

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: PUBLIC WORKS *CP*

BOARD AGENDA # \*C-3

Urgent \_\_\_\_\_ Routine

AGENDA DATE FEBRUARY 13, 2001

CEO Concurs with Recommendation YES \_\_\_\_\_ NO \_\_\_\_\_  
(Information Attached)

4/5 Vote Required YES  NO \_\_\_\_\_

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT WITHOUT AN ELECTION (HILLSBOROUGH ESTATES ANNEXATION)

STAFF  
RECOMMEN-  
DATIONS:

1. FIND THAT THE TERRITORY MORE PARTICULARLY DESCRIBED ON EXHIBITS "A" AND "B" ("TERRITORY") IS OWNED BY PETITIONER, AND THAT PETITIONER'S OWNERSHIP REPRESENTS 100% OF THE TOTAL ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE TERRITORY PROPOSED TO BE ANNEXED INTO SAID DISTRICT;

(CONTINUED ON PAGE 2)

FISCAL  
IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION

No. 2001-102

On motion of Supervisor Blom, Seconded by Supervisor Caruso, and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

Motion:

*Christina Ferraro*

File No. DL-25-21

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT WITHOUT AN ELECTION (HILLSBOROUGH ESTATES ANNEXATION)

PAGE: 2

**STAFF  
RECOMMEN-  
DATIONS**

**(Continued):**

2. FIND THAT STANISLAUS COUNTY CODE, SECTION 21.40.040 ("ORDINANCE"), REQUIRES THE INSTALLATION OF A STREET LIGHTING SYSTEM TO SERVE THE TERRITORY;
3. FIND THAT THE TERRITORY PROPOSED TO BE ANNEXED IS NOT WITHIN THE LIMITS OF ANY OTHER LIGHTING DISTRICT;
4. FIND THAT PUBLIC NECESSITY AND WELFARE REQUIRE THAT THE TERRITORY BE ANNEXED TO THE LIGHTING DISTRICT;
5. ORDER THAT THE REQUIREMENTS OF NOTICE, HEARING, AND ELECTION SHALL NOT BE APPLICABLE TO THIS PROCEEDING, PURSUANT TO STREETS AND HIGHWAYS CODE, SECTION 19056;
6. ORDER THAT THE TERRITORY BE ANNEXED TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT OF STANISLAUS COUNTY;
7. DIRECT THE CLERK OF THE BOARD TO ENTER IN THE MINUTES OF THE BOARD OF SUPERVISORS THE FACT OF THE FILING OF THE PETITION AND THE BOARD'S APPROVAL OF THE RESOLUTION ANNEXING TO THE LIGHTING DISTRICT;
8. ORDER THAT, PURSUANT TO THE STREETS AND HIGHWAYS CODE, SECTION 19000, ET SEQ, THE COST OF CONDUCTING AND MAINTAINING THE LIGHTING DISTRICT SHALL BE ASSESSED AGAINST THE INDIVIDUAL PARCELS OF LAND WITHIN THE DISTRICT'S BOUNDARIES;
9. DIRECT THE CLERK OF THE BOARD OF SUPERVISORS TO SEND A CERTIFIED COPY OF THE RESOLUTION ORDERING THE ANNEXATION TO THE LIGHTING DISTRICT TO THE DEPARTMENT OF PUBLIC WORKS, THE OFFICES OF THE ASSESSOR, ELECTIONS, AUDITOR-CONTROLLER, AND THE CLERK-RECORDER; AND,
10. DIRECT THE DEPARTMENT OF PUBLIC WORKS TO SEND A CERTIFIED COPY OF THE RESOLUTION ORDERING THE ANNEXATION TO THE LIGHTING DISTRICT AND ALL OTHER REQUIRED DOCUMENTS AND THE PROCESSING FEE TO THE STATE BOARD OF EQUALIZATION.

**SUBJECT:** APPROVAL OF ANNEXATION OF TERRITORY TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT WITHOUT AN ELECTION (HILLSBOROUGH ESTATES ANNEXATION)

**PAGE:** 3

**DISCUSSION:** On February 13, 2001, a petition signed by all of the property owners within the territory, representing 100% of the assessed value of all taxable property within the territory, was filed with the Clerk of the Board of Supervisors, requesting that the territory be annexed to the Almond Wood Estates Lighting District. The territory proposed to be annexed is not within the limits of any other lighting district.

The public necessity, safety, and welfare require annexation of the territory to the lighting district for the benefit of the inhabitants of said territory. Such lighting will act as a deterrent to crime, promote traffic safety, and help law enforcement officers.

Pursuant to Streets and Highways Code, Section 19112, the Clerk's entry in the minutes of the Board of Supervisors, the fact of the filing of the petition, and the Board's approval of the resolution establishing the lighting district is conclusive evidence of the existence and validity of the district and of the fact that all steps prerequisite to its existence were duly and regularly taken.

Pursuant to the Streets and Highways Code, Section 19214, the order of annexation is conclusive evidence of the validity of all prior proceedings leading to the annexation recited therein, and after the making of the order, the territory shall become a part of the lighting district and shall be taxed, together with the remainder of the district, for all taxes thereafter levied by the Board of Supervisors for maintenance of the district.

Section 19180 of the Streets and Highways Code states that, "On or before the first day of September of each year, the governing body shall make an estimate of the cost of conducting and maintaining the lighting district for the ensuing fiscal year, including an additional charge not to exceed 10% of the total cost for the purpose of accumulating reserve for installation of additional lights which, in the opinion of the governing board, may be petitioned for before the proceeds of another tax levy will be available for use for such purpose."

The special tax imposed by the street lighting district shall be levied at the same time, and in the same manner, by the same person and with the same penalties and priority of lien as other taxes for County purposes. When collected, taxes shall be paid into the County Treasury to the credit of the fund of the district and shall be used only for the payment of the expenses of the district (Streets and Highways Code, Section 19184).

**POLICY**

**ISSUE:** This action meets the Board's priority for providing a safe, healthy community.

**STAFFING**

**IMPACT:** There is no staffing impact associated with this item.

RC/la

**TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA**

**PETITION FOR ANNEXATION OF TERRITORY TO THE  
ALMOND WOOD ESTATES LIGHTING DISTRICT  
(HILLSBOROUGH ESTATES ANNEXATION)**

- Petitioners hereby submits a Petition for annexation to the Almond Wood Estates Lighting District of Stanislaus County.
- The provisions of Division 14, Part 4, Section 19000 et seq. of the California Streets and Highways Code shall govern the proceedings for annexation to the lighting district.
- The name of Petitioners are as follows:

California Associates Limited, a California Corporation  
440 S. Yosemite Avenue, Suite C  
Oakdale, CA 95361
- Petitioners request that the territory described on Exhibits "A" and "B" ("territory") be annexed to the Almond Wood Estates Lighting District of Stanislaus County. The territory proposed to be annexed contains approximately 15.84 acres and has one owner.
- Petitioners represent and warrants that they are the owners of the territory, representing 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed to the lighting district.
- The territory proposed to be annexed is not within the limits of any other lighting district.
- The public necessity, safety and welfare require annexation of the territory to a lighting district because the inhabitants of said territory will be benefitted and such lighting will act as a deterrent to crime, promote traffic safety and help law enforcement officers.

Therefore, Petitioners request that the Board of Supervisors take the following actions:

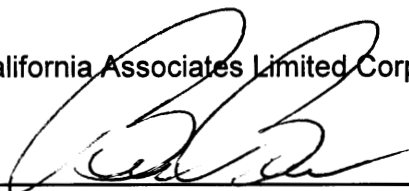
1. Find that the territory more particularly described on Exhibits "A" and "B" is owned by Petitioners, and that Petitioners' ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district.
2. Find that Stanislaus County Code Section 20.56.210 ("Ordinance") requires the installation of a street lighting system to serve the territory.
3. Find that the territory proposed to be annexed is not within the limits of any other lighting district.

SUBJECT: Petition for Annexation to the Almond Wood Estates Lighting District  
Page 2

5. Order that the requirements of notice, hearing and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code Section 19056.
6. Order that the territory shall be annexed to the Almond Wood Estates Lighting District of Stanislaus County.
7. Direct the Clerk of the Board to enter in the minutes of the Board of Supervisors the fact of the filing of the petition and the Board's approval of the resolution annexing to the lighting district.
8. Order that pursuant to Streets and Highways Code Section 19000 et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries.

Respectfully submitted:

California Associates Limited Corporation

  
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Bruce Boese, President

Dated: 8-29-00

  
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Rhonda Boese, Vice President

Dated: 8-29-00

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## EXHIBIT "A"

### LEGAL DESCRIPTION

#### HILLSBOROUGH ESTATES ANNEXATION TO ALMOND WOOD ESTATES LIGHTING DISTRICT

June 19, 2000

All that certain lot, piece or Parcel of land located in Section 7, T.2S., R.11E., M.D.M. Stanislaus County, California being more particularly described as follows:

Commencing at a Monument Well in the Intersection of Poppy Hills Drive and Dixon Road with NAD 83 Coordinates: North 2,106,641.3028 and East 6,473,773.0689, and running thence, (1) South 89°47'50" East 371.82 feet along the Centerline of said Dixon Road to the Southwest Corner of the existing Almond Wood Estates Lighting District and also being the Point of Beginning of the within described lands. Thence, leaving said Centerline (2) North 29°08'49" West 514.90 feet. Thence, (3) North 46°34'04" West 332.19 feet. Thence, (4) North 89°20'20" West 300.78 feet. Thence, (5) North 00°03'01" East 18.00 feet. Thence, (6) North 11°04'25" West 193.05 feet. Thence, (7) North 29°53'59" East 128.90 feet. Thence, (8) North 44°11'09" East 159.88 feet. Thence, (9) North 69°06'05" East 216.93 feet. Thence, (10) South 69°30'35" East 215.04 feet. Thence, (11) South 79°58'36" East 121.11 feet. Thence, (12) North 86°25'04" East 124.02 feet. Thence, (13) North 68°13'45" East 103.00 feet. Thence, (14) North 52°29'50" East 271.11 feet. Thence, (15) North 89°31'50" East 181.43 feet. Thence, through a non-tangent curve to the left with a starting Radial Bearing of South 06°17'33" East, (16) a Radius of 400.00 feet, a Delta of 48°25'31", an Arc Length of 338.07 feet, a Chord Bearing of South 59°29'41" West and Chord Length of 328.10 feet, with a ending Radial Bearing of North 54°43'04" West. Thence, (17) South 04°28'34" West 1,146.26 feet to a point on the Centerline of said Dixon Road. Thence, along said Centerline North 89°47'50" West 113.00 feet to the Point of Beginning and containing 15.84 Acres of land more or less.

End Description



William F. Kull  
Professional Land Surveyor  
No. 5792

