

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

DEPT: PUBLIC WORKS
Urgent _____ Routine

BOARD AGENDA # *C-4
AGENDA DATE FEBRUARY 20, 2001
4/5 Vote Required YES NO _____

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE SALIDA HIGHWAY LIGHTING DISTRICT WITHOUT AN ELECTION (MTC ANNEXATION)

STAFF RECOMMENDATIONS: 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. 2001-123
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) Approved as recommended
2) _____ Denied
3) _____ Approved as amended
Motion:

Christine Ferraro

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE SALIDA HIGHWAY LIGHTING DISTRICT WITHOUT AN ELECTION (MTC 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 SALIDA HIGHWAY 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 SALIDA HIGHWAY LIGHTING DISTRICT WITHOUT AN ELECTION (MTC 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 Salida Highway 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
SALIDA HIGHWAY LIGHTING DISTRICT
(MTC ANNEXATION)**

- Petitioner hereby submits a Petition for annexation to the Salida Highway 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 Petitioner is as follows:
MTC Distributing, a California Corporation
1573 Cummins Drive
Modesto, CA 95358
- Petitioner requests that the territory described on Exhibits "A" and "B" ("territory") be annexed to the Salida Highway Lighting District of Stanislaus County. The territory proposed to be annexed contains approximately 19.5 acres and has one owner.
- Petitioner represents and warrants that he 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 21.42.50 ("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.

SUBJECT: Petition for Annexation to the Salida Highway Lighting District
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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 Salida Highway 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:

MTC DISTRIBUTING, A CALIFORNIA CORPORATION

By:  Dated: 9-1-00

Print Name and Title: THOMAS R. EAKIN, PRES.

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MTC ANNEXATION TO THE
SALIDA HIGHWAY LIGHTING DISTRICT
EXHIBIT A

That portion of the Northwest Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the northwest corner of said Section 2; thence South $0^{\circ}35'35''$ East along the west line of said Section 2 a distance of 435.09 feet to the westerly prolongation of the north line of Parcel 2, as shown on the map filed in Book 33 of Parcel Maps at Page 4, Stanislaus County Records, being the POINT OF BEGINNING; thence (1) North $89^{\circ}51'21''$ East along said north line of Parcel 2, a distance of 913.26 feet to the northeast corner of said Parcel 2; thence (2) South $0^{\circ}35'25''$ East along the east line of said Parcel 2, a distance of 903.99 feet to the southeast corner of said Parcel 2; thence (3) South $89^{\circ}17'33''$ West along the south line of said Parcel 2, a distance of 913.19 feet to a point on the west line of said Northwest Quarter of Section 2; thence (4) North $0^{\circ}35'35''$ West along the west line of said Northwest Quarter, a distance of 912.97 feet to the POINT OF BEGINNING.

Area: 19.05 acres, more or less.

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NW CORNER OF SECTION 2,
T3S, R8E, MDB&M

KIERNAN AVENUE (STATE HWY. 219)

W LINE, SEC 2,
T3S, R8E, MDB&M

SCALE 1"=200'

LANDMARK BUSINESS
CENTER ANNEXATION
EFFECTIVE DATE: 11/1/88

STODDARD ROAD

S 0°35'35" E 435.09'

(1) N 89°51'21" E 913.26'

POINT OF BEGINNING

TECHNOLOGY DRIVE

MTC ANNEXATION
19.05 ACRES ±
APN 78-13-23

(2) S 0°35'25" E 903.99'

PARCEL 2
33-PM-4

(4) N 0°35'35" W 912.97'

W LINE, PARCEL 2

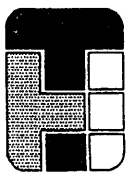
S LINE, PARCEL 2

W LINE, SEC 2,
T3S, R8E, MDB&M

(3) S 89°17'33" W 913.19'

EXISTING BOUNDARY OF THE SALIDA
HIGHWAY LIGHTING DISTRICT

LANDMARK BUSINESS
CENTER NO. 2 ANNEXATION
EFFECTIVE DATE: 2/25/92



**THOMPSON-HYSELL
ENGINEERS**

A DIVISION OF THE KEITH COMPANIES
1016 12TH STREET, MODESTO, CA 95354
(209) 521-8986 FAX (209) 521-9045

EXHIBIT "B"
MTC ANNEXATION TO THE
SALIDA HIGHWAY LIGHTING DISTRICT

A PORTION OF THE NORTHWEST 1/4
OF SECTION 2, T.3S., R.8E., MDB&M

BY: DH
DATE: 7-11-2000
SHEET: 1 OF 1
FILE: S:\MODESTO\2565\
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