

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

DEPT: PUBLIC WORKS *gr*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE NOVEMBER 20, 2001

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH MCHENRY LIGHTING DISTRICT WITHOUT AN ELECTION -- (BANGS INDUSTRIAL PARK 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 AS FOLLOWS:

No. 2001-897

On motion of Supervisor Caruso , Seconded by Supervisor Blom

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:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No. DL-29-A-4

SUBJECT: APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH MCHENRY LIGHTING DISTRICT WITHOUT AN ELECTION – (BANGS INDUSTRIAL PARK 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 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 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 MCHENRY LIGHTING DISTRICT WITHOUT AN ELECTION -- (BANGS INDUSTRIAL PARK ANNEXATION)

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DISCUSSION: On November 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 North McHenry 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
NORTH MCHENRY LIGHTING DISTRICT**

Bangs Industrial Park
APN: 046-11-13)

- Petitioner 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 Petitioner is as follows: _____

Randy Thomas
424 Evelyn Way
Modesto, CA 95356

- Petitioner 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 22.54 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:

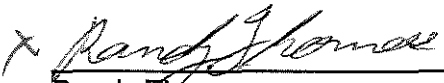
1. Find that the territory more particularly described on Exhibits "A" and "B" is owned by Petitioner, and that Petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district.
2. Find that Stanislaus County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

Randy Thomas:



Randy Thomas

Dated: 5-29-2001

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

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JOB NO. 00-21

EXHIBIT A

BANGS INDUSTRIAL PARK ANNEXATION
TO THE
NORTH MCHENRY LIGHTING DISTRICT

All that certain real property situated in the County of Stanislaus, State of California and lying within a portion of the Northeast Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; being more particularly described as follows:

Roy A. Galli
R.C.E. 16,024

Dennis E. Wilson
Planning Consultant

P.O. Box 1448
Modesto, California
95353

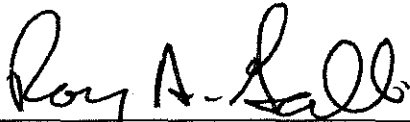
phone 209.491.7620
fax 209.491.7626

Beginning at a point marking the southwest corner of Parcel B, as said Parcel B is shown on the map filed for record in Book 36 of Parcel Maps, at Page 48, Stanislaus County Records, said point is also the centerline – centerline intersection between Bangs Avenue and Spyres Way; thence in a westerly direction, along the centerline of said Bangs Avenue North 89 degrees 10 minutes 26 seconds West, a distance of 765.38 feet to a point marking the intersection between the centerline of Bangs Avenue with the southerly prolongation of the easterly line of Parcel 3 as said Parcel 3 is shown on the map filed for record in Book 20 of Parcel Maps at Page 43, Stanislaus County Records; thence northerly along the prolongation of said easterly line of said Parcel 3, and along the easterly line of said Parcel 3, and along the northerly prolongation of said easterly line of said Parcel 3 to the southeasterly corner of Parcel 2 as said Parcel 2 is shown on the map filed for record in Book 20 of Parcel Maps at Page 43, Stanislaus County Records; thence continue in a northerly direction along the easterly line of said Parcel 2, North 1 degree 38 minutes 32 seconds West, a distance of 1281.80 feet to the northeast corner of said Parcel 2, said corner also being a point in the southerly line of Parcel 2 as said Parcel 2 is shown on map filed for record in Book 45 of Parcel Maps at Page 87, Stanislaus County Records; thence in an easterly direction along the southerly line of said Parcel 2 and along the southerly lines of Parcel 3 and Parcel 1 as said Parcels 3 and 1 are as shown on map filed for record in Book 45 of Parcel Maps at Page 87, and along the southerly lines of Parcels 8 and 7 as said Parcels 8 and 7 are shown on the map filed for record in Book 35 of Parcel Maps at Page 34, Stanislaus County Records, South 89 degrees 25

minutes 39 seconds East, a distance of 765.57 feet to the southeast corner of said Lot 7; thence in a southerly direction along the northerly prolongation of the westerly line of Parcel 2 as said Parcel 2 is shown on the map filed for record in Book 48 of Parcel Maps at Page 78, Stanislaus County Records; and continuing southerly along the westerly line of said Parcel 2, and along the westerly line of Parcel 2 as said Parcel 2 is shown on map filed for record in Book 36 of Parcel Maps at Page 91, Stanislaus County Records, and along the westerly line of Parcel B as said Parcel B is shown on map filed for record in Book 36 of Parcel Maps at Page 48, Stanislaus County Records, South 1 degree 37 minutes 39 seconds East, a distance of 1285.18 feet to the south west corner of said Parcel B and the point of beginning of this description.

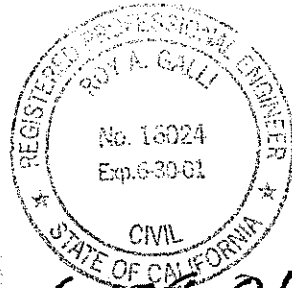
SUBJECT TO: All easements and/or rights-of-way of record.

Containing: 22.536 acres of land more or less.

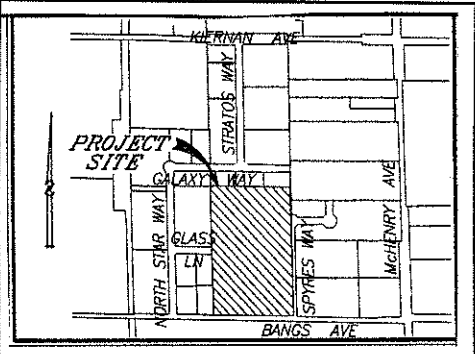
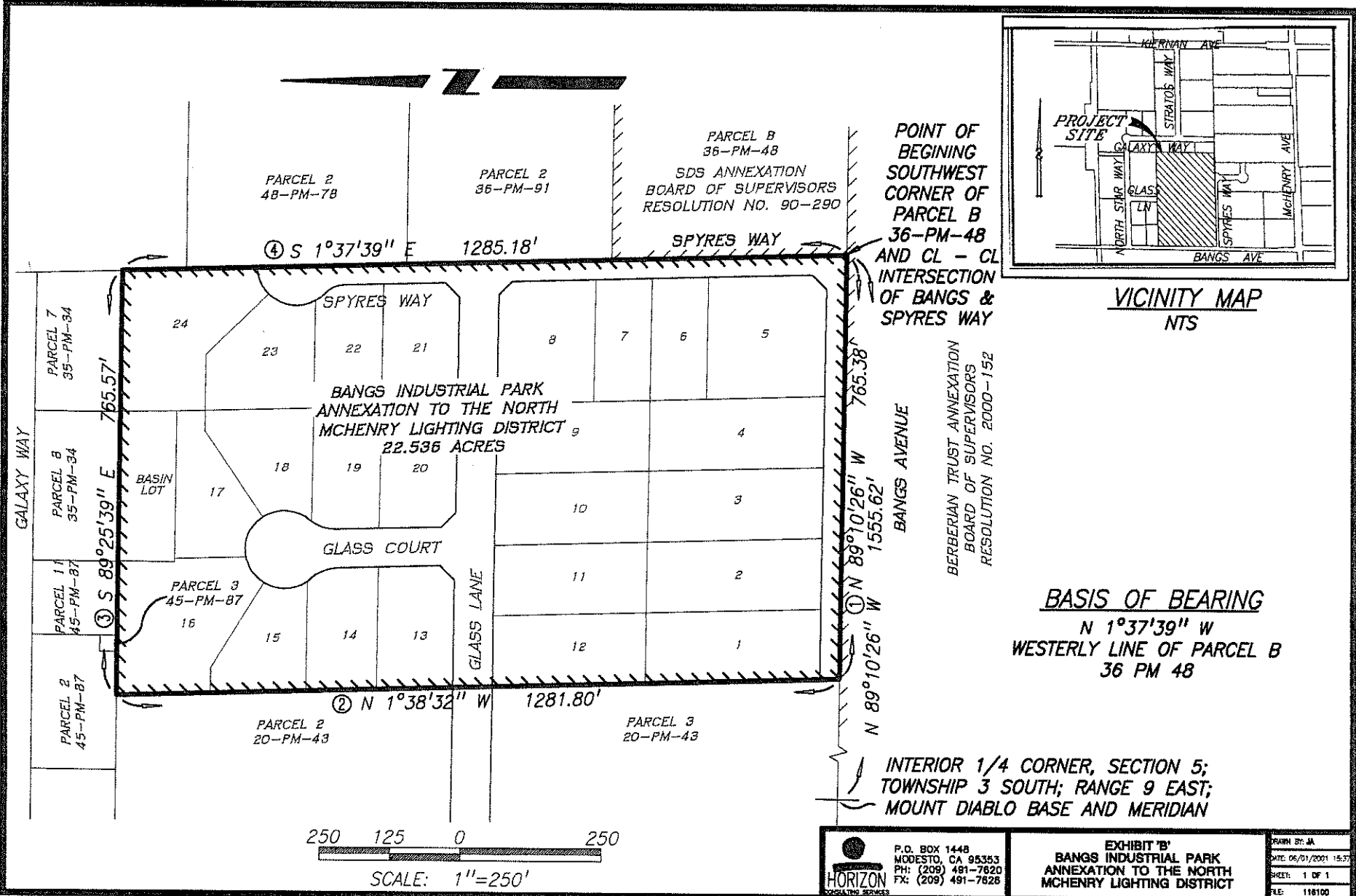


Roy A. Galli, R.C.E. 16024

April 6, 2001



6-09-01



HORIZON
 LOCAL SERVICES
 P.O. BOX 1448
 MODOSTO, CA 95353
 PH: (209) 491-7620
 FX: (209) 491-7626

EXHIBIT 'B'
 BANGS INDUSTRIAL PARK
 ANNEXATION TO THE NORTH
 MCHENRY LIGHTING DISTRICT

DRAWN BY: JA
 DATE: 06/01/2001 15:57
 SHEET: 1 OF 1
 FILE: 118100

**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

Document Title: **APPROVAL OF ANNEXATION OF TERRITORY TO THE NORTH
McHENRY LIGHTING DISTRICT WITHOUT AN ELECTION (BANGS
INDUSTRIAL PARK)**