

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

DEPT: Public Works

[Signature]

BOARD AGENDA # *C-5

Urgent

Routine

AGENDA DATE June 2, 2015

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Annexation of Del Rio Villas into the Hillcrest Lighting District

STAFF RECOMMENDATIONS:

1. Find that the territory more particularly described in Exhibit "A" (Legal description) and Exhibit "B" (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 Del Rio Villas is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any other Lighting District.

(Continued on Page 2)

FISCAL IMPACT:

The Del Rio Villas project has a Condition of Approval that stipulates the developer/subdivider shall pay all costs associated with the annexation. The Condition of Approval was prescribed on July 5, 2012, when the Stanislaus County Board of Supervisors gave their approval to the General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Tentative Map Application No. 2012-01 for Del Rio Villas. The State Board of Equalization fees of \$350 and Public Works costs for administrative time will be paid by the developer/subdivider.

BOARD ACTION AS FOLLOWS:

No. 2015-245

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

[Signature: Christine Ferraro]

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-22-A-7

STAFF RECOMMENDATIONS (CONTINUED)

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.
4. Find that the subdivider/developer was required to install street lights per Condition of Approval No. 28 for their General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Tentative Map Application No. 2012-01 for Del Rio Villas.
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 Street Lights) 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 Hillcrest Lighting District and that parcels in the new territory shall be subject to that pre-existing methodology.
7. Find that the assessment formula for the Hillcrest Lighting District is sufficient to adequately assess the annexed parcels for the cost of services received.
8. Approve the annexation of the Del Rio Villas into the Hillcrest Lighting District.
9. Declare that all services being provided by the Hillcrest Lighting District will be extended fully to the territory included in the Del Rio Villas annexation and that said services shall commence with the start of the 2016-2017 Budget Year.
10. Order that Assessor Parcel Number (APN) 004-059-044 and its subsequent subdivided parcel numbers shall be added to the Budget Year 2016-2017 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 (2), Assessor, Elections, Auditor-Controller, and the Clerk Recorder.

Approval of the Annexation of Del Rio Villas into the Hillcrest Lighting District

DISCUSSION:

The area proposed for annexation into the Hillcrest Lighting District is known as Del Rio Villas. The APN is 004-059-044, and it is 4.9 acres. Attachment "A" describes its legal description and "B" illustrates the proposed boundary.

The proposed annexation is being made to meet a Condition of Approval (COA) for General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01 and Tentative Map Application No. 2012-01 for Del Rio Villas. The Stanislaus County Board of Supervisors gave their approval to these applications on July 5, 2012. The COA given was listed as COA No. 28 under the Department of Public Works as follows:

Condition of Approval No. 28 "The streetlights shall be annexed into the Hillcrest Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process."

The approved Tentative Map and Development Plan sub-divides parcel 004-059-044 into 18 medium density residential lots. The development will have three street lights along Country Club Drive. Installation of this infrastructure will be at the developer's expense and to County standards.

If this annexation is approved, the 18 residential lots will become part of the Hillcrest Lighting District and they will be assessed using the existing formulas and methodology approved by the district's property owners in 1998. Assessments will commence with the 2016-2017 Budget Year. The existing formulas and methodology are as follows:

$$\begin{aligned} \text{Annual Assessment} = & (\text{Estimated Operation \& Maintenance Costs for Current Year}) \\ & + (\text{Estimated Dry Period Reserve For Next Year}) - (\text{Fund Balance From Previous Year}) \\ & - (\text{Estimated Property Tax Revenue For Current Year}) / \text{Number of Benefiting Parcels} \end{aligned}$$

This formula and methodology has been found to be sufficient to cover ongoing operational and maintenance costs for this district, which is the County's largest Lighting District.

The services to be extended in the Hillcrest Lighting District to the Del Rio Villas 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 – 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.

Approval of the Annexation of Del Rio Villas into the Hillcrest Lighting District

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 priority of providing A Safe Community and A Well Planned Infrastructure System by initiating the formal process to annex into the Hillcrest Lighting District, thereby allowing the developer to comply with County Street-lighting Standards and the Conditions of Approval for their project.

STAFFING IMPACT:

Staffing impact is limited to the time required to prepare this agenda item and coordinate the project with the Modesto Irrigation District to energize the light.

CONTACT PERSON:

Matthew Machado, Public Works Director Telephone: (209) 525-4153.

ATTACHMENT(S):

1. Exhibit "A" Legal Description
2. Exhibit "B" Legal Description Map Showing Proposed Boundary

EXHIBIT "A"
LEGAL DESCRIPTION
DEL RIO VILLAS PROPERTY AFTER LOT LINE ADJUSTMENT
A.P.N. - 004-059-044 AND 050

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 19 and the Northeast quarter of Section 30, Township 2 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

Commencing at the Northeast Quarter of Section 30, Township 2 South, Range 9 East, Mount Diablo Meridian; thence North 88°12' West and along the North line of said Section 30, a distance of 64.77 feet to a point marking the Northwest corner of property conveyed to Albert Zeff, et al, by deed recorded October 10, 1957 in Vol. 1448 of Official Records, at Page 640, as Instrument No. 26120, and being the TRUE POINT OF BEGINNING of this description; thence continuing North 88°12' West and along the North line of Section 30, a distance of 601.24 feet; thence South 0°06' East, a distance of 302.39 feet; thence South 88°17' East, a distance of 606.83 feet to a point on the Southerly extension of the West line of the Albert Zeff property above referred to; thence North 0°16' West, along said West line extension, a distance of 57.15 feet to a point marking the Southwest corner of said Zeff property; thence along the West line thereof, North 0°16' West parallel with and 60.00 feet Westerly from the East line of Section 30, a distance of 229.29 feet; thence following a curve which is concave to the Southwest through an arc distance of 15.63 feet (chord bearing and distance North 18°10'30" West, 15.37 feet) said curve having a central angle of 35°49' and a radius of 25.00 feet, to a point on the North line of Section 30 and the true point of beginning of this description.

Together with all that portion of Parcel "B" as shown on that Map filed in the Office of the Recorder of the County of Stanislaus on May 3, 1982 in Book 32 of Parcel Maps at Page 136, lying Easterly of the following described line:

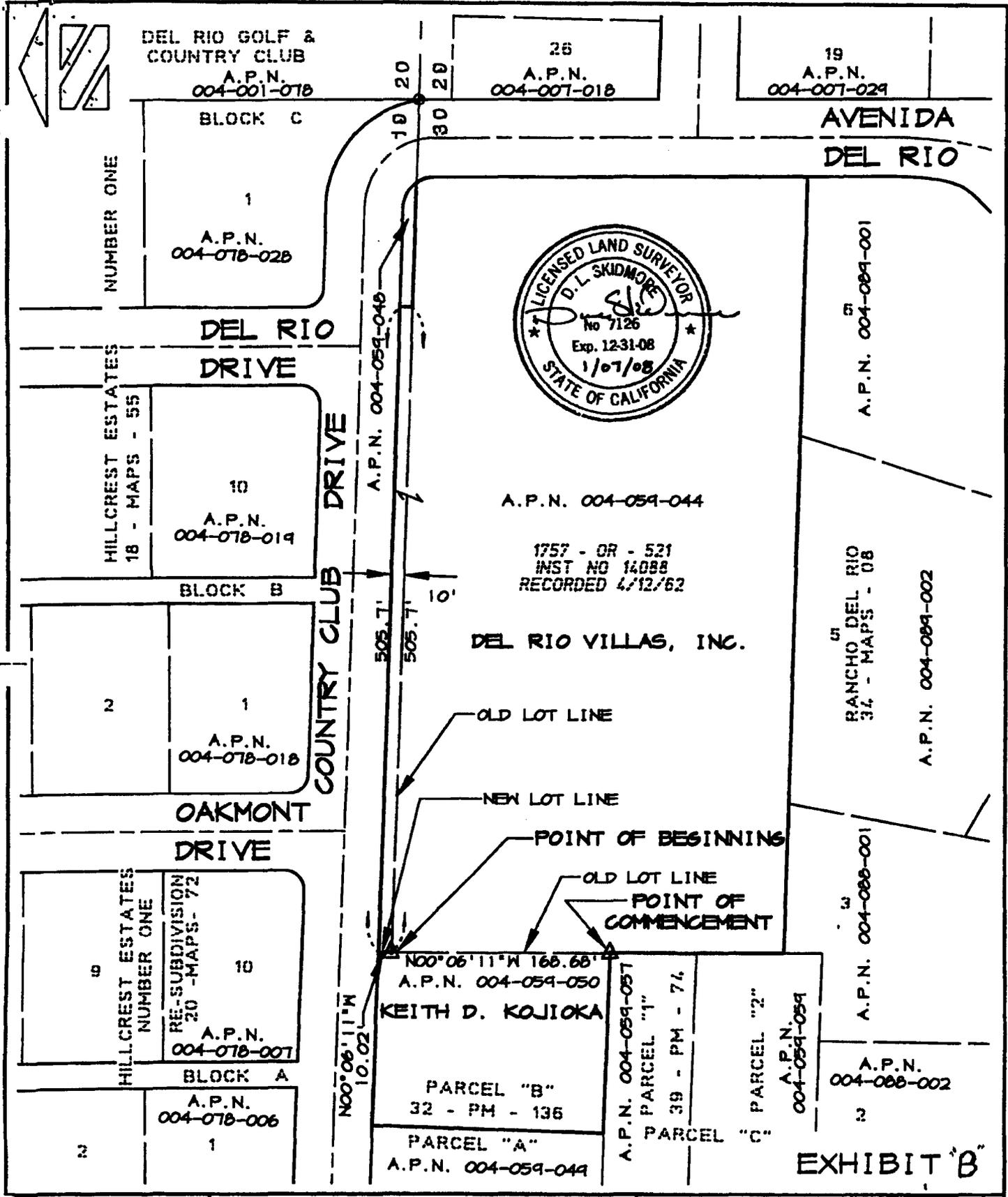
Commencing at the East corner Common to Parcels "B" and "C" of said Parcel Map; thence North 00°06'11" West along the East line of said Parcel "B", a distance of 168.68 feet to an angle point on the East line of said Parcel "B", said point being the TRUE POINT OF BEGINNING; thence continuing North 00°06'11" West, a distance of 10.02 feet to the South Right of Way line of Country Club Drive, said point is the terminus of this described line.

CONTAINING 4.31 acres more or less.

SUBJECT TO all easements and/or rights-of-way of record.



D. Skidmore
 Dave L. Skidmore, L.S. 7126
 License Expires 12/31/08
 01/07/08



A.P.N. 004-059-044

1757 - OR - 521
INST NO 14088
RECORDED 4/12/62

DEL RIO VILLAS, INC.

$N00^{\circ}06'11''W$ 168.68'
A.P.N. 004-059-050

KEITH D. KOJIOKA

PARCEL "B"
32 - PM - 136

PARCEL "A"
A.P.N. 004-059-049

PARCEL "1"
39 - PM - 74

PARCEL "2"
A.P.N. 004-059-059

A.P.N. 004-088-002

EXHIBIT "B"

RAWN DAJ
DATE 1/3/08
SCALE 1" = 100'
JOB # 548-06
DWG. 548_LLA

PLAT TO ACCOMPANY LEGAL DESCRIPTION
DEL RIO VILLAS, INC., KEITH D. KOJIOKA
APN: 004-059-044, 050, BEING A PORTION
OF THE S.E. 1/4 OF SEC. 19 AND THE N.E.
1/4 OF SEC. 30, T.2 S., R. 9 E., M.D.M.
STANISLAUS COUNTY CALIFORNIA



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