

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

DEPT: Public Works 9

BOARD AGENDA# *C-2

Urgent Routine ✓

AGENDA DATE June 7, 2005

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO ✓

(Information Attached)

SUBJECT:

Approval of Annexation of Territory to the Golden State Lighting District Without an Election
(Donovan Annexation - PM 2004-12 - APN: 045-021-009) in Keyes

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 the Golden State Lighting District.

(Continued on Page 2)

FISCAL
IMPACT:

There is no fiscal impact to the County associated with this item. The developer is paying for and installing the street lights. The operating and maintenance costs of the lighting district are paid by assessments levied on parcels within the district.

BOARD ACTION AS FOLLOWS:

No. 2005-433

On motion of Supervisor Simon, Seconded by Supervisor Mayfield

and approved by the following vote,

Ayes: Supervisors: O'Brien, Mayfield, Simon, DeMartini and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Approval of Annexation of Territory to the Golden State Lighting District Without an Election
(Donovan Annexation - PM 2004-12 - APN: 045-021-009) in Keyes

Page 2

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 Golden State 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.
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.

DISCUSSION:

On June 7, 2005, 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 Golden State 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

**Approval of Annexation of Territory to the Golden State Lighting District Without an Election
(Donovan Annexation - PM 2004-12 - APN: 045-021-009) in Keyes**

Page 3

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 ISSUES:

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:ke

H:\Services\DONOVAN - LDA.RC

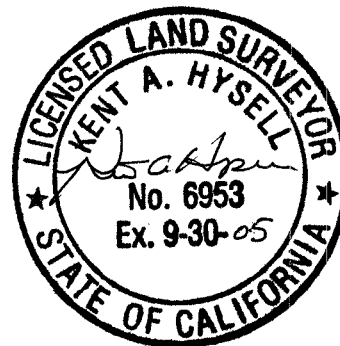
EXHIBIT "A"

**LEGAL DESCRIPTION
FOR THE ANNEXATION TO
GOLDEN STATE LIGHTING DISTRICT
(Donovan Annexation - PM 2004-12 - A.P.N.: 045-021-009)**

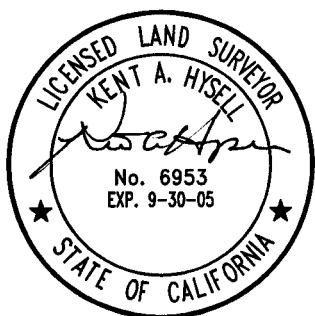
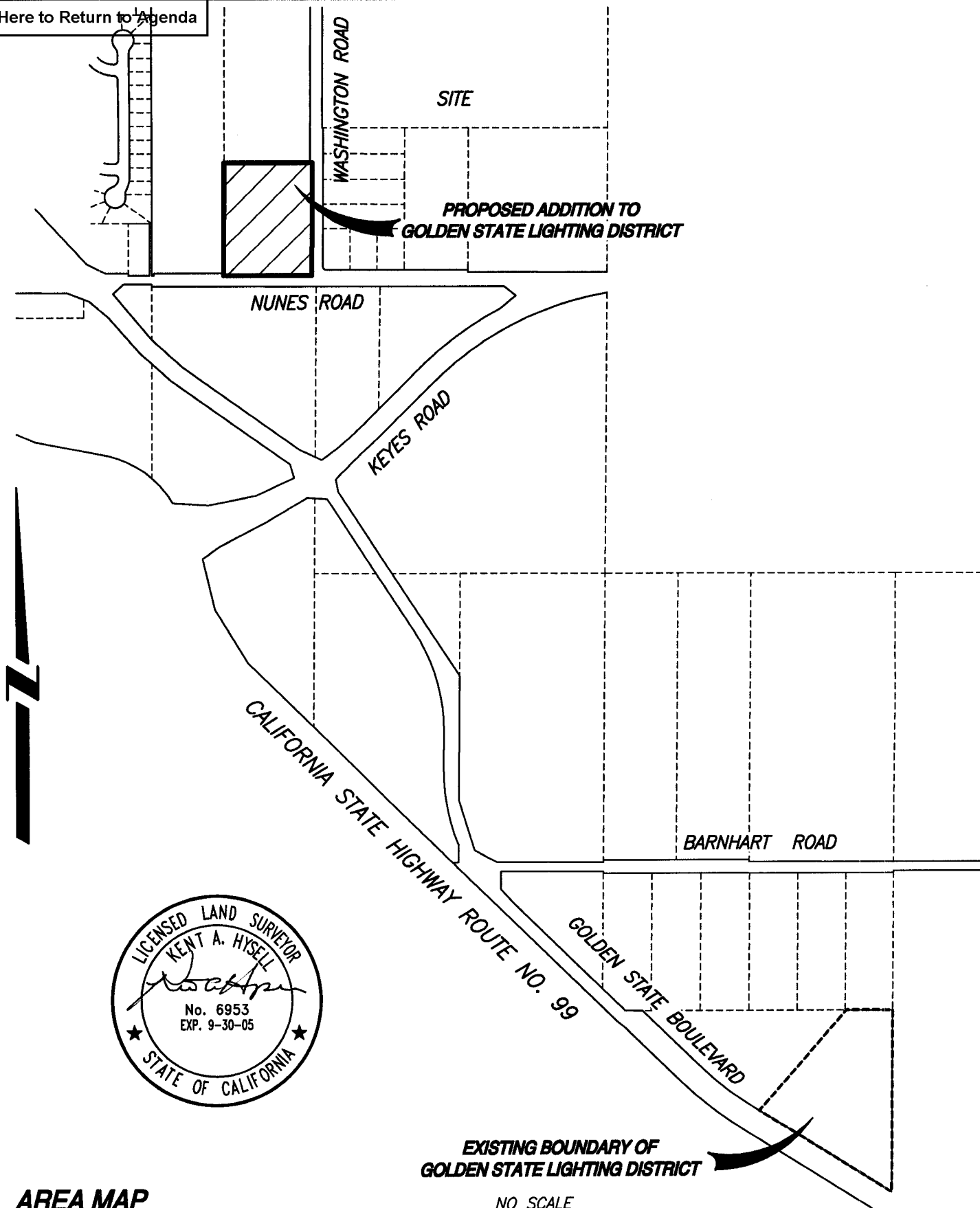
All that certain real property situate, lying and being a portion of the east half of the southeast quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the found 1-1/2" iron pipe in a monument well at the southeast corner of said Section 30, said point also being the intersection of the centerlines of Washington Road and Nunes Road and having a coordinate of N=2023434.26, E=6445152.54 per the California Coordinate System, Zone III, 1983 datum; thence 1) North 89°43'30" West 423.00 feet, along the south section line of said Section 30 and the centerline of said Nunes Road, as shown on that certain survey filed in Book 27 of Surveys, at Page 40, Stanislaus County Records, to the westerly prolongation of the westerly property line of the Bacon Property as shown on that certain survey filed in Book 9 of Surveys, at Page 120, Stanislaus County Records; thence 2) North 0°27'47" East 534.97 feet along the prolongation of and the westerly property line of said Bacon Property, to the northwesterly corner of said Bacon Property; thence 3) South 89°43'30" East 423.00 feet, along the northerly property line of said Bacon Property, to the east section line of said Section 30 and the centerline of said Washington Avenue, as shown on said certain survey filed in Book 27 of Surveys, at Page 40, Stanislaus County Records; thence 4) South 0°27'47" West 534.97 feet, along said east section line of Section 30 and the centerline of said Washington Avenue, to the point of beginning.

Containing 5.19 Acres, more or less.



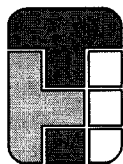
Subject to: Covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.



AREA MAP

NO SCALE

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ENGINEERS**

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

EXHIBIT "B-1"
**ANNEXATION
TO GOLDEN STATE
LIGHTING DISTRICT**
STANISLAUS COUNTY, CALIFORNIA

BY: rk
DATE: 11/30/04
SHEET: 1 OF 2
FILE:

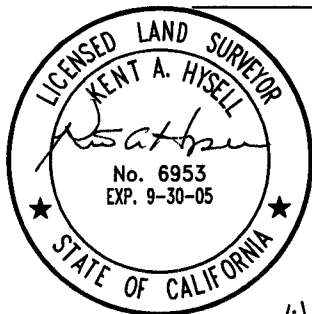
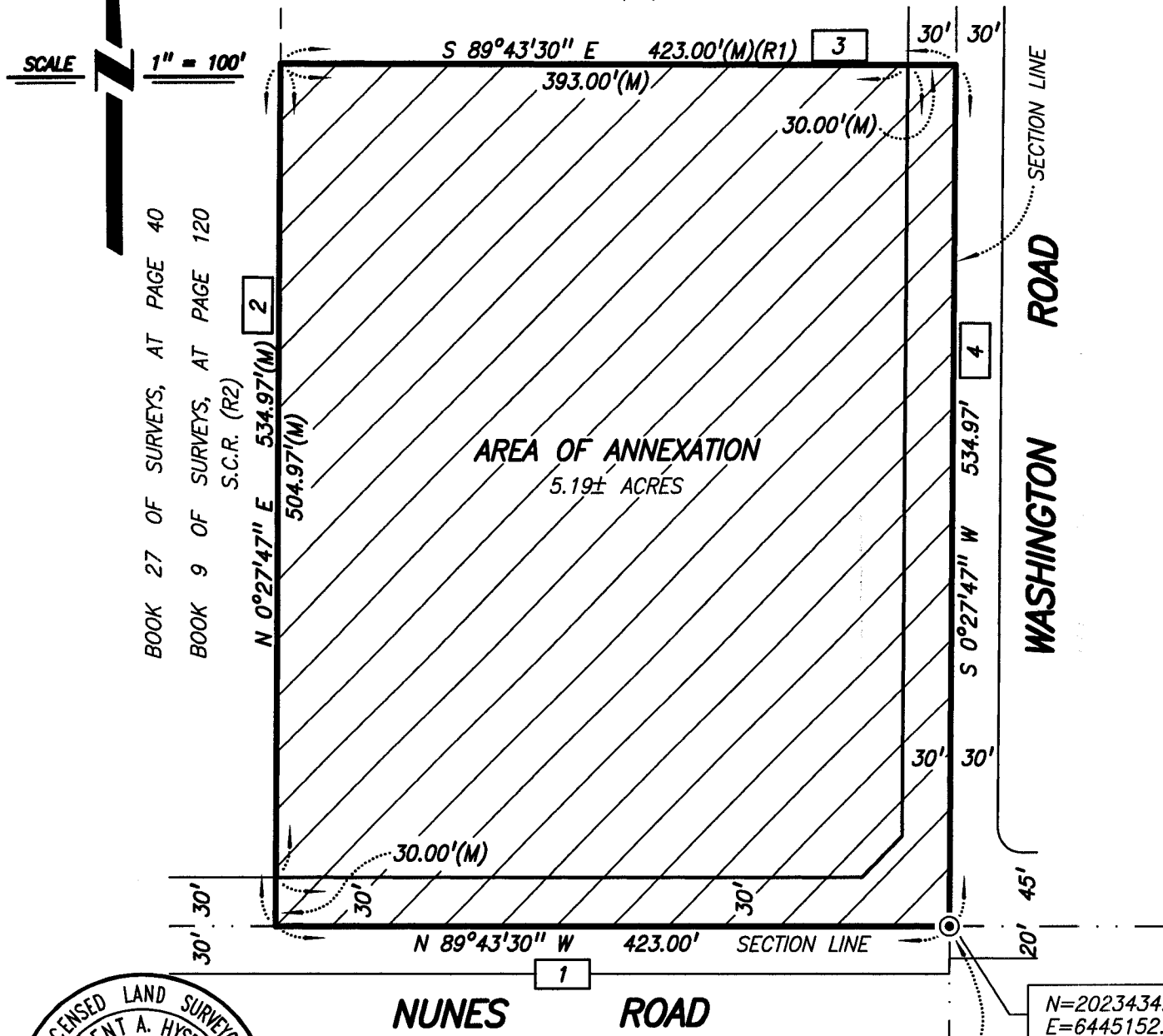
LEGEND:

S.C.R. STANISLAUS COUNTY RECORDS

REFERENCES:

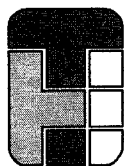
- (M) MEASURED BEARING & DISTANCE
 (R1) BOOK 9-SURVEYS-PAGE 120, S.C.R.
 (R2) BOOK 34-PARCEL MAPS-PAGE 76 S.C.R.

P A R C E L " 2 "

BOOK 34 OF PARCEL MAPS, AT PAGE 76
S.C.R. (R3)

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EXHIBIT "B-2"
ANNEXATION
TO GOLDEN STATE
LIGHTING DISTRICT
 STANISLAUS COUNTY, CALIFORNIA

BY: rk

DATE: 11/30/04

SHEET: 2 OF 2

FILE:

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

**PETITION FOR ANNEXATION OF TERRITORY TO THE
GOLDEN STATE LIGHTING DISTRICT**

(Donovan Annexation -- PM 2004-12 -- APN: 045-021-009)

- Petitioners hereby submit a Petition for annexation to the Golden State 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:

Daniel Donovan and Christina Donovan
5851 Washington Road
Hughson, CA 95326

- Petitioners request that the territory described on Exhibits "A", "B-1" and "B-2" ("territory") be annexed to the Golden State Lighting District of Stanislaus County. The territory proposed to be annexed contains approximately 5.20 acres and has two owners.
- Petitioners represent and warrant 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 takes the following actions:

1. Find that the territory more particularly described on Exhibits "A", "B-1" and "B-2" 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.
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.

SUBJECT: Petition for Annexation to the Golden State Lighting District
Page 2

6. Order that the territory shall be annexed to the Golden State 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:

Daniel Donovan

Daniel Donovan

Dated: 1-26-05

Christina Donovan

Christina Donovan

Dated: 1-26-05

(H:\Services\SL Annex Petition PM 2004-12 Golden State LD.rc)

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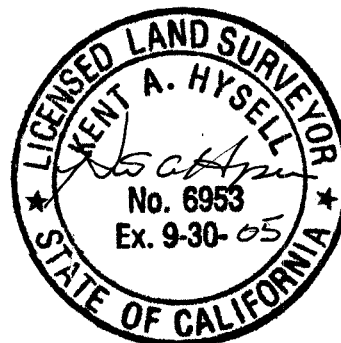
EXHIBIT "A"

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FOR THE ANNEXATION TO
GOLDEN STATE LIGHTING DISTRICT
(Donovan Annexation - PM 2004-12 - A.P.N.: 045-021-009)

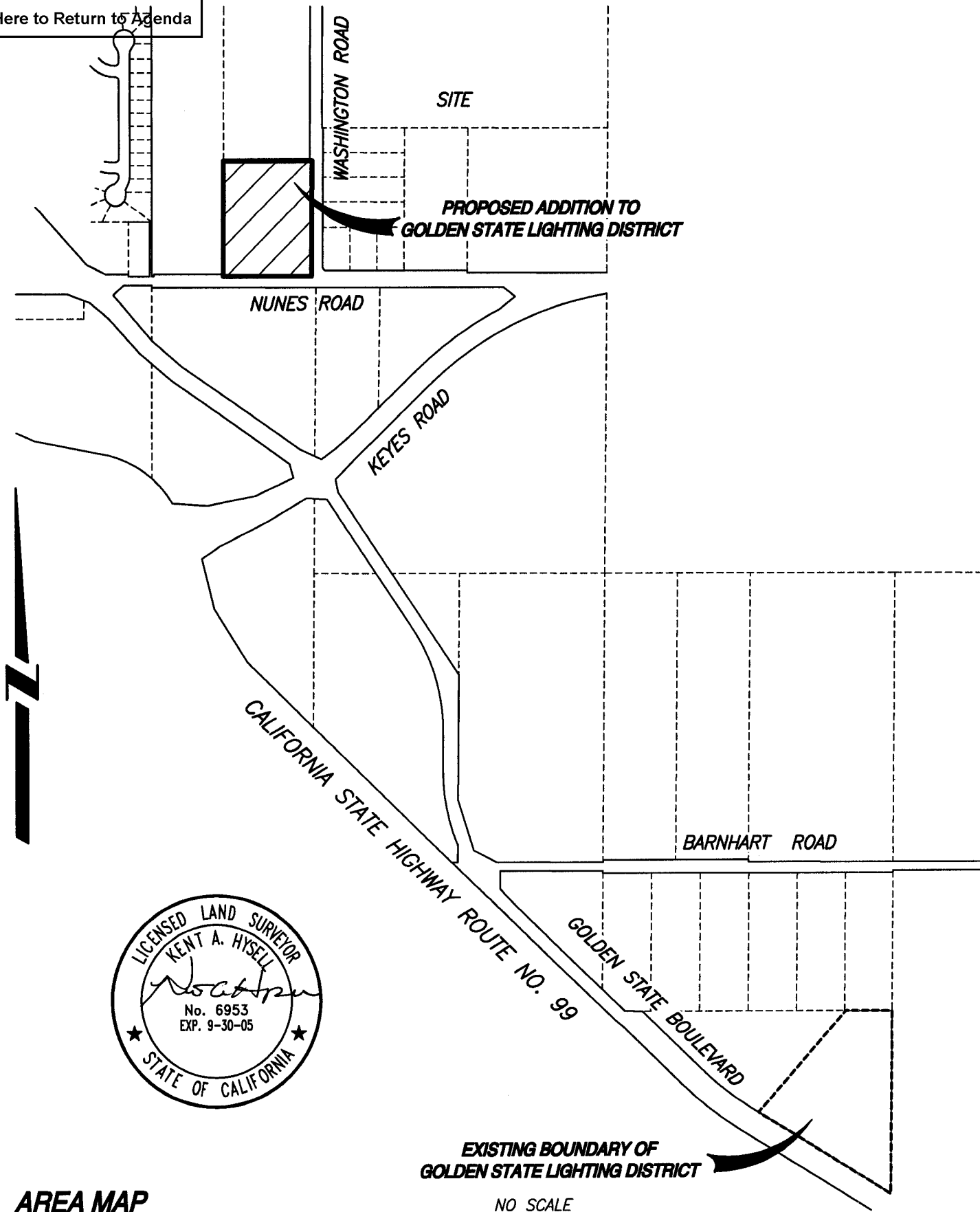
All that certain real property situate, lying and being a portion of the east half of the southeast quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the found 1-1/2" iron pipe in a monument well at the southeast corner of said Section 30, said point also being the intersection of the centerlines of Washington Road and Nunes Road and having a coordinate of N=2023434.26, E=6445152.54 per the California Coordinate System, Zone III, 1983 datum; thence 1) North 89°43'30" West 423.00 feet, along the south section line of said Section 30 and the centerline of said Nunes Road, as shown on that certain survey filed in Book 27 of Surveys, at Page 40, Stanislaus County Records, to the westerly prolongation of the westerly property line of the Bacon Property as shown on that certain survey filed in Book 9 of Surveys, at Page 120, Stanislaus County Records; thence 2) North 0°27'47" East 534.97 feet along the prolongation of and the westerly property line of said Bacon Property, to the northwesterly corner of said Bacon Property; thence 3) South 89°43'30" East 423.00 feet, along the northerly property line of said Bacon Property, to the east section line of said Section 30 and the centerline of said Washington Avenue, as shown on said certain survey filed in Book 27 of Surveys, at Page 40, Stanislaus County Records; thence 4) South 0°27'47" West 534.97 feet, along said east section line of Section 30 and the centerline of said Washington Avenue, to the point of beginning.

Containing 5.19 Acres, more or less.



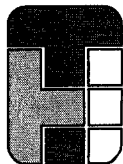
Subject to: Covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.



AREA MAP

NO SCALE

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EXHIBIT "B-1"
ANNEXATION
TO GOLDEN STATE
LIGHTING DISTRICT
STANISLAUS COUNTY, CALIFORNIA

BY:	rk
DATE:	11/30/04
SHEET:	1 OF 2
FILE:	

(M) MEASURED BEARING & DISTANCE
(R1) BOOK 9-SURVEYS-PAGE 120, S.C.R.
(R2) BOOK 34-PARCEL MAPS-PAGE 76 S.C.R.

INTERIOR SECTION CORNER SECTION 30

S 89°38'52" E 5362.61'

$N=2026108.31$
 $E=6439811.37$

FOUND 2" IRON PIPE IN MONUMENT WELL,
NO TAG, AT EAST SECTION CORNER SECTION 30

$N=2026075.35$
 $E=6445173.88$

SCALE 1"=100'

FOUND 3-1/2" BRASS DISK IN MONUMENT WELL,
AT SOUTHWEST SECTION CORNER SECTION 30

N 0°14'03" E 2648.38'

BOOK 9 OF SURVEYS, AT PAGE 120

S.C.R. (R1)

$N=2023434.26$
 $E=6445152.54$

N 0°27'47" E	534.97'(M)	2
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504.97'(M)

S 89°43'30" E 423.00'(M)(R1)
393.00'(M)

30.00'(M)

AREA OF ANNEXATION

5.19± ACRES

A.P.N. 045-021-009

WASHINGTON ROAD SECTION LINE

S 0°27'47" W 2641.18'

30' | 30'

N 89°43'30" W 5352.06'

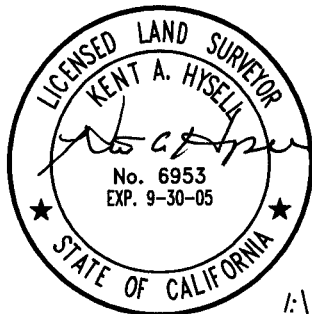
NUNES

ROAD

POINT OF BEGINNING
FOUND 1-1/2" IRON PIPE
IN MONUMENT WELL, NO TAG
AT SOUTHEAST SECTION CORNER
SECTION 30, T. 4 S., R. 10 E.
(R1)(R2)

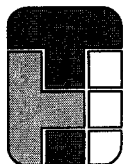
$$N=2023434.26$$
$$E=6445152.54$$

PER CALIFORNIA
STATE PLANE
COORDINATE
SYSTEM, ZONE III
NAD 1983



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EXHIBIT "B-2"
ANNEXATION
TO GOLDEN STATE
LIGHTING DISTRICT
STANISLAUS COUNTY, CALIFORNIA

BY: rk

DATE: 11/30/04

SHEET: 2 OF 2

FILE:

**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 GOLDEN STATE
LIGHTING DISTRICT WITHOUT AN ELECTION (DONOVAN
ANNEXATION - PM 2004-12 - APN: 045-021-009) IN KEYES**