

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

DEPT: Public Works *Haugh*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE February 17, 2009

CEO Concur with Recommendation YES NO
(Information Attached).

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt Resolution Initiating Proceedings for the Formation of the North McHenry #2 Lighting District

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the formation of the North McHenry #2 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 North McHenry #2 Lighting District will be borne by the district once established.

BOARD ACTION AS FOLLOWS:

No. 2009-119

On motion of Supervisor Grover, Seconded by Supervisor Monteith

and approved by the following vote,

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

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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-43-1

Approval to Adopt Resolution Initiating Proceedings for the Formation of the North McHenry #2 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 formation of the North McHenry #2 Lighting District is located north of Modesto on McHenry Avenue, north of Bangs Avenue, and intersects Spyres and Galaxy Way. The proposed 9.52 acre formation will operate and maintain a total of eight (8) existing lights, four (4) 100 watt sodium vapor luminaries, (3) 150 watt sodium vapor luminaries, and one (1) 200 watt sodium vapor luminary.

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

- Adopt a resolution initiating proceedings for the formation of the North McHenry #2 Lighting District.
- Prepare an Engineer's Report to spread the cost of the improvements over the benefitting parcel(s);
- Set a date for a Public Hearing for the formation and to levy assessments;
- Send a mail-in ballot to affected landowner(s) with ballot(s) tabulated at the public hearing;
- Affected landowner(s) 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 North McHenry #2 Lighting District be approved if a majority protest is not filed.

The decision to form a new lighting district in an area, in close proximity of an existing lighting district, is a two-part solution to an ever-growing problem. The existing North McHenry Lighting District, due to insufficient funding and the absence of a formula to cover the operations and maintenance costs of said District is unable to absorb utility and maintenance costs associated with annexations. A conscience effort was put forth, in the decision to form a new lighting district with a formula, in order to provide a level of service to this parcel consistent with other assessment districts within Stanislaus County.

Attachment A shows the proposed boundary of the North McHenry #2 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: February 17, 2009

No. 2009-119

On motion of Supervisor O'Brien Seconded by Supervisor Chiesa
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-1


APPROVAL TO ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF THE
NORTH MCHENRY 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 North McHenry #2 Lighting District is a requirement of the "Conditions of Approval" of Parcel Map 2004-30, and by Stanislaus County code section 20.56.210. The proposed North McHenry #2 Lighting District will provide the necessary funding to operate and maintain the required lighting within the proposed district.
2. The territory to be formed shall consist of all that land shown on the attached map (Exhibit A), and shall be called the "North McHenry #2 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 North McHenry #2 Lighting District of 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



Formation No. _____

Formation of North McHenry Lighting District No. 2

Geographic Description

All that certain real property situate in the northeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of said Section 5;

- 1) thence along the east line of said Section 5, South 01°14'33" East 1157.64 feet to the easterly extension of the north line of the 9.04 Acre Parcel shown on Record of Survey filed November 1, 2004 in Book 28 of Surveys, at Page 70, Stanislaus County Records and the **Point of Beginning**;
- 2) thence continuing along said east line of Section 5, South 01°14'33" East 386.50 feet to the easterly extension of the south line of said 9.04 Acre Parcel;
- 3) thence along said easterly extension of the south line and said south line of the 9.04 Acre Parcel, North 88°42'03" West 1076.58 feet to the southwest corner of said 9.04 Acre Parcel;
- 4) thence along the west line of said 9.04 Acre Parcel, North 01°09'37" West 384.85 feet to the northwest corner of said 9.04 Acre Parcel;
- 5) thence along the north line of said 9.04 Acre Parcel and easterly extension of said north line, South 88°47'14" East 1075.95 feet to the point of beginning.

Containing 9.52 acres, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

END DESCRIPTION



1/29/2009
[Handwritten signature]

T. 2 S., R. 9 E., SEC. 32
 T. 3 S., R. 9 E., SEC. 5

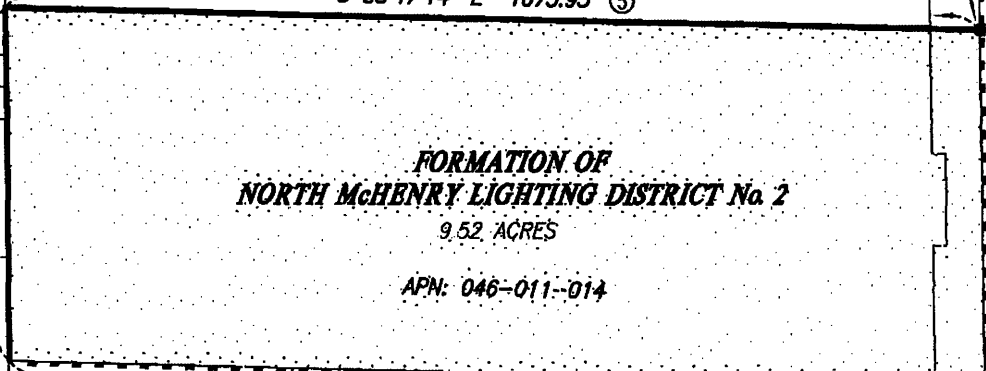
CERVANTES, ET AL
 DOC. 2004-0093131-00,
 S.C.R.
 APN: 046-010-020

POINT OF COMMENCEMENT
 NORTHEAST CORNER OF SECTION 5
 BRASS DISK IN MONUMENT WELL STAMPED
 "CAL. DIV. OF HIGHWAY McHENRY"

GALAXY WAY

APN: 046-011-012

APN: 046-011-054



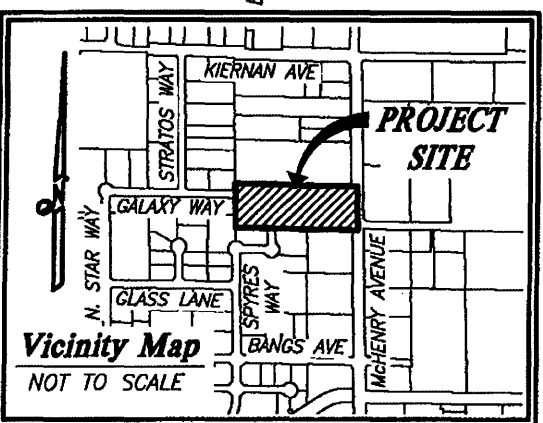
FORMATION OF
 NORTH McHENRY LIGHTING DISTRICT No. 2
 9.52 ACRES

APN: 046-011-014

PARCEL 2
 53-P.M.-69,
 S.C.R.
 APN: 046-011-066

CRAWFORD ANNEXATION

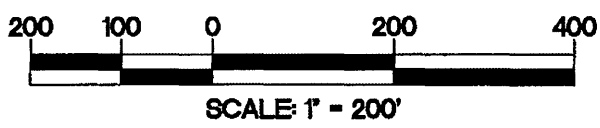
PARCEL 1
 53-P.M.-69,
 S.C.R.
 APN: 046-011-064



Vicinity Map
 NOT TO SCALE

————— PROPOSED NORTH McHENRY LIGHTING DISTRICT No. 2 BOUNDARY

- - - - - EXISTING NORTH McHENRY LIGHTING DISTRICT BOUNDARY



FORMATION NO. _____
 PLAT TO ACCOMPANY LEGAL DESCRIPTION

North Star
 Engineering Group, Inc.

• CML ENGINEERING • SURVEYING • PLANNING •
 909 14th Street Modesto, CA 95354
 (209) 524-3525 Phone (209) 524-3526 Fax

JOB NO: 04-237
 SCALE: 1" = 200'
 DR BY: RRM
 CK BY: KWS
 FILE: Annex-01
 DATE: January 29, 2009

SIGNATURE: *[Handwritten Signature]*

