ASSESSMENT ROLL**

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Stanislaus County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following page. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that can not be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

<b>APN</b>	<b>Charge</b>	<b>EBU</b>
075058002000	\$121.08	1
075058003000	121.08	1
075058004000	121.08	1
075058005000	121.08	1
075058006000	121.08	1
075058007000	121.08	1
075058008000	121.08	1
075058009000	121.08	1
075058010000	121.08	1
075058011000	121.08	1
075058012000	121.08	1
075058013000	121.08	1
075058014000	121.08	1
075058015000	121.08	1
075058016000	121.08	1
075058017000	121.08	1
075058018000	121.08	1
075058019000	121.08	1
075058020000	121.08	1
075058027000	121.08	1
075058028000	121.08	1
075058029000	121.08	1
075058030000	121.08	1
075058031000	121.08	1
075058032000	121.08	1
075058033000	121.08	1
075058034000	121.08	1
075058035000	121.08	1
075058036000	121.08	1
075058037000	121.08	1
075058038000	121.08	1
075058039000	121.08	1
075058040000	121.08	1
075058041000	121.08	1
075058042000	121.08	1
075058043000	121.08	1
075058044000	121.08	1
075058045000	121.08	1
075058046000	121.08	1
075058047000	121.08	1
075058048000	121.08	1
075058049000	121.08	1
075058050000	121.08	1

075058051000	121.08	1
075058052000	121.08	1
075058053000	121.08	1
075058054000	121.08	1
075058055000	121.08	1
075058056000	121.08	1
075058057000	121.08	1
075058058000	121.08	1
075058059000	121.08	1
075058060000	121.08	1
075058061000	121.08	1
075058062000	121.08	1
075058063000	121.08	1
075058064000	121.08	1
075058065000	121.08	1
075058066000	121.08	1
075058067000	121.08	1
075058069000	121.08	1
075058070000	121.08	1
075058071000	121.08	1
075058072000	121.08	1
Total	\$7,749.12	64