

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE September 1, 2009

CEO Concur 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 Marshall Avenue Lighting District and Use Community Development Funds for Initial Costs Associated with the Formation

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the formation of the Marshall Avenue Lighting District.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.
3. Approve the use of \$3,200 of Community Development Funds for initial start up costs associated with the formation of the Marshall Avenue Lighting District.
4. Direct the Auditor-Controller to increase appropriations as detailed in the Budget Journal Form.

FISCAL IMPACT:

Ongoing operation and maintenance of the Marshall Avenue Lighting District will be borne by the district once established. Initial start-up costs for the said district are estimated to be \$3,200 and include the first year's utility cost of \$1,400, State Board of Equalization filing fee of \$800, and administration costs of \$1,000. Such costs are recommended to be covered through the use of Community Development Funds.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-567

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-44-1

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Marshall Avenue Lighting District and Use Community Development Funds for Initial Costs Associated with the Formation

The Community Development Fund was established by the Board of Supervisors at \$1.5 million as part of the Final Budget during Fiscal Year 2007-2008. To date, three projects have been awarded funding from this source, the North Martin Luther King Jr. Drive Sidewalk Project (\$64,120), the Countywide Growth Management Strategy (\$100,000) and the Keyes Sidewalk Incentive Program (\$60,000). The current uncommitted balance in the Community Development Fund is \$1,275,880. If the use of Community Development Funds for the Marshall Avenue Lighting District is approved, the uncommitted balance would be \$1,272,680.

DISCUSSION:

A signed resolution from the Board of Supervisors is required in order to initiate proceedings in the establishment of a Highway Lighting District. Section 19030 of the California Streets and Highway Code states, "In accordance to the provision of this part, any unincorporated area in this State may be established as a highway lighting district for the purpose of installing and maintaining a street light system on public highways within the district for the better protection of the public traveling thereon."

The lighting district is being established per a request from the landowners within the proposed boundary with support from the Office of Supervisor Jeff Grover. The proposed lighting district will generate funds to pay for the operation and maintenance of the streetlights. Supervisor Grover and staff have contacted a majority of the owners of the property within the proposed boundary of the Marshall Avenue Lighting District and the property owners have consented to the said district by signing a petition in support of the proposal.

The use of Community Development Funds to cover the initial start-up costs associated with the formation of the Marshall Avenue Lighting District is consistent with the Community Development Fund goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit."

The proposed Marshall Avenue Lighting District is located in west Modesto on Marshall Avenue north of California and south of Truman Avenue. The 12.89-acre residential neighborhood contains 34 parcels. The proposed district will operate and maintain a total of 5 new 150-watt Sodium Vapor Luminaries lights that are to be installed on existing wooden poles and maintained by the Modesto Irrigation District.

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

- Adopt a resolution initiating proceedings for the formation of the Marshall Avenue Lighting District;
- Prepare an Engineer's Report to spread the cost of the improvements over the benefitting parcels;
- 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;

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Marshall Avenue Lighting District and Use Community Development Funds for Initial Costs Associated with the Formation

- Affected landowners will be given an opportunity to speak for or against the formation or the proposed assessment at the public hearing;
- At the conclusion of the public hearing, the Clerk of the Board will count and tally the votes; and,
- The Board may adopt a resolution accepting the count of the ballots and order the formation of the Marshall Avenue Lighting District be approved if a majority protest is not filed.

Attachment A shows the proposed boundary of the Marshall Avenue Industrial Lighting District.

Attachment B is the signatures of the parcel owners who support such action.

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.

DF/DH/RM:lc

H:\DF\Proposals\Marshall Proposal\Board Items\Initiate Proceedings To Form\Marshall Ave LD.Initiate Proceedings Board Agenda Item.9-1-09

ATTACHMENTS AVAILABLE
FROM YOUR CLERK

**AUDITOR-CONTROLLER
BUDGET JOURNAL**



Balance Type	Budget
Category	Budget - Upload
Source	
Currency	USD
Budget Name	LEGAL BUDGET
Batch Name	
Journal Name	PW DKH
Journal description	Est budget for transfer of Community Devt Fund (Marshall Lighting Dist)
Period	Aug-09
Organization	Stanislaus Budget Org

Line	Coding Structure						Debit		Credit		Description
	Fund	Org	Account	G/L Proj	Loc	Misc	incr appropriations decr est revenue	decr appropriations incr est revenue			
1	0107	15292	85850	0	0	0	3,200.00			Increase trans out-CDF	
2											
3											
4											
5											
6											
7											
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24											
25											
Totals							3,200.00				

Explanation: Est budget for transfer of Community Devt Fund (Marshall Lighting Dist)

Requesting Department	CEO	Auditors Office Only
Diane Haugh		
Signature	Signature	Prepared By
8/25/09	8/26/09	Admin Approval (\$75K+)
Date	Date	Date

Diane Haugh 5-7534
Contact Person & Phone Number

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

Date: September 1, 2009

No. 2009-567

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-2

**APPROVAL TO ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF THE
MARSHALL AVENUE 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. In accordance to the California Street and Highway Code Section 19030, "In accordance to the provision of this part, any unincorporated area in this State may be established as a highway lighting district for the purpose of installing and maintaining a street light system on public highways within the district for the better protection of the public traveling thereon."
2. The territory to be formed shall consist of all that land shown on the attached map (Exhibit A), and shall be called the " Marshall Avenue Lighting District of Stanislaus County".
3. All of the lighting facilities will be installed within the proposed district and are in compliance with the Stanislaus County Department of Public Works "Standards And Specifications 2007 Edition". Upon approval of the formation of the Marshall Avenue Lighting District the Modesto Irrigation District 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



EXHIBIT "A"

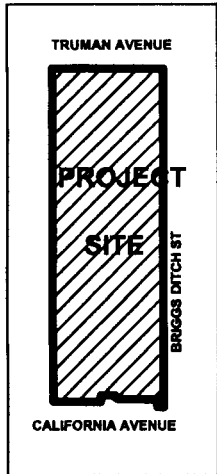
MARSHALL AVENUE LIGHTING DISTRICT FORMATION

All that certain real property situated in the State of California, County of Stanislaus, being a portion of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

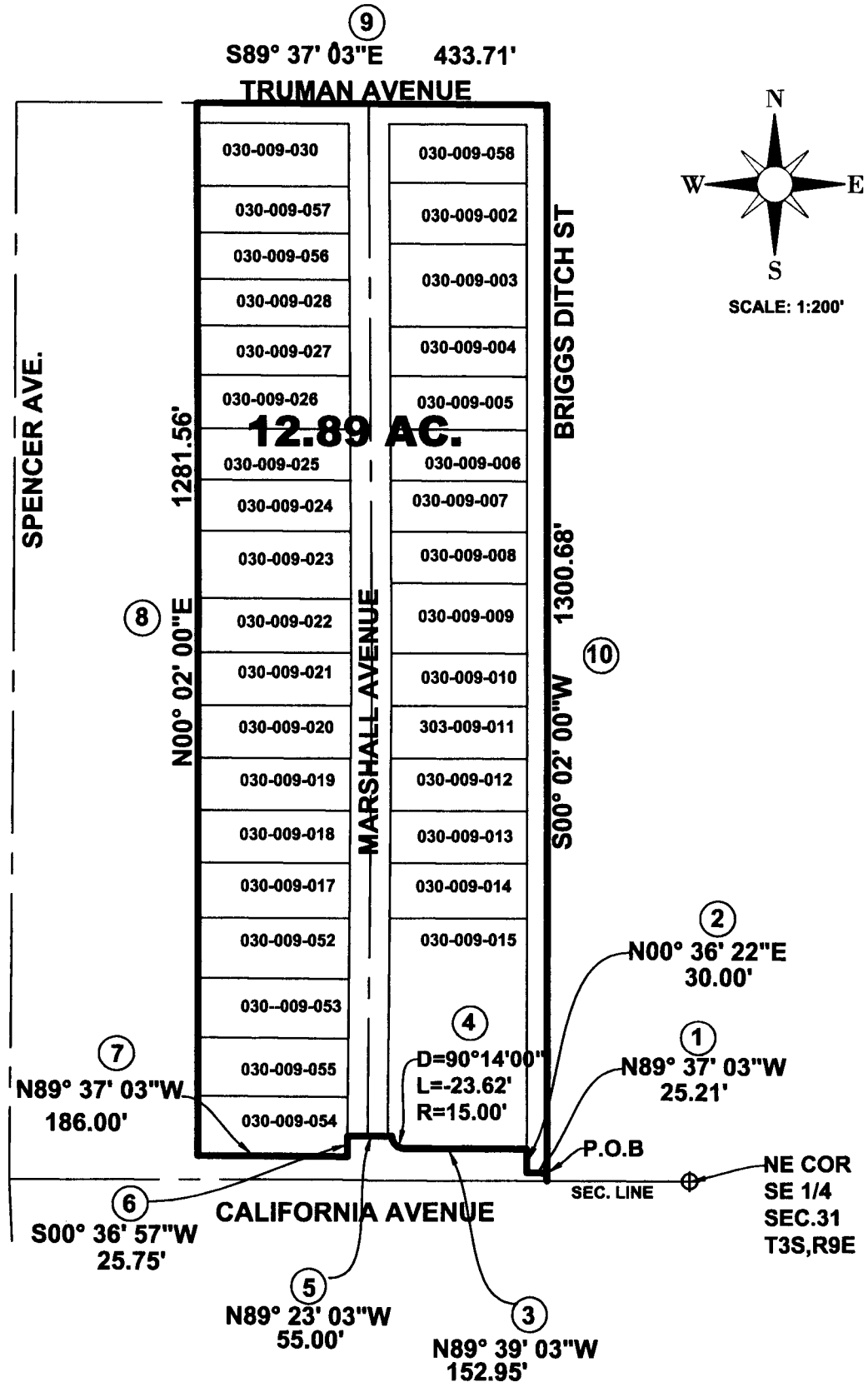
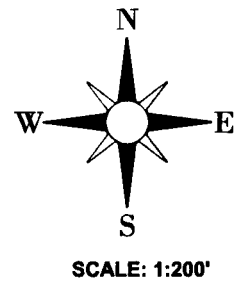
Commencing at the northeast corner of the southeast one-quarter corner of Section 31 said point being the southwest corner of Lot 15 Spencer Colony as per map filed on December 16, 1904 in Volume 2 of Maps at page 3 Stanislaus County Records, thence North $89^{\circ}37'03''$ West along the east-west one-quarter line of Section 31, a distance of 665.68 feet to the southeast corner of Lot 14 Spencer Colony, thence North $00^{\circ}36'14''$ East 10.00 feet to the **TRUE POINT BEGINNING** of this description said point being the intersection of the north line of California Avenue with the centerline of Briggs Ditch St. and being the north easterly corner of California - Marshall Reorganization, thence (1) North $89^{\circ}37'03''$ West, 25.21 feet, thence (2) along said Reorganization North $00^{\circ}36'22''$ East a distance of 30.00 feet along the north line of California Avenue, Thence (3) North $89^{\circ}39'03''$ West a distance of 152.95 feet to a point and the beginning of a non-tangent curve from which radial line bears South $89^{\circ}23'03''$ East, thence (4) northwesterly along said non-tangent curve, concave to the northeast having a radius of 15.00 feet through a central angle of $90^{\circ}14'00''$ an arc distance of 23.62 feet to a point on the north line of said California Avenue, thence (5) North $89^{\circ}23'03''$ West a distance of 55.00 feet, thence (6) South $0^{\circ}36'57''$ West a distance of 25.75 feet, thence (7) North $89^{\circ}37'03''$ West a distance of 186.00 feet, thence (8) leaving said north line of California Avenue North $00^{\circ}02'00''$ East of 1281.56 feet to the centerline of Truman Avenue, thence (9) along the center line of Truman Avenue South $89^{\circ}37'03''$ East, a distance of 433.71 feet to the northwest corner of Lot 9 Spencer Colony, thence (10) South $0^{\circ}02'00''$ West, a distance of 1300.68 feet to the true point beginning of this description.

Containing an Area=12.89 Acres

EXHIBIT "B"



VICINITY MAP
NOT TO SCALE



MARSHALL AVENUE LIGHTING DISTRICT FORMATION		STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS	
BEING A PORTION OF THE NE QUARTER OF THE SE QUARTER SECTION 31, T3 S, R 9 EAST M.D.B.M.		SCALE: 1"=200'	DATE: 08-07-2009
		DRAWN BY: NCW CHECKED BY: LF	