

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

DEPT: PUBLIC WORKS
Urgent _____ Routine gr ✓

BOARD AGENDA # *C-3

AGENDA DATE FEBRUARY 20, 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 (PARCEL MAP 50-PM-58 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. 2001-122

On motion of Supervisor Caruso, **Seconded by Supervisor** Simon,
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) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

Christine Ferraro
Attest: DEACAN M WILSON Clerk By: Deputy

File No. DL-25-22

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT WITHOUT AN ELECTION (PARCEL MAP 50-PM-58 ANNEXATION)

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**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 (PARCEL MAP 50-PM-58 ANNEXATION)

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DISCUSSION: On February 20, 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
(PARCEL MAP 50-PM-58 ANNEXATION)**

- Petitioner hereby submits a Petition for annexation to 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 and address of Petitioner(s) is as follows:

California Associates Limited, a California Corporation
440 S. Yosemite Avenue, Suite C
Oakdale, CA 95361

- Petitioner requests that the territory described on Exhibits "A" and "B" ("territory") be annexed to Almond Wood Estates Lighting District of Stanislaus County. The territory proposed to be annexed contains approximately 4.44 acres and has one owner.
- Petitioner represents and warrants that it is the owner 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.

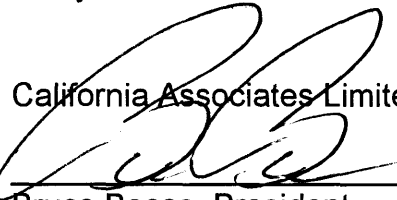
Therefore, Petitioner requests that the Board of Supervisors take the following actions:

1. Find that the territory more particularly described on Exhibits "A" and "B" is owned by 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.

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.
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 shall be annexed to 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

Bruce Boese, President

Dated: 2-7-01



Rhonda Boese, Vice President

Dated: 2-8-01

EXHIBIT "A"

PROPOSED ANNEXATION TO THE
ALMOND WOOD ESTATES LIGHTING DISTRICT

Parcel 1 and Parcel 2 as shown in Book 50 of Parcel Maps, at Page 58, Stanislaus County Records, 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 Mallard Court and Dillwood Road with NAD 83 Coordinates: North 2,107,833.1344 and East 6,476,855.6851 and running thence, South 00°23'10" East 113.61 feet along the centerline of said Dillwood Road to the Point of Beginning with NAD 83 Coordinates: North 2,107,719.5270 and East 6,476,856.4507 of the within described lands:

Thence, (1) South 00°23'10" East 283.01 feet along said centerline;

Thence, (2) South 89°36'50" West 30.00 feet to the westerly right-of-way line of said Dillwood Road;

Thence, (3) North 89°48'10" West 404.65 feet;

Thence, (4) South 00°23'10 East 380.07 feet;

Thence, (5) North 89°48'10" West 202.34 feet;

Thence, (6) North 00°00'50" West 529.71 feet;

Thence, (7) South 89°51'07" East 333.87 feet;

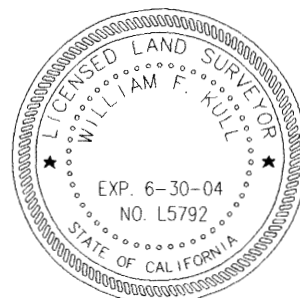
Thence, (8) North 63°49'20" East 299.50 feet to the westerly right-of-way line of said Dillwood Road;

Thence, (9) North 89°36'50" East 30.00 feet to a point on the centerline of said Dillwood Road, also being the Point of Beginning and containing 4.44 Acres of land more or less.

End Description

William F. Kull

William F. Kull
Professional Land Surveyor
No. 5792



BASIS OF BEARINGS:
 BETWEEN FOUND MONUMENTS ALONG
 THE CENTERLINE OF DILLWOOD ROAD
 BETWEEN WILD OAK DRIVE
 AND MALLARD COURT
 BEARING N00°23'10"W (NAD 83)

SCALE: 1"=100'

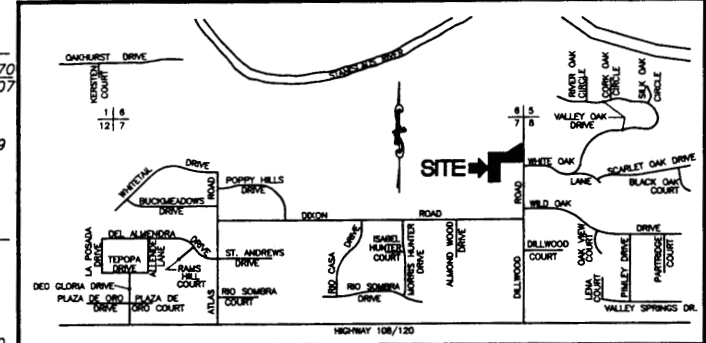
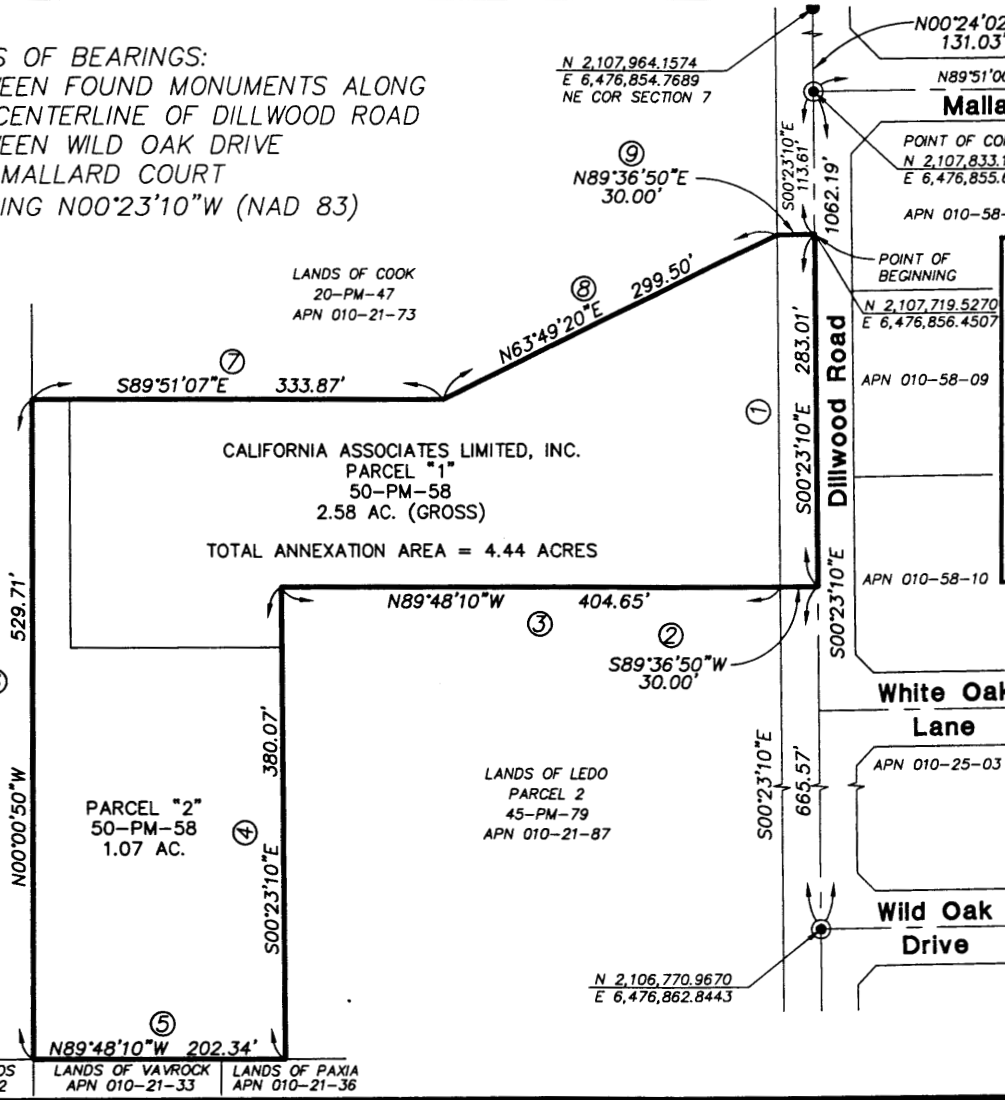


EXHIBIT "B"

PARCEL 1 AND PARCEL 2 AS SHOWN IN
 BOOK 50 OF PARCEL MAPS AT PAGE 58,
 STANISLAUS COUNTY RECORDS,
 LYING IN THE N.E. 1/4 OF THE N.E. 1/4
 OF SECTION 7, T.2S., R.11E., M.D.M.
 STANISLAUS COUNTY, CALIFORNIA
 SCALE 1"=100' JANUARY 2001

GK Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1"=100'
 DATE: 01/24/01 14:55
 DRAWN: JDL
 CHECKED: WFK
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PARCEL MAP 50-PM-58 ANNEXATION TO THE ALMOND WOOD ESTATES LIGHTING DISTRICT STANISLAUS COUNTY, CALIFORNIA