



**Approval to Adopt the Results of the Assessment Ballot Procedure that Proposed the Annexation of Territory into the Denair Highway Lighting District**

**STAFF RECOMMENDATIONS (Continued):**

- 3) Find that the territory to be annexed is not within the boundary of any other lighting district. Order the annexation of the areas 1, 2, & 3 into the Denair Highway Lighting District, and confirm the boundary of the annexed areas as described in Attachment "B".
- 4) Approve the amount of the annual assessment and find it necessary to adequately cover expenditures and ensure sufficient revenues for continued operations and maintenance of the Denair Highway Lighting District.
- 5) Set the Fiscal Year 2012-2013 annual assessments at \$33.89 per parcel. The parcels subject to the annual assessment are listed in Attachment "C".
- 6) Authorize the Auditor-Controller to add the annual assessment to the 2012-2013 Tax Roll.
- 7) Direct the Department of Public Works to send 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.

**DISCUSSION:**

On April 24, 2012, the Board of Supervisors passed a resolution initiating proceedings to consider the annexation of territory into the Denair Highway Lighting District, and to consider an annual assessment to cover the expense of the lighting, and to conduct an Assessment Ballot Procedure. On May 22, 2012, the Board set a date for the matter to be considered at a Public Hearing and on July 17, 2012 the Board held the Public Hearing. Prior to, and in conjunction with the Public Hearing, a Proposition 218 Assessment Ballot Procedure was conducted to determine if property owners would support the annexation.

Because the number of ballots cast was expected to be too large to quickly and efficiently count at the conclusion of the July 17, 2012 Public Hearing, the Board of Supervisors authorized the Clerk of the Board to oversee opening of the sealed assessment ballots prior to the next scheduled Board meeting on July 24, 2012, summarize the results of the count, and submit the results at the next scheduled Board meeting on July 24, 2012.

"Prop 218" language requires a simple majority protest, otherwise the proposal passes, even in the event of a "tie" vote. Quoting from the California Constitution Article XIII D section 4: "The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment."

**Approval to Adopt the Results of the Assessment Ballot Procedure that Proposed the Annexation of Territory into the Denair Highway Lighting District**

A simple majority of the assessment ballots received by the Clerk of the Board of Supervisors for Areas 1, 2, and 3 did not protest the annexation into the Denair Highway Lighting District and the annual assessment necessary to operate and maintain the District. In summary, for Area 1 there were 30 votes cast in support; 6 votes cast in protest; and 0 incomplete ballots. For Area 2 there were 7 votes cast in support; 6 votes cast in protest; and 1 incomplete ballot. And, for Area 3 there was 1 vote cast in support; 1 vote cast in protest; and 0 incomplete ballots. See attachment "A", which is a memo from the Clerk of the Board of Supervisors to the Chairman of the Board of Supervisors summarizing ballot results. Therefore, the proposed annexation of Areas 1, 2, and 3 may be approved because there were no majority protests.

**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, A Healthy Community, and A Well Planned Infrastructure System by completing the process to annex territory into the Denair Highway Lighting District, to provide street lighting in the unincorporated area to aid law enforcement efforts and deter unwanted activities thereby protecting the health, safety, and welfare of the residents.

**STAFFING IMPACT:**

Public Works staff provides administrative support to the Stanislaus County Lighting Districts.

**CONTACT PERSON:**

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

H:\SERVICES\Districts\LD\LD Denair Highway\Annexations 2012\Adopt Results Supporting Denair Annexations 2012\_BOS 7.24.12

**ATTACHMENTS AVAILABLE  
FROM CLERK**



July 18, 2012

MEMO TO: William O'Brien, Chairman

FROM: Christine Ferraro Tallman, Clerk of the Board

RE: **ASSESSMENT BALLOT FOR THE ANNEXATION OF  
TERRITORY INTO THE DENAIR HIGHWAY LIGHTING  
DISTRICT AND THE LEVY OF A SPECIAL BENEFIT  
ASSESSMENT**

We have completed our count of the ballots for the Annexation of Territory into the Denair Highway Lighting District and the Levy of a Special Benefit Assessment for the three areas. On July 24, 2012, the results will be presented to the Board of Supervisors. These votes have been counted and verified by staff.

We present the results from the ballot process for your certification.

**Area 1: Brookside Park Homes:**

Ballots cast in support of the annexation	30
Ballots cast in protest of the annexation	06
Incomplete ballots	<u>00</u>
<b>Total Ballots Received</b>	<b>36</b>

**Area 2: Eastgate Estates:**

Ballots cast in support of the annexation	07
Ballots cast in protest of the annexation	06
Incomplete ballots	<u>01</u>
<b>Total Ballots Received</b>	<b>14</b>

**Area 3: Shelton Estates:**

Ballots cast in support of the annexation	01
Ballots cast in protest of the annexation	01
Incomplete ballots	<u>00</u>
<b>Total Ballots Received</b>	<b>02</b>

Certified by:

Christine Ferraro  
Clerk of the Board of Supervisors

07/018/2012  
Date

Attachment "B"

**LEGAL DESCRIPTION**


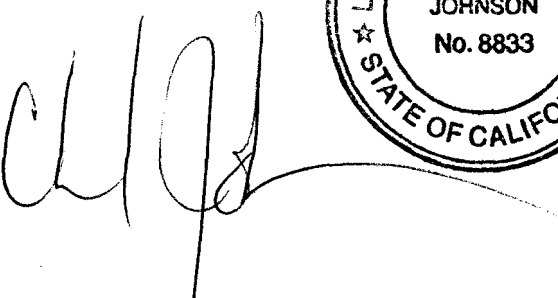
**BROOKSIDE PARK HOMES ANNEXATION  
TO DENAIR LIGHTING DISTRICT**

All that certain real property being Lots 1-27 as shown on the map of Brookside Park Homes filed in Volume 24 of Maps, at Page 25, Stanislaus County Records together with Lots 28-80 as shown on the map of Brookside Park Homes No. 2 filed in Volume 25 of Maps, at Page 22, Stanislaus County Records, situate in a portion of the northeast quarter of Section 7, Township 5 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the southwest corner of the original Denair Lighting District, also being the north quarter corner of said Section 7, thence:

- 1) North 89°31' East 1324.79 feet along the south line of the said original Denair Lighting District, to the northeast corner of the Tuolumne-Gratton Annexation to the Denair Lighting District and the **Point of Beginning** of the herein described parcel;
- 2) Thence continuing North 89°31' East 662.39 feet along the south line of said Denair Lighting District, to northwest corner of the Monte Vista Meadows Annexation to the Denair Lighting District;
- 3) Thence South 00°01'07" East 1325.81 feet along the west line of said Monte Vista Meadows Annexation, to the north line of said Tuolumne-Gratton Annexation and being the southeast corner of said Brookside Park Homes No. 2;
- 4) Thence South 89°30'00" West 662.35 feet along the north line of said Tuolumne-Gratton Annexation, to the east line of said Tuolumne-Gratton Annexation and being the southwest corner of said Brookside Park Homes No. 2;
- 5) Thence North 00°01'15" West 1326.00 feet along the east line of said Tuolumne-Gratton Annexation to the south line of said original Denair Lighting District and the Point of Beginning of the herein described parcel, and containing 20.1 acres, more or less.

END DESCRIPTION



SOUTH LINE OF THE ORIGINAL DENAIR LIGHTING DISTRICT

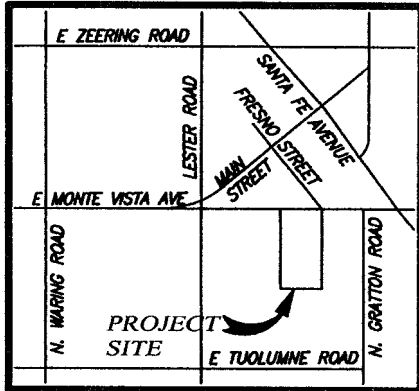
"JD" SUBDIVISION 4-M-37, S.C.R.

N 89°31' E 1324.79'

N 89°31' E 662.39'

POB  
NORTHEAST CORNER  
TUOLUMNE-GRATTON  
ANNEXATION

POINT OF COMMENCEMENT  
NORTH QUARTER CORNER OF  
SECTION 7, T.5S., R.11E., M.D.M.



Vicinity map  
NOT TO SCALE



*[Handwritten signature]*

SCALE: 1"=200'

MARAZAN STREET

EAST LINE OF THE  
TUOLUMNE-GRATTON ANNEXATION

N 00°01'15" W 1326.00'

STERLING RANCH UNIT NO. 1  
41-M-32, S.C.R.

STERLING RANCH  
UNIT NO. 2  
41-M-94, S.C.R.

SALLUCE DRIVE

BROOKSIDE  
PARK HOMES NO. 2  
25-M-22, S.C.R.

SIoux DRIVE

S 89°30'00" W 662.35'

McCAULY AVENUE

STERLING RANCH UNIT NO. 3  
42-M-27, S.C.R.

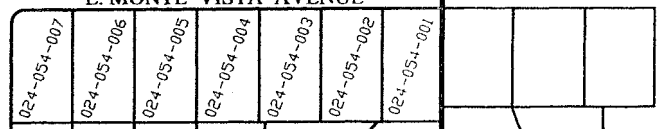
SERRAMONTE STREET

WEST LINE OF THE  
MONTE VISTA MEADOWS  
ANNEXATION

S 00°01'07" E 1325.81'

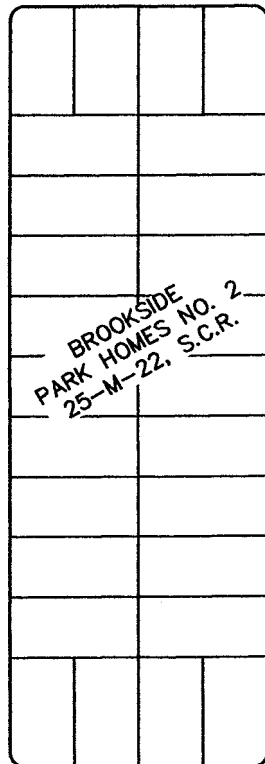
SHOSHONE DRIVE

MONTE VISTA MEADOWS  
28-M-40, S.C.R.



BROOKSIDE  
PARK HOMES  
24-M-25, S.C.R.

SERENA STREET



SIoux DRIVE



Attachment "B"

### BROOKSIDE PARK HOMES ANNEXATION TO DENAIR LIGHTING DISTRICT

DENAIR, CALIFORNIA

DR. BY:	C. JOHNSON
PROJECT:	1202-006271
DATE:	03-28-12
SHEET NO:	1 OF 1



Attachment "B"

**LEGAL DESCRIPTION**

**EASTGATE ESTATES NO. 2 ANNEXATION  
TO DENAIR LIGHTING DISTRICT**

All that certain real property being Lots 1-33 as shown on the map of Eastgate Estates No. 2 filed in Volume 25 of Maps, at Page 19, Stanislaus County Records, situate in a portion of the northwest quarter of Section 7, Township 5 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

**Beginning** at the southwest corner of the original Denair Lighting District also being the north quarter corner of said Section 7, thence:

- 1) South 00°01'30" East 663.31 feet along the centerline of a 30.00 foot half-width Lester Road to the northwest corner of the Dotson/Brand annexation to the Denair Lighting District also being the southeast corner of said Eastgate Estates No. 2;
- 2) Thence South 89°30'25" West 662.80 feet along the south line of said Eastgate Estates No. 2 to the southwest corner of said Eastgate Estates No. 2;
- 3) Thence North 00°01'40" West 663.39 feet along the west line of said Eastgate Estates No. 2 to a point on the centerline of East Monte Vista Avenue as shown on said map of Eastgate Estates No. 2;
- 4) Thence North 89°30'50" East 662.84 feet along said centerline of East Monte Vista Avenue to said southwest corner of the original Denair Lighting District and the Point of Beginning of the herein described parcel, and containing 10.1 acres, more or less.

END OF DESCRIPTION



Handwritten signature of Chad Johnson.

POB  
NORTH QUARTER CORNER OF  
SECTION 7, T.5S., R.11E., M.D.M.

LOT 28  
OF THE ELMWOOD COLONY  
2-M-13, S.C.R.

N 89°30'50" E 662.84'

MAIN STREET  
"JD" SUBDIVISION  
4-M-37, S.C.R.

SCALE: 1"=200'

CENTERLINE OF EAST MONTE VISTA AVENUE

LOT 29  
OF THE ELMWOOD COLONY  
2-M-13, S.C.R.

CENTERLINE OF LESTER ROAD

NORTH HALF OF LOT 31  
OF THE ELMWOOD COLONY  
2-M-13, S.C.R.

N 00°01'40" W 663.39'

S 00°01'30" E 663.31'

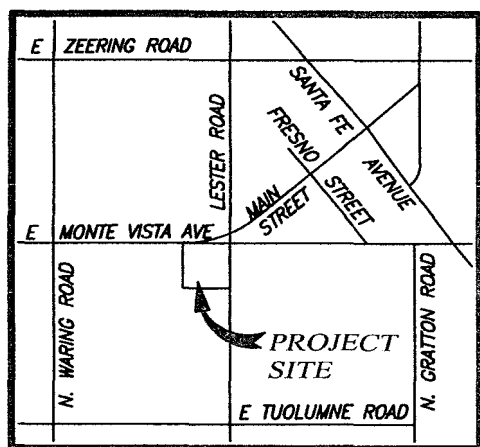
WEST LINE OF  
EASTGATE ESTATES  
NO. 2

SOUTH LINE OF  
EASTGATE ESTATES  
NO. 2

NORTHWEST CORNER  
OF THE DOTSON/BRAND  
ANNEXATION

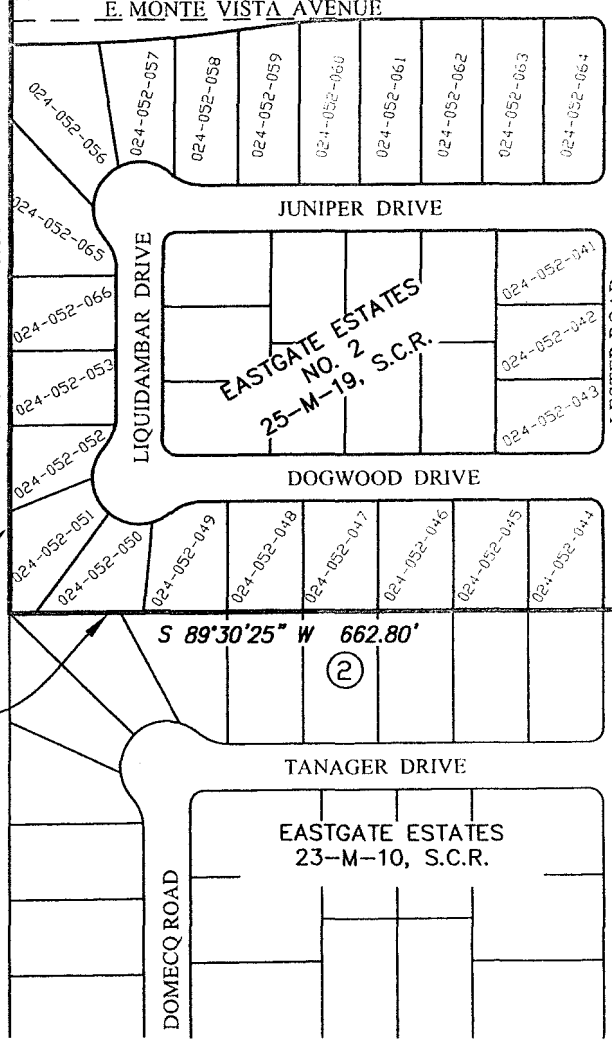
S 89°30'25" W 662.80'

DOTSON/BRAND  
SUBDIVISION  
43-M-52, S.C.R.

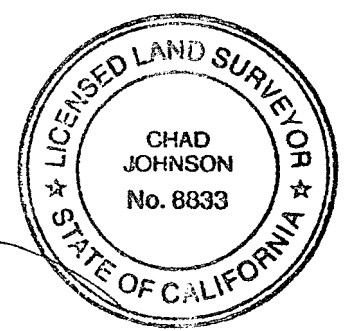


Vicinity map  
NOT TO SCALE

Attachment "B"



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EASTGATE ANNEXATION TO  
DENAIR LIGHTING DISTRICT  
DENAIR, CALIFORNIA

DR. BY:	C. JOHNSON
PROJECT:	1202-006271
DATE:	03-28-12
SHEET NO:	1 OF 1



Attachment "B"

**LEGAL DESCRIPTION**

**SHELTON ESTATES ANNEXATION  
TO DENAIR LIGHTING DISTRICT**

All that certain real property being Lots 1-13 as shown on the map of Shelton Estates filed in Volume 28 of Maps, at Page 45, Stanislaus County Records, situate in a portion of the northwest quarter of Section 7, Township 5 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

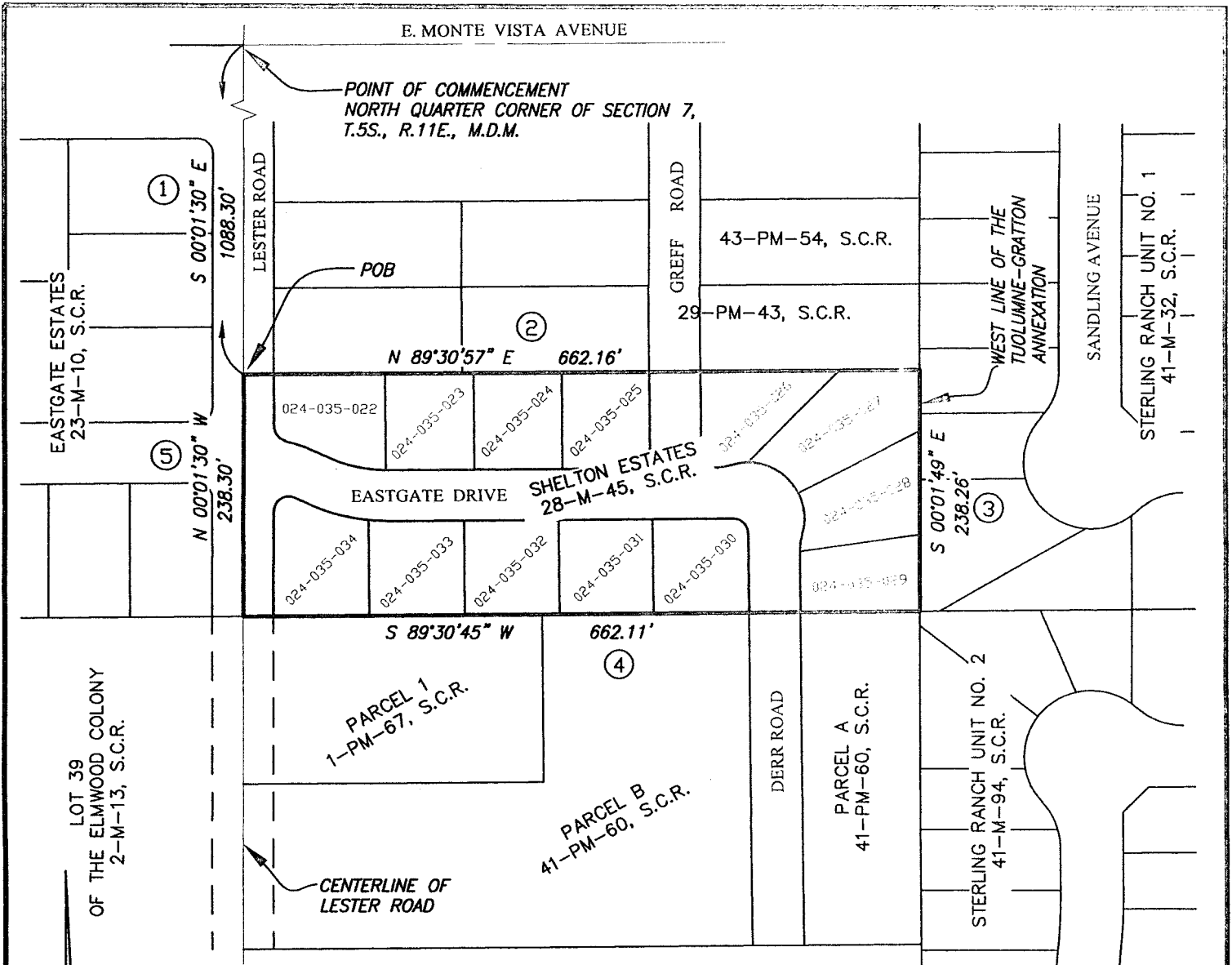
Commencing at the southwest corner of the original Denair Lighting District, also being the north quarter corner of said Section 7, thence:

- 1) South 00°01'30" East 1088.30 feet along the centerline of 30.00 foot half-width Lester Road to the westerly extension of the north line of said Shelton Estates and the **Point of Beginning** of the herein described parcel;
- 2) thence North 89°30'57" East 662.16 feet along the north line of said Shelton Estates to the west line of the Tuolumne-Gratton Annexation to the Denair Lighting District;
- 3) thence South 00°00'49" East 238.26 feet along the west line of said Tuolumne-Gratton Annexation, to the southeast corner of said Shelton Estates;
- 4) thence South 89°30'45" West 662.11 feet along the south line and westerly extension of said Shelton Estates to the centerline of said Lester Road;
- 5) thence North 00°01'30" West, a distance of 238.30 feet along said centerline of Lester Road to said westerly extension of the north line of Shelton Estates and the Point of Beginning of the herein described parcel, and containing 3.6 acres, more or less.

END DESCRIPTION



CHJ

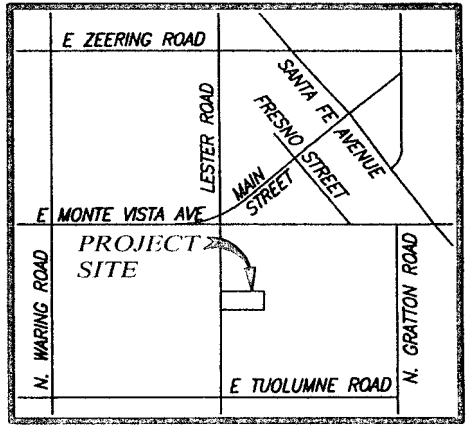


SCALE: 1"=150'

*[Handwritten signature]*



Attachment "B"



Vicinity map

NOT TO SCALE



SHELTON ESTATES ANNEXATION TO  
DENAIR LIGHTING DISTRICT

DENAIR, CALIFORNIA

DR. BY:	C. JOHNSON
PROJECT:	1202-006271
DATE:	03-28-12
SHEET NO:	1 OF 1

**DENAIR LIGHTING DISTRICT – ANNEXATION PARCELS  
PROPOSED ANNUAL ASSESSMENT BUDGET YEAR 2012-2013**  
The Assessor's parcels listed below are subject to the annual assessment.

**AREA 1**

Count	A.P.N.	Assessment
1	024-054-074	33.89
2	024-054-066	33.89
3	024-054-035	33.89
4	024-054-073	33.89
5	024-054-049	33.89
6	024-054-050	33.89
7	024-054-070	33.89
8	024-054-069	33.89
9	024-054-034	33.89
10	024-054-037	33.89
11	024-054-071	33.89
12	024-054-072	33.89
13	024-054-068	33.89
14	024-054-051	33.89
15	024-054-052	33.89
16	024-054-036	33.89
17	024-054-067	33.89
18	024-054-075	33.89
19	024-054-053	33.89
20	024-054-041	33.89
21	024-054-045	33.89
22	024-054-040	33.89
23	024-054-044	33.89
24	024-054-039	33.89
25	024-054-043	33.89
26	024-054-047	33.89
27	024-054-038	33.89
28	024-054-046	33.89
29	024-054-042	33.89
30	024-054-048	33.89
31	024-054-056	33.89
32	024-054-063	33.89
33	024-054-079	33.89
34	024-054-030	33.89
35	024-054-015	33.89
36	024-054-029	33.89
37	024-054-081	33.89
38	024-054-031	33.89
39	024-054-014	33.89
40	024-054-059	33.89

**AREA 1**

Count	A.P.N.	Assessment
41	024-054-016	33.89
42	024-054-013	33.89
43	024-054-017	33.89
44	024-054-060	33.89
45	024-054-027	33.89
46	024-054-025	33.89
47	024-054-007	33.89
48	024-054-026	33.89
49	024-054-004	33.89
50	024-054-010	33.89
51	024-054-009	33.89
52	024-054-064	33.89
53	024-054-077	33.89
54	024-054-020	33.89
55	024-054-012	33.89
56	024-054-032	33.89
57	024-054-065	33.89
58	024-054-033	33.89
59	024-054-011	33.89
60	024-054-076	33.89
61	024-054-023	33.89
62	024-054-008	33.89
63	024-054-006	33.89
64	024-054-005	33.89
65	024-054-021	33.89
66	024-054-024	33.89
67	024-054-078	33.89
68	024-054-019	33.89
69	024-054-018	33.89
70	024-054-057	33.89
71	024-054-062	33.89
72	024-054-054	33.89
73	024-054-058	33.89
74	024-054-080	33.89
75	024-054-022	33.89
76	024-054-061	33.89
77	024-054-055	33.89
78	024-054-003	33.89
79	024-054-002	33.89
80	024-054-001	33.89

Attachment "C"

<b>AREA 2</b>		
<b>Count</b>	<b>A.P.N.</b>	<b>Assessment</b>
1	024-052-064	33.89
2	024-052-041	33.89
3	024-052-042	33.89
4	024-052-063	33.89
5	024-052-059	33.89
6	024-052-058	33.89
7	024-052-061	33.89
8	024-052-050	33.89
9	024-052-060	33.89
10	024-052-062	33.89
11	024-052-045	33.89
12	024-052-044	33.89
13	024-052-047	33.89
14	024-052-046	33.89
15	024-052-049	33.89
16	024-052-048	33.89
17	024-052-057	33.89
18	024-052-066	33.89
19	024-052-033	33.89
20	024-052-032	33.89
21	024-052-035	33.89
22	024-052-034	33.89
23	024-052-036	33.89
24	024-052-043	33.89
25	024-052-039	33.89
26	024-052-038	33.89
27	024-052-040	33.89
28	024-052-065	33.89
29	024-052-051	33.89
30	024-052-053	33.89
31	024-052-052	33.89
32	024-052-056	33.89
33	024-052-037	33.89

<b>AREA 3</b>		
<b>Count</b>	<b>A.P.N.</b>	<b>Assessment</b>
1	024-035-023	33.89
2	024-035-022	33.89
3	024-035-024	33.89
4	024-035-026	33.89
5	024-035-025	33.89
6	024-035-028	33.89
7	024-035-032	33.89
8	024-035-030	33.89
9	024-035-033	33.89
10	024-035-027	33.89
11	024-035-029	33.89
12	024-035-031	33.89
13	024-035-034	33.89