

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

DEPT: PUBLIC WORKS

BOARD AGENDA # *C-2

Urgent _____ Routine x

AGENDA DATE APRIL 24, 2001

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

4/5 Vote Required YES _____ NO x

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH MC HENRY LIGHTING DISTRICT WITHOUT AN ELECTION (SMITH TRUST ANNEXATION)

STAFF
RECOMMEN-
DATIONS:

IT IS RECOMMENDED THAT YOU TAKE THE FOLLOWING ACTIONS:

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 AS FOLLOWS:

No. 2001-301

On motion of Supervisor Simon, Seconded by Supervisor Mayfield
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Blom

Abstaining: Supervisor: None

1) x Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No. DL-29-a-1

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH MC HENRY LIGHTING DISTRICT WITHOUT AN ELECTION (SMITH TRUST 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 NORTH MC HENRY 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 NORTH MC HENRY LIGHTING DISTRICT WITHOUT AN ELECTION (SMITH TRUST ANNEXATION)
PAGE: 3

DISCUSSION: On April 24, 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 North Mc Henry 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.

**RECORDED AT REQUEST OF
AND WHEN RECORDED MAIL TO:**
Stanislaus County
Department of Public Works
1010 10th Street, Suite 3500
Modesto, CA 95354
Attention: Ron Cherrier

for
Recorder

~~To Be Sent~~
With Board Item) 4.25.01 (2)

Document Title: **APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH MC
HENRY LIGHTING DISTRICT WITHOUT AN ELECTION (SMITH TRUST
ANNEXATION)**

EXHIBIT "A"
LEGAL DESCRIPTION

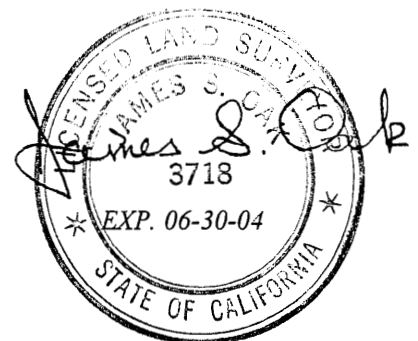
**SMITH TRUST ANNEXATION
TO THE
NORTH McHENRY LIGHTING DISTRICT**

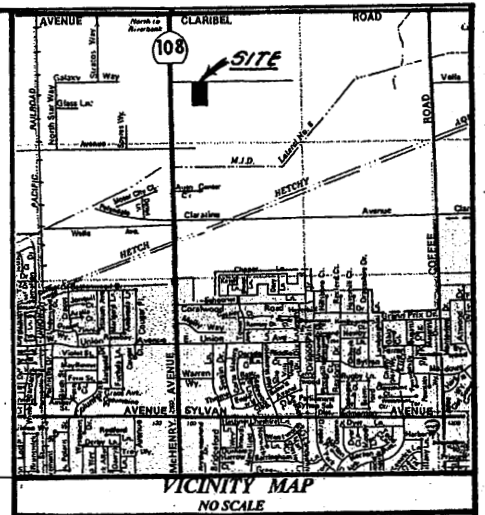
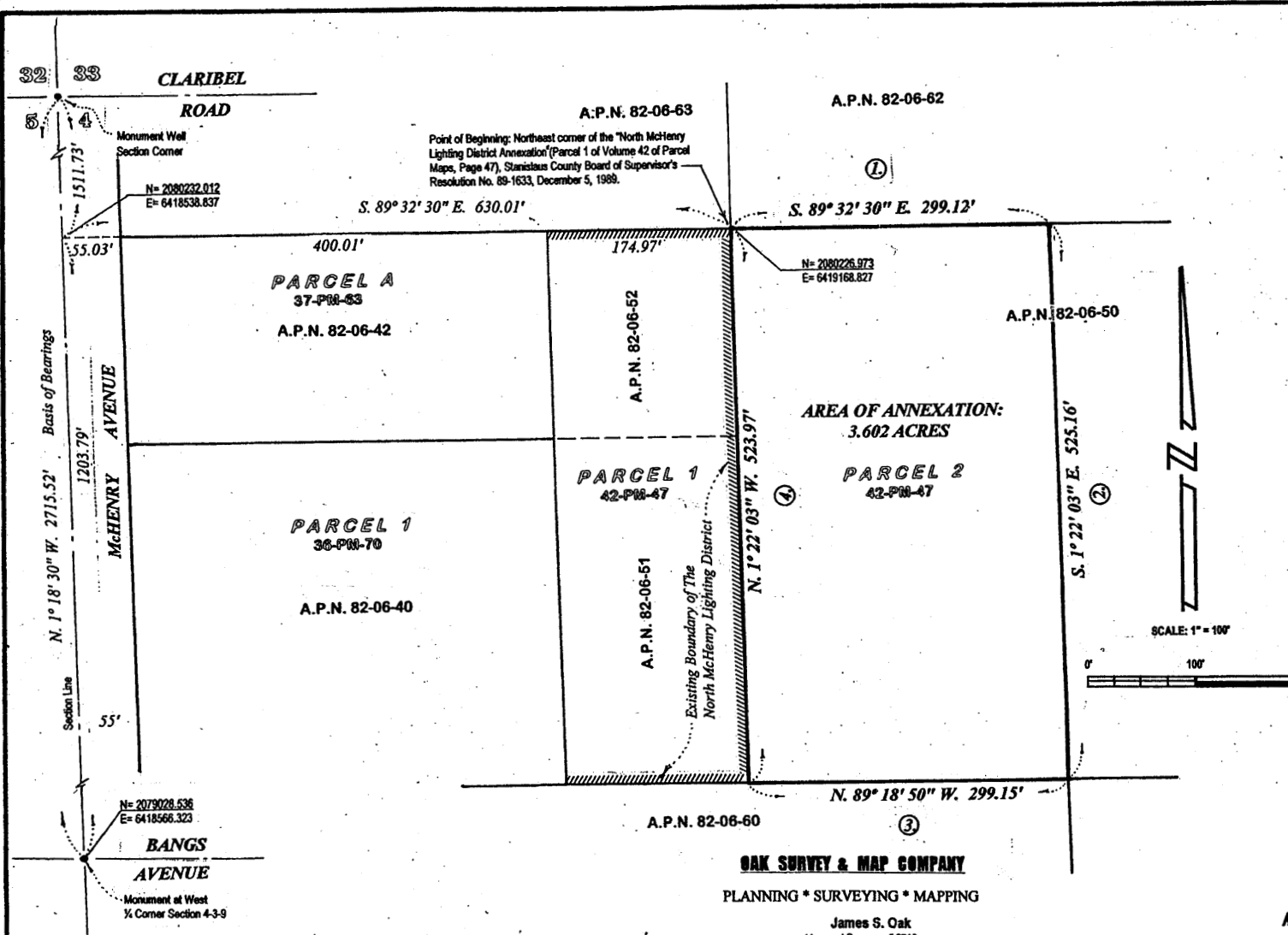
All that certain real property situate in a portion of Parcel 2. of Parcel Map recorded in Book 42 of Parcel Maps, at Page 47, Stanislaus County Records, being in a portion of the Northwest $\frac{1}{4}$ of Section 4, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the monument at the intersection of the center lines of McHenry Avenue and Bangs Avenue, said intersection being at the West Quarter corner of said Section 4, and with said point having coordinate values of Northing = 2079028.536 and Easting = 6418566.323; thence North $1^{\circ} 18' 30''$ West 1203.79 feet along the West line of said Section 4; thence leaving said West line South $89^{\circ} 32' 30''$ East 630.01 feet to the Northeast corner of the existing North McHenry Lighting District Annexation, (Parcel 1 of Volume 42 of Parcel Maps, Page 47), and the **POINT OF BEGINNING** with coordinates North 2080226.973 and East 6419168.827; thence continuing (1.) South $89^{\circ} 32' 30''$ East 299.12 feet; thence (2.) South $1^{\circ} 22' 03''$ East 525.16 feet; thence (3.) North $89^{\circ} 18' 50''$ West 299.15 feet; to the Southeast corner of said existing North McHenry Lighting District Annexation; thence (4.) North $1^{\circ} 22' 03''$ West 523.97 feet along the East line of said existing North McHenry Lighting District Annexation to the point of beginning.

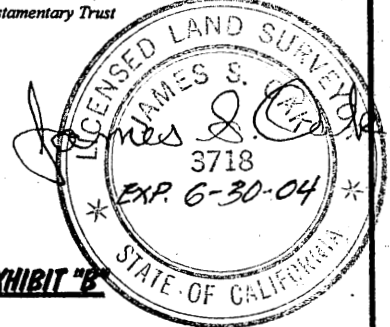
CONTAINING: 3.602 Acres, more or less.

Bearings, distances and coordinates are based on California Coordinate System, NAD83.





OWNER:
James W. Smith, Trustee of the J. W. Smith Revocable Trust, and the Yvonne M. Smith Testamentary Trust



OAK SURVEY & MAP COMPANY
PLANNING * SURVEYING * MAPPING

James S. Oak
Licensed Surveyor # 3718

P.O. Box 4061
Modesto, California 95352
Direct: 209.602.2955
Fax: 209.526.5590
E-mail: jamesoak@msn.com

BASIS OF BEARINGS:
The bearing of N. 1° 18' 30" W. between found Monuments along the West line of Section 4, Township 3 South, Range 9 East, between the West 1/4 Section corner at Bangs Avenue and the Northwest Section corner at Claribel Road.

SMITH TRUST ANNEXATION
TO
NORTH McHENRY LIGHTING DISTRICT
BEING A PORTION OF PARCEL 2, VOLUME 42 OF PARCEL MAPS, PAGE 47, STANISLAUS COUNTY RECORDS, IN A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA
MARCH, 2001
SCALE: 1" = 100'

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

**PETITION FOR ANNEXATION OF TERRITORY TO THE
NORTH MCHENRY LIGHTING DISTRICT**

(The J. W. Smith Revocable Trust and The Yvonne M. Smith Testamentary Trust
APN: 082-06-50)

- Petitioners hereby submits a Petition for annexation to the North McHenry 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:

The J. W. Smith Revocable Trust, and
The Yvonne M. Smith Testamentary Trust
233 Fairwood Drive
Oakdale, CA 95361

- Petitioners request that the territory described on Exhibits "A" and "B" ("territory") be annexed to the North McHenry Lighting District of Stanislaus County. The territory proposed to be annexed contains approximately 3.6 acres and has two owners.
- 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:

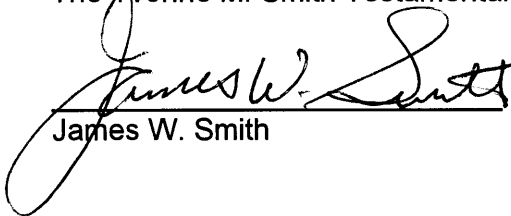
1. Find that the territory more particularly described on Exhibits "A" and "B" is owned by Petitioners, and that Petitioners' ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district.
2. Find that Stanislaus County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

James W. Smith, Trustee of:
The J. W. Smith Revocable Trust;
The Yvonne M. Smith Testamentary Trust


James W. Smith

Dated: 3/17/01

(H:\services\SL-Petition.JimSmith.rc)

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EXHIBIT "A"
LEGAL DESCRIPTION

**SMITH TRUST ANNEXATION
TO THE
NORTH McHENRY LIGHTING DISTRICT**

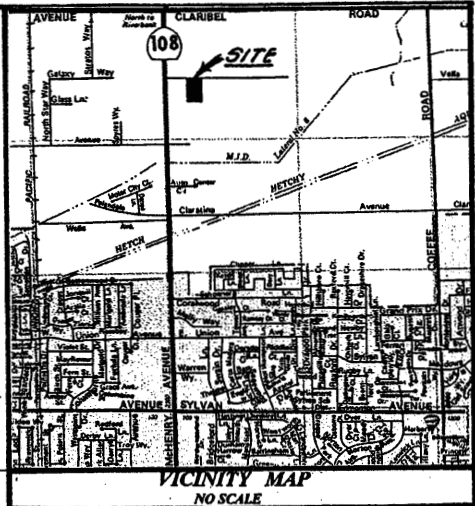
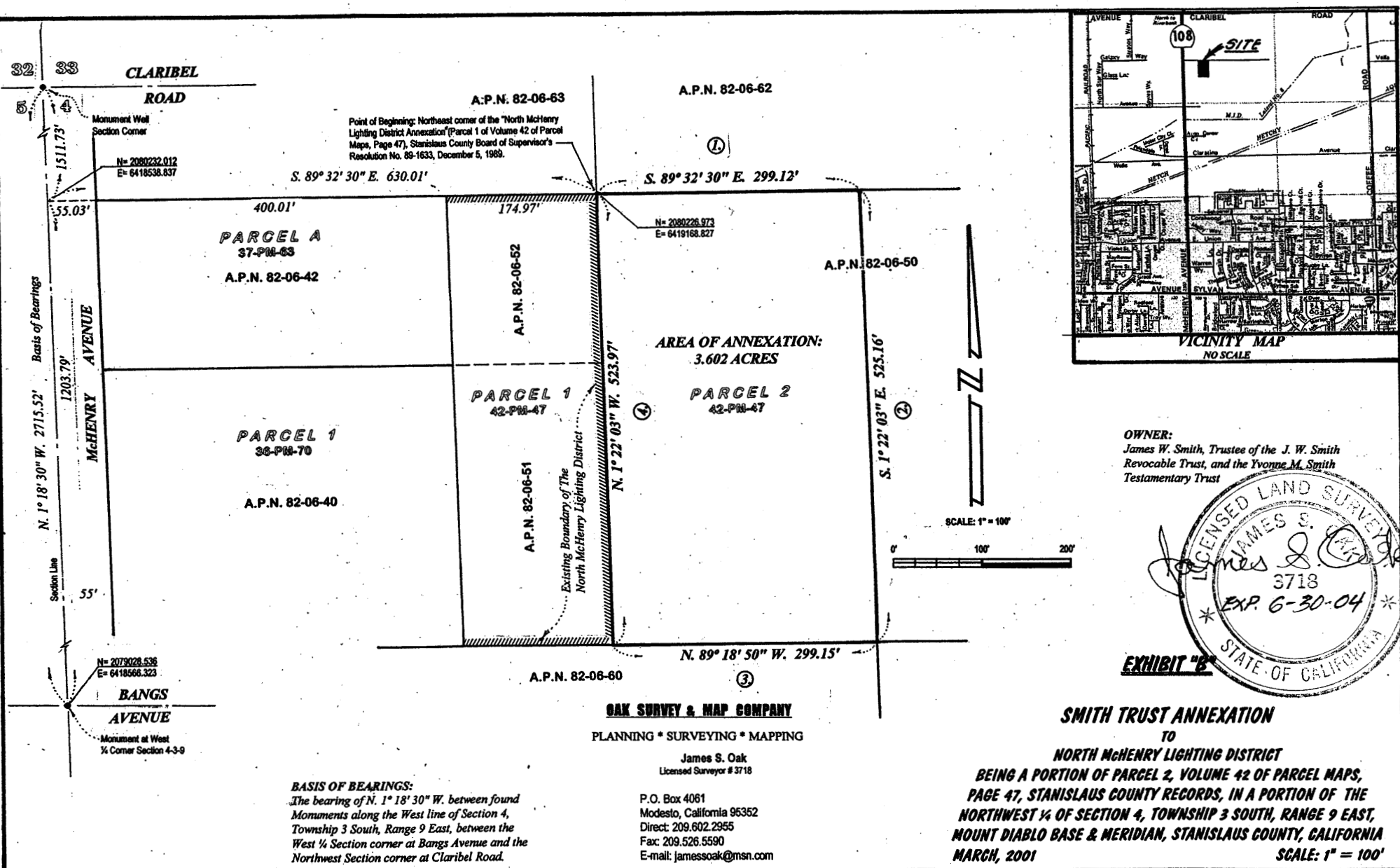
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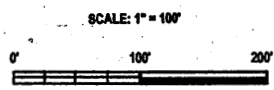
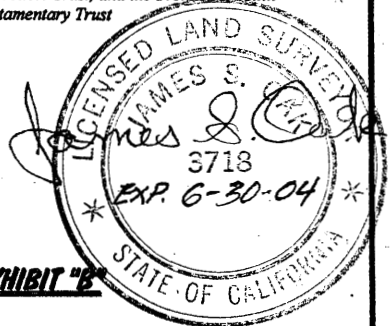
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BASIS OF BEARINGS:
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 TO
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 MARCH, 2001
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