

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

DEPT: Public Works *mkj*

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE November 18, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Beard Industrial Lighting District

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the formation of the Beard Industrial Lighting District.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.

FISCAL IMPACT:

All costs associated with the formation will be borne by the applicant. Ongoing operation and maintenance of the Beard Industrial Lighting District will be borne by the district.

BOARD ACTION AS FOLLOWS:

No. 2008-784

On motion of Supervisor Monteith, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-42-1

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Beard Industrial Lighting District

DISCUSSION:

The Board of Supervisors may adopt a resolution in accordance with section 19056 of the California Streets and Highway Code to form a lighting district where the subdivider by ordinance is required to install a street lighting system and form a lighting district.

The proposed Beard Industrial Lighting District is located in east Modesto on Finch Road east of Mitchell Road and intersects Mariposa Road. The 33.67-acre business park contains 18 parcels with one of those parcels dedicated for the sanitary sewer lift station that serves the business park. The proposed district will operate and maintain a total of 18 existing lights, sixteen (16) 150 watt Sodium Vapor Luminaries and two (2) 200 watt Sodium Vapor Luminaries.

Per item #23 of the "Conditions of Approval" of Parcel Map2005-19, "A lighting district shall be formed for the area being subdivided to pay for the ongoing and maintenance costs of the street lights".

The formation of a lighting district is a multiple phase process:

- Adopt a resolution initiating proceedings for the formation of the Beard Industrial Lighting District;
- Prepare an Engineer's Report to spread the cost of the improvements over the benefitting parcels;
- Adopt a resolution of intention for the formation, and set a Public Hearing for the formation and to levy assessments;
- Send a mail-in ballot to affected landowners with ballots tabulated at the public hearing;
- Affected landowners will be given an opportunity to speak for or against the formation or the proposed assessment at the public hearing; and,
- At the conclusion of the public hearing, the Board may adopt a resolution ordering the formation of the Beard Industrial Lighting District be approved if a majority protest is not filed.

Attachment A shows the proposed boundary of the Beard Industrial Lighting District.

POLICY ISSUES:

The Board should consider if the recommended action is consistent with its priorities of providing a safe community and a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 18, 2008

No. 2008-784

On motion of Supervisor Monteith Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-3

APPROVAL TO ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF THE
BEARD INDUSTRIAL LIGHTING DISTRICT

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. The formation of the Beard Industrial Lighting District is a requirement of the "Conditions of Approval" for Parcel Map 2005-19, and by Stanislaus County code section 20.56.210.
2. The territory to be formed shall consist of all that land shown on the attached map (Exhibit A), and shall be called the "Beard Industrial Lighting District of Stanislaus County".
3. All of the lighting facilities have been constructed within the proposed district and are in compliance with the approved set of "Improvement Plans". Upon approval of the formation of the Beard Industrial Lighting District the County of Stanislaus will operate and maintain all the luminaries within said district.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Engineer is ordered to prepare and file an Engineer's Report for this Formation.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



**GEOGRAPHIC DESCRIPTION
BEARD INDUSTRIAL LIGHTING DISTRICT
EXHIBIT A**

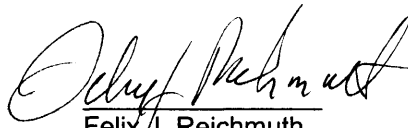
All that certain real property, being situated in the County of Stanislaus, State of California, described as follows:

All of Parcels 1 through 18 as shown on that certain parcel map filed for record the 13th day of July 2006, in Book 54 of Parcel Maps, at Page 66, Instrument No. 2006-104801, Stanislaus County Records, lying in Sections 1 and 2, Township 4 South, Range 9 East, and Sections 35 and 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, State of California, more particularly described as follows:

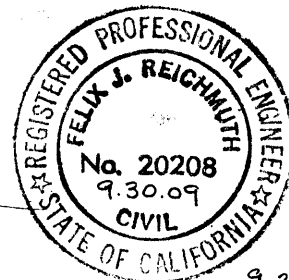
COMMENCING at the common corner of said Section 1 and 2, T. 4 S., R. 9 E. and Sections 35 and 36, T. 3S R. 9 E., said point being 35.00 feet southerly of the center line of Finch Road as shown on said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records, thence North 0°39'51" West 35.00 to an angle point on the centerline of said Finch road and **THE POINT OF BEGINNING**; (1) thence 35.00 feet northerly and parallel with the north line of said Section 2 and along the centerline of said Finch Road North 89°20'09" East 1618.81 feet to point being the intersection of prolongation of the easterly line of Parcel 8 (54-PM-66) with the center line of Finch Road; (2) thence along said prolongation of the easterly line of Parcel 8 (54-PM-66) South 00°39'51" East 55.00 feet to the northeast corner of Parcel 8 (54-PM-66); (3) thence continue along the easterly line of said Parcel 8 and Parcel 17 (54-PM-66) South 00°39'51" East 599.99 feet to a point on the southeast corner of Parcel 17 (54-PM-66); (4) thence South 89°20'09" West 132.36 feet; (5) thence South 00°54'20" East 50.00 feet; (6) thence South 89°20'09" West 126.00 feet; (7) thence North 00°54'20" West 50.00 feet; (8) thence along the southerly line of Parcels 16 through 9 of said Parcels Map (54-PM-66) South 89°20'09" West 1841.97 feet to a point on northeasterly right of way of 200.00 foot wide Mitchell Road and the southwest; (9) thence along said northeasterly right of way of said Mitchell Road North 55°55'19" West 161.13 feet to the southwest corner of Parcel 9 (54-PM-66); (10) thence leaving said northeasterly right of way of said Mitchell Road North 01°04'54" West 517.07 feet to the northwest corner of Parcel 1 (54-PM-66); (11) thence North 01°04'54" West 55.01 feet to a point on the center line of said Finch Road; (12) thence along the center line of said Finch Road South 89°50'24" East 618.16 feet **THE POINT OF BEGINNING**.

Basis of bearing of this description was referenced to said Book 54 of Parcel Maps, at Page 66, Stanislaus County Records.

Contains 33.67 Acres more or less.



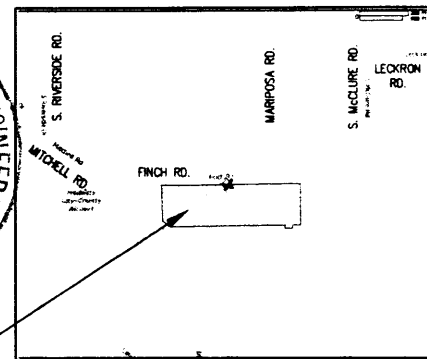
Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09



9.23.08

BEARD INDUSTRIAL LIGHTING DISTRICT

BEING A PORTION OF PARCEL 4 AS SHOWN ON THE MAP FILED IN BK. 54 OF PARCEL MAPS, AT PAGE 66 DATED JULY 13, 2006, STANISLAUS COUNTY RECORDS.
STANISLAUS COUNTY
SEPTEMBER, 2008



PROJECT SITE

VICINITY MAP

COURSES:

① N89°20'09"E	1618.81'	⑦ N00°54'20"W	50.00'
② S00°39'51"E	55.00'	⑧ S89°20'09"W	1841.97'
③ S00°39'51"E	599.99'	⑨ N55°55'19"W	161.13'
④ S89°20'09"W	132.36'	⑩ N01°04'54"W	517.07'
⑤ S00°54'20"E	50.00'	⑪ N01°04'54"W	55.01'
⑥ S89°20'09"W	126.00'	⑫ S89°50'24"E	618.16'

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 74233

0' 100' 200' 300'

