

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

DEPT: Public Works

BOARD AGENDA #: *C-6

AGENDA DATE: March 1, 2016

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Fruit Yard Lighting District

BOARD ACTION AS FOLLOWS:

No. 2016-108

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-46-1

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine

DM

BOARD AGENDA #: *C-6

AGENDA DATE: March 1, 2016

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Fruit Yard Lighting District

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the Formation of the Fruit Yard Lighting District.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.

DISCUSSION:

The purpose of this Lighting District formation is to provide ongoing operation and maintenance costs of two 100 watt Light Emitting Diode (LED) streetlights on Geer Rd, south of SR132, on the east side of the Fruit Yard, promoting traffic safety, deterring crime and aiding law enforcement efforts in this designated area. Upon voter approval of the formation, the service area costs will be borne by the Fruit Yard Lighting District through annual assessments. The boundaries of the proposed Fruit Yard Lighting District are generally located at the southwest corner of SR132 (Yosemite Blvd) and Geer Road in Modesto.

The proposed formation is being made to meet a Condition of Approval (COA) for Stanislaus County Planning Department General Plan Amendment/Rezone 2007-03 for The Fruit Yard. The COA given was listed under the Department of Public Works as follows:

Condition of Approval No. (34) "Prior to final and or occupancy of any building or approved use of the park site, streetlights per County Standards shall be installed along the developed portions of the parcel along the right-of-way Geer Rd."

Condition of Approval No. (35) "Prior to the issuance of a building or grading/drainage permit of approved use of the park site, a lighting district shall be formed to provide a funding mechanism to pay for operations and maintenance of the streetlights. The developer shall provide all necessary documentation and pay all the costs associated with the formation of the lighting district."

Condition of Approval No. (36) "Prior to issuance of a Grading Permit or Building Permit or approved use of the park site, whichever is done first, the developer

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Fruit Yard Lighting District

shall pay the first year's operating and maintenance costs of the streetlights with the Department of Public Works.”

The Fruit Yard Lighting District is being formed with one parcel and one owner, so the ballot procedure costs of the formation are expected to be minimal.

The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance of the lighting district's streetlights including, but not limited, to the materials, equipment, labor, and administrative expenses. If the formation of the Fruit Yard Lighting District is approved, the first year's assessment for the new parcel is anticipated to be \$2.865 per EBU (3.5 EBU per acre x 34.9 acres = \$350.00 yearly assessment).

The formation of a Lighting District is a multiple action process:

1. Adopt a resolution initiating proceedings for the formation of the Fruit Yard Lighting District;
2. Prepare an Engineer's Report to describe services and spread the cost of the improvements over the benefitting parcels;
3. Board of Supervisors to approve the Engineer's Report and Set a Public Hearing date;
4. Send the affected landowner a mail-in ballot, which must be returned to the Clerk of the Board prior to the beginning of the Public Hearing;
5. Hold Public Hearing not less than 45 days after the Set Public Hearing Date; affected landowner will be given an opportunity to speak for or against the formation or the proposed assessment;
6. At the conclusion of the public hearing, the Chairman of the Board will request that the Clerk of the Board open and tally the ballots; and,
7. The Board may, or may not, adopt a resolution accepting the count of the ballots to order the formation of the Lighting district. Any Lighting District formation order is contingent upon the approval by the Local Agency Formation Commission.

Attachments of Exhibits A and B show the boundaries of the proposed formation of the Fruit Yard Lighting District.

POLICY ISSUE:

Government code Section 25211.3 states that a signed resolution is required to initiate proceedings for the formation of a lighting district.

FISCAL IMPACT:

The total cost of this action includes \$1,500 for estimated staff time for the ballot procedure and preparation of the Engineer's report.

Approval to Adopt a Resolution Initiating Proceedings for the Formation of the Fruit Yard Lighting District

Cost of recommended action:		\$	1,500
Source(s) of Funding:			
The Fruit Yard	\$	1,500	
Funding Total:		\$	1,500
Net Cost to County General Fund		\$	

Fiscal Year:

2016/2017

Budget Adjustment/Appropriations needed:

No

Fund Balance as of

BOARD OF SUPERVISORS' PRIORITY:

The recommended action is consistent with the Board of Supervisors' priorities or Providing A Safe Community and A Well-Planned Infrastructure System by installing and maintaining additional streetlights.

STAFFING IMPACT:

Existing Public Works staff will conduct the ballot procedure and prepare the Engineer's report.

CONTACT PERSON:

Matt Machado, Director

Phone (209)525-4153

ATTACHMENT(S):

- A. Legal Description of The Fruit Yard Lighting District
- B. Vicinity Map of The Fruit Yard Lighting District
- C. Resolution to Initiate Proceedings

ATTACHMENT A

Legal Description of The Fruit Yard Lighting District

EXHIBIT "A"

**FRUITYARD
LIGHTING DISTRICT
STANISLAUS COUNTY, CALIFORNIA**

All that certain real property situate in the County of Stanislaus, State of California, lying within a portion of the Northeast quarter of Section 34, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

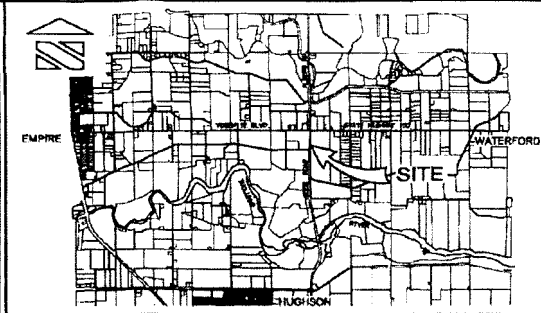
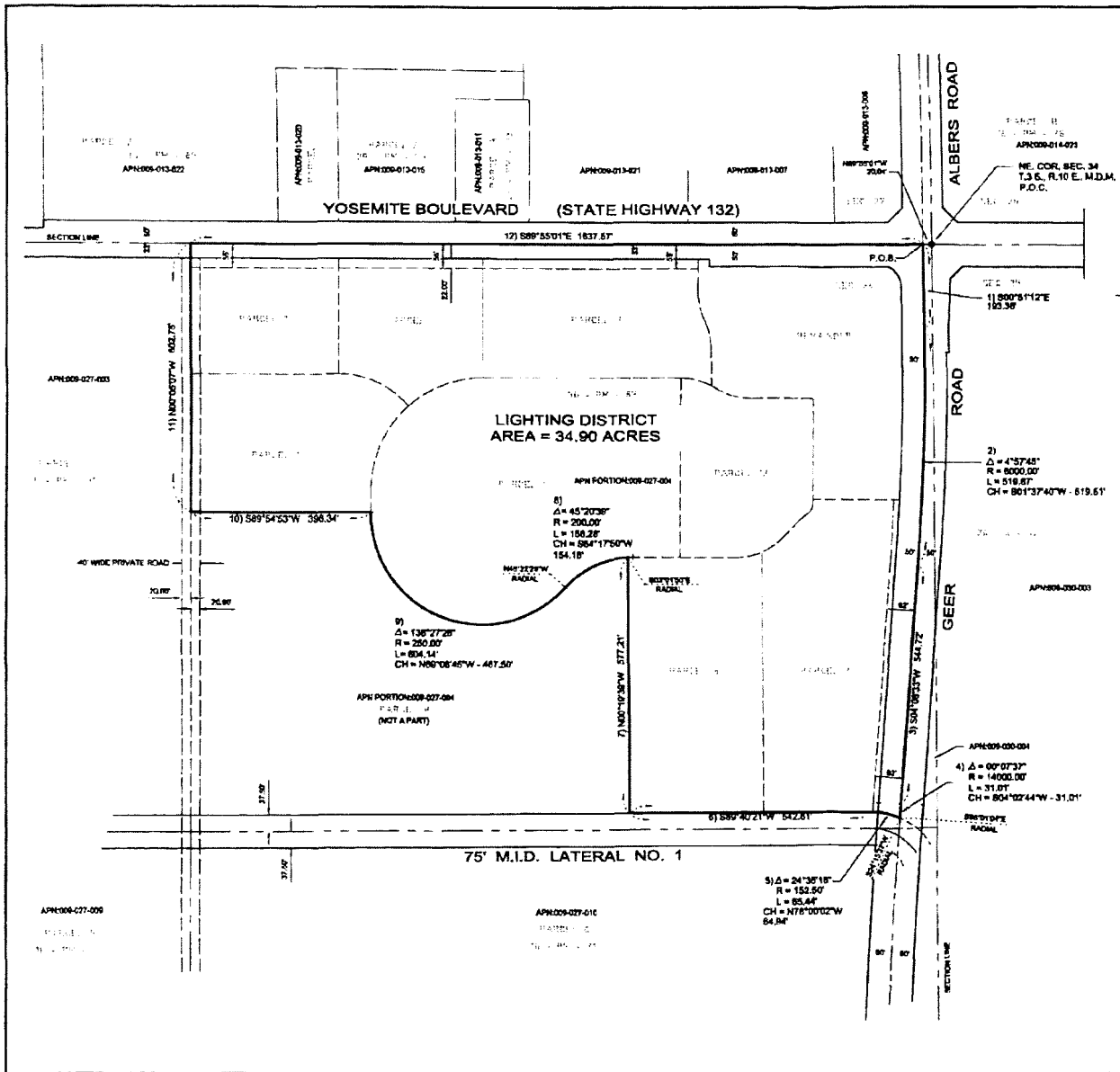
COMMENCING at the Northeast corner of said Section 34, said corner lies on the center line of State Highway 132 (Yosemite Avenue); thence North 89°55' 01" West along the North line of said Section 34 and center line of State Highway 132, a distance of 20.04 feet to the intersection with the center line of Geer Road and being the POINT OF BEGINNING of this description; thence in a clockwise direction, the bounds of said annexation being described as follows:

- 1) South 00°51'12" East along the center line of Geer Road, a distance of 193.38 feet to a point of curvature of a tangent curve, concave Westerly, having a radius of 6000.00 feet; thence continuing
- 2) Southerly along the center line of Geer Road and the arc of said curve, through a central angle of 04°57'45", an arc distance of 519.51 feet, having a long chord bearing and distance of South 01°37'40" West, a distance of 519.51 feet; thence continuing along the center line of Geer Road
- 3) South 04°06'33" West, a distance of 544.72 feet to a point of curvature of a tangent curve, concave easterly, having a radius of 14000.00 feet; thence continuing along the center line of Geer Road
- 4) Southerly along the arc of said curve, through a central angle of 00°07'37", an arc distance of 31.01 feet, having a long chord bearing and distance of South 04°02'44" West, a distance of 31.01 feet to a point of cusp of a curve, concave Southerly, having a radius 152.50 feet, of which the radius point bears South 24°15'37" West; thence
- 5) along the arc of said curve, through a central angle of 24°35'16", an arc distance of 65.44 feet, having a long chord bearing and distance of North 78°00'02" West, a distance of 64.94 feet, said point lying on the North right of way line of the 75.00 foot wide Modesto Irrigation District Lateral Number 1; thence
- 6) South 89°40'21" West along last said North right of way line, a distance of 542.61 feet; thence
- 7) North 00°19'39" West, a distance of 577.21 feet to a point of curvature of a curve. Concave Southeasterly, having a radius of 200.00 feet of which the radius point bears South 03°01'50" East; thence
- 8) Southwesterly along the arc of said curve, through a central angle of 45°20'39", an arc distance of 158.28 feet, subtended by a long chord bearing of South 64°17'50" West and chord distance of 154.18 feet to a point of reverse curvature of a curve, concave Northeasterly, having a radius of 250.00 feet of which the radius point bears North 48°22'29" West; thence
- 9) Westerly along the arc of said curve, through a central angle of 138°27'28", an arc distance of 604.14 feet, subtended by a long chord bearing of North 69°08'45" West and chord distance of 467.50 feet; thence
- 10) South 89°54'53" West, a distance of 398.34 feet; thence
- 11) North 00°05'07" West, a distance of 602.75 feet to a point on the North line of said Section 34 also being the center line of State Highway 132; thence
- 12) South 89°55'01" East along last said line, a distance of 1637.57 feet to the point of beginning.

CONTAINING 34.90 ACRES MORE OR LESS

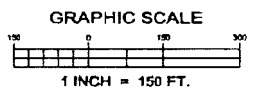
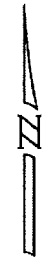
ATTACHMENT B

Vicinity Map of The Fruit Yard Lighting District



VICINITY MAP

NO SCALE
 APN INDICATES ASSESSORS PARCEL NUMBER
 P.O.C. INDICATES POINT OF COMMENCEMENT
 P.O.B. INDICATES POINT OF BEGINNING.



FRUITYARD LIGHTING DISTRICT

BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

APRIL, 2015



4208 TECHNOLOGY DRIVE, SUITE 4, HOOVER, CA 94755
 PHONE (925) 845-1380 FAX (925) 845-1381 www.aegroup.com

EXHIBIT "B"

ATTACHMENT C

Resolution to Initiate Proceedings

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

Date: March 1, 2016

2016-108

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-6

**APPROVAL TO ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF
THE FRUIT YARD 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 the land shown on Exhibit A, and shall be called the "Fruit Yard 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".
4. Upon approval of the formation of the Fruit Yard 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

