

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

DEPT: PUBLIC WORKS
Urgent _____ Routine

BOARD AGENDA # *C-2

AGENDA DATE FEBRUARY 27, 2001

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

4/5 Vote Required YES NO _____

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE SALIDA HIGHWAY LIGHTING DISTRICT WITHOUT AN ELECTION (VIZCAYA 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. 2001-144

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 (VIZCAYA 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 (VIZCAYA ANNEXATION)

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DISCUSSION: On February 27, 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
(Vizcaya Annexation)**

- Petitioners 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 Petitioners are as follows:

SCM Vizcaya, a Nevada LLC
c/o SCM Corporate Group
Attention Steve Mothersell
1920 Standiford Avenue, Suite 1
Modesto, CA 95350

- Petitioners request 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 41.51 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:

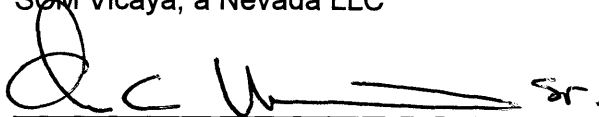
1. Find that the territory more particularly described on Exhibits "A" and "B" is owned by Petitioners, and that Petitioners' ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district.
2. Find that Stanislaus County 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.
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:

SGM Vicaya, a Nevada LLC

 sr. Date: 2/14/01
Steve Mothersell, President

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EXHIBIT "A"

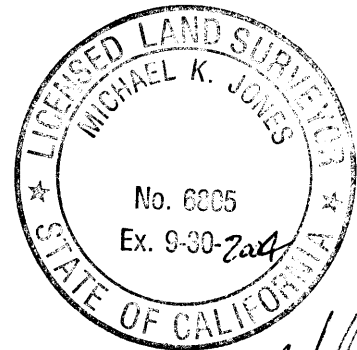
Vizcaya Annexation to Salida Highway Lighting District

All that certain real property being a portion of the Northwest Quarter of Section 33, Township 2 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the North Quarter Corner of said Section 33;

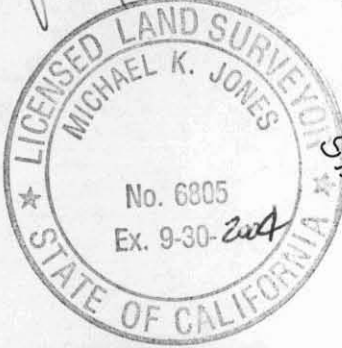
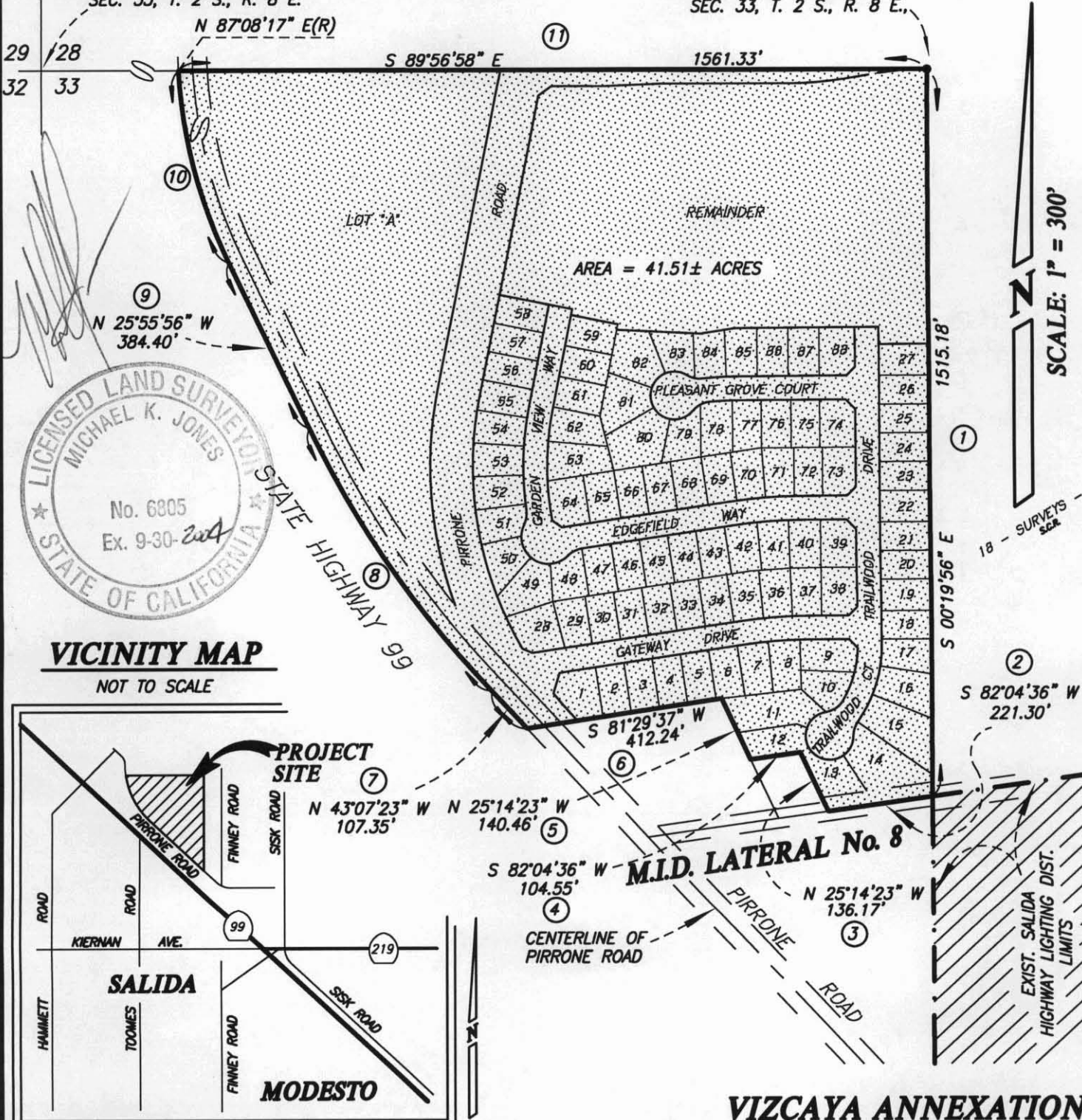
- 1.) thence South 00°19'56" East, along the East line of the Northwest Quarter of said Section 33, a distance of 1515.18 feet;
- 2.) thence South 82°04'36" West 221.30 feet;
- 3.) thence North 25°14'23" West 136.17 feet;
- 4.) thence South 82°04'36" West 104.55 feet;
- 5.) thence North 25°14'23" West 140.46 feet;
- 6.) thence South 81°29'37" West 412.24 feet;
- 7.) thence North 43°07'23" West 107.35 feet to a point of curvature, concave northeasterly, having a radius of 2230.00 feet, of which radius bears North 46°52'37" East;
- 8.) thence Northwesterly, along the arc of said curve, through a central angle of 17°11'27", an arc distance of 669.08 feet;
- 9.) thence North 25°55'56" West 384.40 feet to a point of curvature, concave northeasterly, having a radius of 1030.00 feet, of which radius bears North 64°04'04" East;
- 10.) thence Northwesterly, along the arc of said curve, through a central angle of 23°04'13", an arc distance of 414.73 feet to a point on the North line of said Northwest Quarter;
- 11.) thence South 89°56'58" East, along said North line, a distance of 1561.33 feet to the Point of Beginning, and containing 41.51 acres, more or less.

END DESCRIPTION

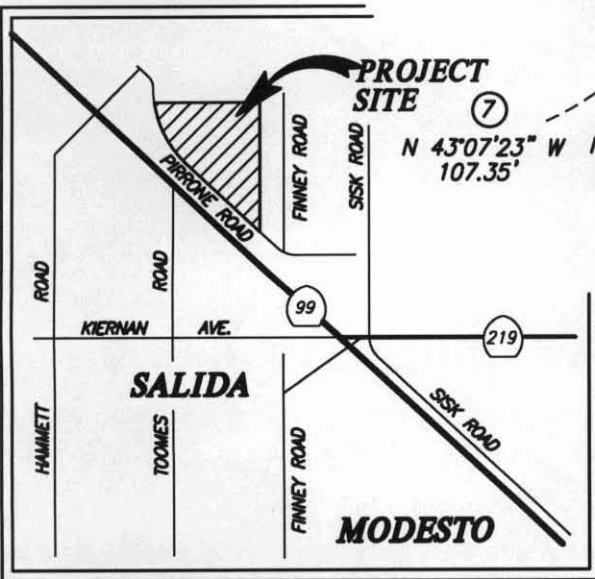


NORTHWEST CORNER OF
SEC. 33, T. 2 S., R. 8 E.

NORTH 1/4 CORNER OF
SEC. 33, T. 2 S., R. 8 E.,



VICINITY MAP
NOT TO SCALE



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	CHORD	TANGENT	CH. BEARING
8	17°11'27"	2230.00'	669.08'	666.57'	337.07'	S 34°31'39" E
10	23°04'13"	1030.00'	414.73'	411.93'	210.21'	S 14°23'50" E

**VIZCAYA ANNEXATION
TO
SALIDA HIGHWAY
LIGHTING DISTRICT**

SCALE : 1" = 300'
DRAWN BY : M. JONES
FILE : 3991LEG5.DWG
DATE : JAN. 17, 2001



O'Dell Engineering

1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

EXHIBIT "B"