

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

DEPT: Public Works *MB*

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE December 13, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Annexation of The Auto Prestige, Assessor Parcel Number 046-008-011, into the North McHenry Lighting District

STAFF RECOMMENDATIONS:

1. Find that the territory more particularly described in Exhibit "A" (Legal description and map) is owned by the proponents and that their ownership represents 100% of the total assessed valuation of said territory.
 2. Find that the area included in the Legal Description of The Auto Prestige, Assessor Parcel Number (APN) 046-008-011, is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any other Lighting District.
 3. Find that Stanislaus County Code, section 20.56.210 (Street Lights), requires the installation of street lights to county standards in areas designated as residential, commercial and industrial on the land use element of the General Plan.
- (Continued on Page 2)

FISCAL IMPACT:

The Auto Prestige, Assessor Parcel Number (APN) 046-008-011, project has a Condition of Approval that stipulates the developer shall pay all costs associated with the annexation. The Condition of Approval was prescribed on May 6, 2003, when the Stanislaus County Board of Supervisors gave their approval to Rezone Application No. 2002-11 for "The Auto Prestige". Therefore the State Board of Equalization fees will be covered by the developer/subdivider. The Public Works Department processing costs are expected to be minimal.

BOARD ACTION AS FOLLOWS:

No. 2011-742

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith
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-29-A-11

Approval of the Annexation of The Auto Prestige, Assessor Parcel Number 046-008-011, into the North McHenry Lighting District

STAFF RECOMMENDATIONS (Continued):

4. Find that the subdivider/developer was required to annex into the North McHenry Lighting District and install any required street lights per Condition of Approval No. 17 and 18 for their Rezone Application No. 2002-11 for The Auto Prestige.
5. Find that, pursuant to Streets and Highways Code section 19056, territory owned by a subdivider that comes under the terms of a county ordinance requiring the installation of a street lighting system (i.e. Stanislaus County Code, section 20.56.210 Streetlights) shall be exempt from Streets and Highway Code requirements for petition, notice, hearing, and election requirements.
6. Find that the annexation will not produce a change in assessment methodology for the North McHenry Lighting District and that parcels in the new territory shall be subject to that pre-existing methodology.
7. Find that there will be no increase in North McHenry Lighting District operating costs because there will be no streetlights added to district as a result of this annexation.
8. Approve the annexation of The Auto Prestige APN 046-008-011 into the North McHenry Lighting District.
9. Declare that all services being provided by the North McHenry Lighting District will be extended fully to the territory included in The Auto Prestige APN 046-008-011 annexation and that said services shall commence with the start of the 2012-2013 Budget Year.
10. Order that Assessor Parcel Number (APN) 046-008-011 and any subsequent subdivided parcel numbers shall be added to the Budget Year 2012-2013 annual assessments.
11. Direct the Department of Public Works to forward a certified copy of the resolution ordering the annexation, and all other required documents, along with the processing fee to the State Board of Equalization.
12. Direct the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the following offices: the Department of Public Works, Assessor, Elections, Auditor-Controller, and the Clerk Recorder.

DISCUSSION:

The area proposed for annexation into the North McHenry Lighting District is known as The Auto Prestige APN 046-008-011. It is located at 4249 McHenry Avenue, on the west side of the avenue, four parcels north of the Pelandale Avenue intersection. The parcel is 0.71 of an acre. Attachment "A" illustrates the proposed boundary and includes its legal description.

Approval of the Annexation of The Auto Prestige, Assessor Parcel Number 046-008-011, into the North McHenry Lighting District

The proposed annexation is being made to meet a Conditions of Approval (COA) for Rezone Application No. 2002-11 for The Auto Prestige APN 046-008-011. The Stanislaus County Board of Supervisors gave their approval to this application on May 6, 2003. The COA's given were listed as COA No. 17 & 18 under the Department of Public Works as follows:

Condition of Approval No. 17 "Prior to the issuance of any building permit, the property shall annex to the North McHenry Lighting District or a new district formed, if annexation is not possible. The developer shall provide all necessary documents and pay all costs associated with the annexation or formation of a new district. If a new lighting district is required, a formula to calculate the annual assessment shall be approved as part of the formation. The formation of a lighting district takes approximately three months."

Condition of Approval No. 18 "Prior to the issuance of any building permit, the developer shall pay the first year's operating and maintenance cost of any required street lights with the Department of Public Works."

Existing streetlights within this area of the district provide coverage that meets county standards; and as a consequence, this project will not be required to install any streetlights. Therefore, the addition of this parcel to the lighting district will not increase operating costs and will have a positive impact on average costs for other parcels within the district.

If this annexation is approved, the parcel will become part of the North McHenry Lighting District and will be assessed at the district's current fixed assessment rate of \$30.44 per parcel.

The services to be extended in the North McHenry Lighting District to The Auto Prestige APN 046-008-011 annexation will be the same as those extended to all other parcels within the district and includes the following:

- Lighting District administration;
- Streetlighting - electric supplied by Modesto Irrigation District and paid for by the Lighting District's assessment funds; and
- Routine streetlight maintenance - ballast, bulb, lense, sensor replacement, etc.

Stanislaus County Public Works Department will perform all routine maintenance activities. Ongoing annual maintenance and operating costs are funded entirely through the district's proposed assessments.

POLICY ISSUES:

State of California Streets and Highways Code, section 19130 authorizes the Board of Supervisors to be the governing body for Lighting Districts within their county.

This action is consistent with the Board's priorities of providing A Safe Community and A Well Planned Infrastructure System by initiating the formal process to annex into the North McHenry Lighting District, thereby allowing the developer to comply with County Street-lighting Standards and the Conditions of Approval for this project.

Approval of the Annexation of The Auto Prestige, Assessor Parcel Number 046-008-011, into the North McHenry Lighting District

STAFFING IMPACT:

Staffing impact is limited to the time required to prepare this agenda item and State Board of Equalization forms.

CONTACT PERSON:

Mike Wilson, Senior Engineering Technician, Stanislaus County Public Works.
Telephone: (209) 525-4190.

MW:lc

H:\SERVICES\Districts\LD\LD North Mchenry # 1\The Auto Prestige Annexation\Auto Prestige Annexation To N Mchenry No1 LD_BOS 12.13.11

EXHIBIT "A"
THE AUTO PRESTIGE ANNEXATION TO THE NORTH McHENRY
LIGHTING DISTRICT
LEGAL DESCRIPTION

All that portion of the southeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, described as follows:

Course 1. North 01°28' West from the southeast corner of said Section 5, a distance of 1864.62 feet; thence

Course 2. North 89°03' West, 275 feet; thence

Course 3. South 01°28' East, 140 feet; thence

Course 4. South 89°03' East, 275 feet to the east line of Section 5 (the line between Sections 4 and 5); thence

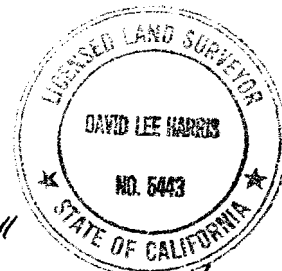
Course 5. North 01°28' West, 140 feet to the POINT OF BEGINNING.

Containing 0.88 acres, more or less

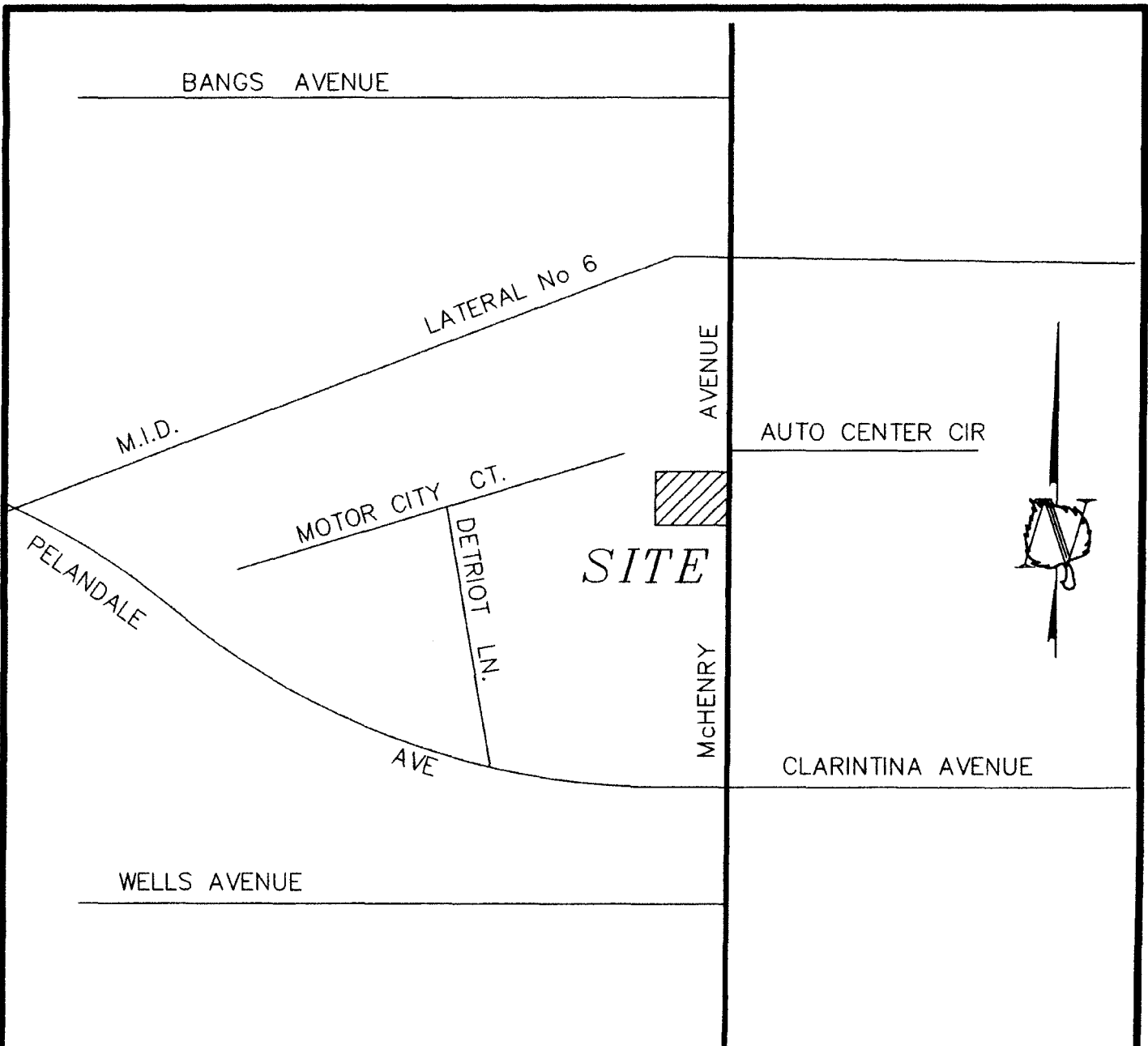
Basis Of Bearings: The Bearing of North 01°28' West for the east line of Section 5 as stated on the Grant Deed filed for record September 22, 2008, as Document Number 2008-0102435, Stanislaus County Records.

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.

November 28, 2011



David Lee Harris



VICINITY MAP

NOT TO SCALE

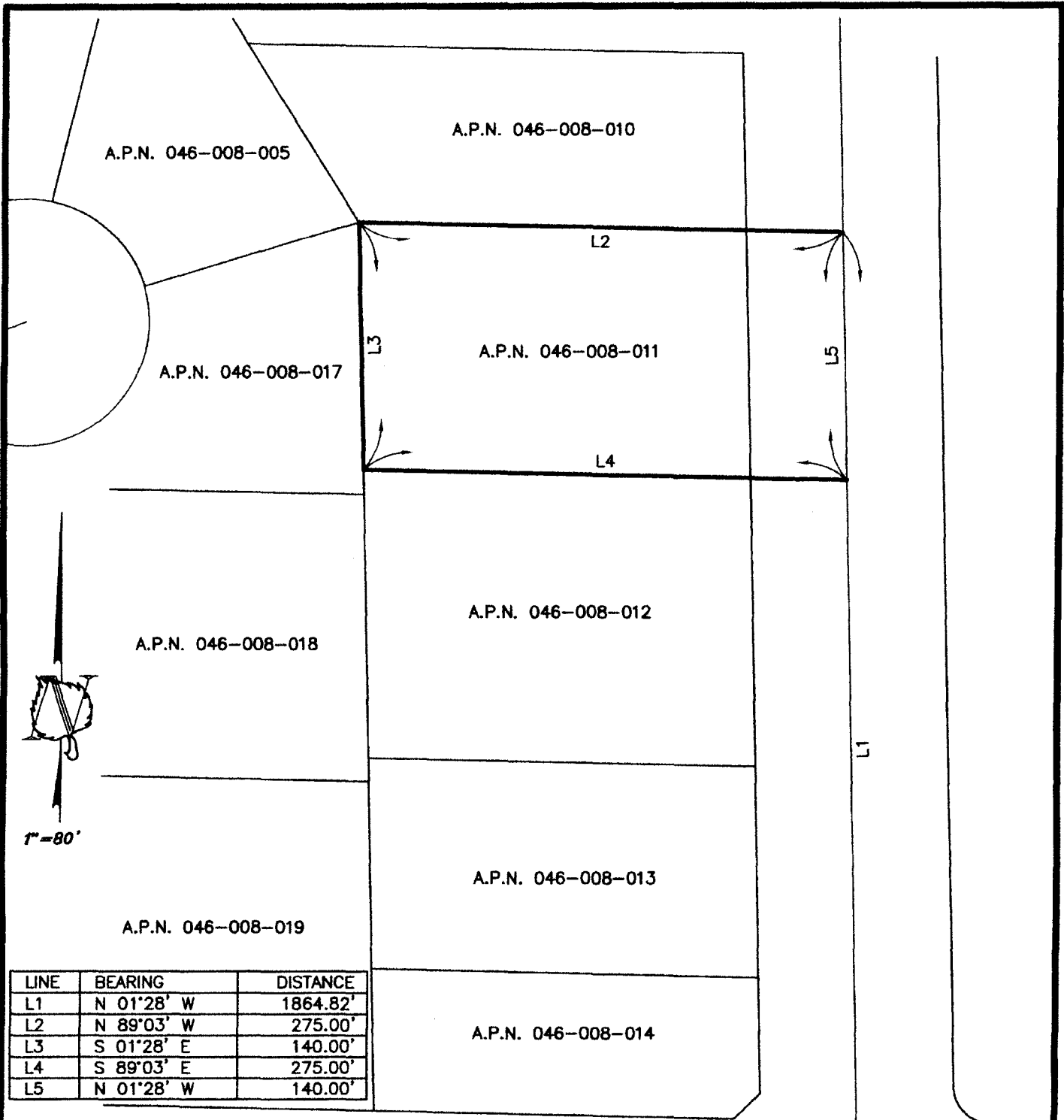
**THE AUTO PRESTIGE ANNEXATION TO
THE NORTH McHENRY LIGHTING
DISTRICT**

4249 N. McHENRY AVE., MODESTO, CA.

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN
CITY OF MODESTO, STATE OF CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (208) 528 8724 FX: (208) 528 0472

NOVEMBER 2011



LINE	BEARING	DISTANCE
L1	N 01°28' W	1864.82'
L2	N 89°03' W	275.00'
L3	S 01°28' E	140.00'
L4	S 89°03' E	275.00'
L5	N 01°28' W	140.00'

5 4
8 9

**THE AUTO PRESTIGE ANNEXATION TO
THE NORTH McHENRY LIGHTING
DISTRICT**

4249 N. McHENRY AVE., MODESTO, CA.

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN
CITY OF MODESTO, STATE OF CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472

NOVEMBER 2011