

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

DEPT: Public Works

BOARD AGENDA #: *C-2

AGENDA DATE: March 8, 2016

SUBJECT:

Approval to Set a Public Hearing on April 26, 2016 at 9:10 A.M. to Consider the Annexation of County Service Area 27 – Empire and the Levy of a Specific Benefit Assessment, and Conduct an Assessment Ballot Procedure Regarding the Matter

BOARD ACTION AS FOLLOWS:

No. 2016-121

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
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:


ELIZABETH A. KING, Clerk of the Board of Supervisors

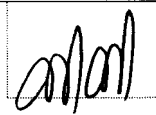
File No. CSA-27-6

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

DEPT: Public Works
Urgent Routine

BOARD AGENDA #: *C-2

AGENDA DATE: March 8, 2016



CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Set a Public Hearing on April 26, 2016 at 9:10 A.M. to Consider the Annexation of County Service Area 27 – Empire and the Levy of a Specific Benefit Assessment, and Conduct an Assessment Ballot Procedure Regarding the Matter

STAFF RECOMMENDATIONS:

1. Set a Public Hearing on April 26, 2016 at 9:10 A.M. to consider the proposed annexation of County Service Area 27 - Empire and the levy of a specific benefit assessment.
2. Order that notice of the Public Hearing be given by mail pursuant to Government Code Sections 56824.12, Subd., (c), and published pursuant to Sections 25211.3, Subd., (b).
3. Approve the Engineer's Report and the annual budget for the proposed annexation of the County Service Area 27 - Empire.
4. Authorize a Proposition 218 Assessment Ballot Procedure in conformance with the California Constitution Article XIII (C) & (D) for County Service Area 27 - Empire, and the levy of an annual specific benefit assessment.
5. Direct the Clerk of the Board to send notification of the public hearing and the prepared attached notice to the Executive Officer of the Local Agency Formation Commission per Government Code Section 25211.3, Subd., (b).

DISCUSSION:

In March 2006, the Board of Supervisors authorized the County to enter into a contract with Stantec Consulting, Inc. to provide design, surveying and general engineering services to develop plans and specification for the Empire Infrastructure Improvement project. The design process was the first step toward the realization of storm drain infrastructure in Empire and was funded by the Community Development Block Grant (CDBG) Program and the Stanislaus County Redevelopment Agency. On July 21, 2009, the Board adopted the plans and specifications for the Empire Improvement Project Phase 1A and related actions including environmental exemption. On September 15, 2009, a resolution to initiate proceedings to form a County Service Area (CSA) was approved by the Board. On December 8, 2009, the ballot results in support of the formation of the CSA were adopted and CSA 27 – Empire was formed.

Prior to the elimination of the Redevelopment Agency (RDA) in 2011, the plan was to connect the town of Empire to the Modesto Irrigation District outfall near the Santa Fe Bridge that

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crosses the Tuolumne River. The cost of the traditional storm drainage system that was contemplated in the Stantec plans would have cost approximately \$15 million.

The Planning and Community Development Department in conjunction with the Department of Public Works developed an alternative storm drainage project because of the funding constraints caused by the elimination of the RDA in 2011. The Empire Community Storm Drainage Report (Report) was the result of that effort.

In an effort to identify a lower-cost option to complete the remaining phases of the project, a feasibility study for a Low Impact Development (LID) swale storm water drainage system was completed. The LID system was presented at a February 17, 2015, community meeting; however, it was not supported by the Empire residents.

Instead, Empire residents favored a targeted storm drain project that would include traffic safety improvements such as sidewalks for safe routes to school for children and general pedestrian use.

A second community meeting was held on March 30, 2015, to obtain input on targeted storm drain solutions and sidewalk locations. Based on the feedback received at the second community meeting, a conceptual plan for a targeted storm drain system that included sidewalks had been developed. The County then held a third community meeting on September 22, 2015, to present the conceptual plan and funding options. The proposed improvements supported were a roundabout at A Street and 3rd Street, sidewalks that will link Empire Elementary School and Glick Middle School along 2nd Street, including at grade railroad improvements and targeted storm drainage solutions where the flooding was reported and needed.

Attachment 3 shows the scope and location of the proposed improvements and how they relate to the proposed annexation. Construction of the recommended improvements will be contingent upon success of the proposed CSA 27 - Empire annexation. Funding for capital improvements will come from CDBG funds, built in phases as funding becomes available.

Anticipated construction phasing and schedule is as follows:

Phase 1	\$1.33 Million	FY 15/16
Phase 2	\$1.33 Million	FY 17/18
Phase 3	\$1.33 Million	FY 19/20

The proposed area to be annexed to the CSA is located in the unincorporated town of Empire and encompasses those parcels that will receive special benefit from the recommended improvements. The purpose of this annexation to the CSA is to provide for the ongoing maintenance and operation of the storm drain system and other improvements once the infrastructure has been constructed.

This CSA will provide for the ongoing maintenance and operation of the storm drain system, sidewalks and a roundabout. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance of the service area's storm drain

Approval to Set a Public Hearing on April 26, 2016 at 9:10 A.M. to Consider the Annexation of County Service Area 27 – Empire and the Levy of a Specific Benefit Assessment, and Conduct an Assessment Ballot Procedure Regarding the Matter

system, sidewalks and roundabout including but not limited to the materials, equipment, labor, and administrative expenses. These special benefit services may include but are not limited to monthly or bi-monthly street sweeping and storm water system maintenance to ensure maximum service life of the system. The annexed parcels will also receive sidewalk maintenance in addition to the services already outlined for the existing parcels in CSA 27.

The annexation of a CSA is a multiple action process with the following proposed timeline:

Board of Supervisors to consider adopting a resolution initiating proceedings for the annexation to County Service Area 27-Empire	March 1, 2016
Board of Supervisors to consider approving the Engineer's report and to set a public hearing	March 8, 2016
Public Works to send mail-in ballots to affected landowners	March 11, 2016
The Board of Supervisors hold a Public Hearing and conduct ballot count at conclusion of hearing.	April 26, 2016
Board of Supervisors adopts the results of the election	May 10, 2016
Resolution of Application to LAFCO if election is successful	May 13, 2016

This Board item is the second step in the process to annex parcels into existing CSA 27, in which we ask the Board to consider adopting the Engineer's Report and to set a public hearing. The first step was accomplished on March 1, in which the Board authorized staff to initiate proceedings and to develop an Engineer's Report. The Engineer's Report has been completed and is attached (Attachment 2).

If the annexation to the CSA is approved, the first annual assessment for the new parcels is anticipated to be approximately \$84.54 per equivalent benefit unit, which is \$0.85 more than Fiscal Year 2015/2016 for the existing parcels. This assessment would begin when improvements are built.

Information regarding the Empire Improvement Project and the proceedings associated with formation of county service areas has been shared with the community through the three public meetings held at Empire Elementary School on February 17, March 30 and September 22, 2015. Such updates will continue as necessary through the construction and formation process to ensure open communication with the community on this infrastructure project.

Upon voter approval of the annexation, the ongoing operation and maintenance costs of the service area will be borne by the CSA 27 - Empire through assessments estimated to generate approximately \$23,100 annually. These funds will be used for ongoing operating and maintenance for the CSA's storm water drainage system, sidewalks and roundabout. The annexation to the existing CSA will free businesses, employees, and customers from concerns over storm water runoff, flooding and property damage as well as roadway hazards and restrictions.

Approval to Set a Public Hearing on April 26, 2016 at 9:10 A.M. to Consider the Annexation of County Service Area 27 – Empire and the Levy of a Specific Benefit Assessment, and Conduct an Assessment Ballot Procedure Regarding the Matter

POLICY ISSUE:

Government Code Section 56000 et.seq. states that the Board shall set a public hearing date and accept the Engineer’s Report. If the Board does not approve the setting of the public hearing or accepting the Engineer’s Report, the annexation process cannot continue.

FISCAL IMPACT:

The Board of Supervisor’s approved the use of Community Development Funds in the amount of \$20,000 on September 9, 2014 for the costs associated with the annexation to CSA 27. Community Development Funds already appropriated will cover staff time for the ballot procedure, Engineer’s Report, and public meetings.

Cost of recommended action:

N/A

Source(s) of Funding:

Funding Total:

\$ -

Net Cost to County General Fund

\$ -

Fiscal Year:

Yes/No

Budget Adjustment/Appropriations needed:

Fund Balance as of

BOARD OF SUPERVISORS’ PRIORITY:

This action is consistent with the Board’s priorities of a safe community and a well-planned infrastructure system by building storm drainage and sidewalks for the Empire Community.

STAFFING IMPACT:

This process will be overseen by existing Public Works and Clerk of the Board staff.

CONTACT PERSON:

Matt Machado, Public Works Director.

Telephone: (209)525-4153.

ATTACHMENT(S):

1. Notice of Public Hearing
2. County Service Area No. 27 Annual Engineer’s Report
3. Proposed Annexation to County Service Area 27 – 2016

ATTACHMENT 1

Notice of Public Hearing

NOTICE OF HEARING REGARDING ANNEXATION OF
COUNTY SERVICE AREA 27-EMPIRE
AND THE LEVY OF AN ANNUAL ASSESSMENT

NOTICE IS HEREBY GIVEN that on Tuesday, April 26, 2016 at, at the hour of 9:10 A.M., or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the City/County Administration Building, 1010 10th Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding the annexation of County Service Area 27-Empire, ballot procedure, and the levy of an annual assessment on all parcels of land within said district. County Service Area 27-Empire will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows:

AREA I

All that portion of real property located in Section 29 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the County of Stanislaus State of California

Described as follows:

Beginning at the Northwest corner of County Service Area (CSA) No. 27 – Empire (Phase I), said point being on the north right-of-way line of Second Street, 74 feet wide and the easterly right-of-way of Burlington Northern and Santa Fe Railroad:

- 1.) Thence, North 10° 39' 53" West, 168.25 feet along the easterly right-of-way of said railroad to a line 165' north of the south line of Lot 3 of Block 8 of the Map of the Town of Empire recorded in Volume 4 of Maps, Page 30 recorded on July, 13 1909, Stanislaus County Records;
- 2.) Thence South 89° 22' 00" East, 112.99 feet to a point on the west line of E Street of said map of the Town of Empire;
- 3.) Thence, South 77° 56' 11" East, 75.68 feet crossing said E Street to the Northwest Corner of Lot 22 of Block 9 of said map;
- 4.) Thence South 89° 22' 00" East, 158.00 feet along the north line of Lot 22 and easterly extension thereof to the east line of the alley in Block 9;
- 5.) Thence, North 0° 04' 00 West, 324.00 feet along the east line of said alley and it's northerly extension to the north right-of-way line of Third Street, 74 feet wide;
- 6.) Thence, North 89° 22' 00" West, 18.00 feet along the north line of said Third Street to a point on the east line of the west 140 feet of Lot 7 of Block 1 of said map of the Town of Empire;

- 7.) Thence, North 0° 04' 00" West, 150.00 feet along said east line;
- 8.) Thence, South 89° 22' 00" East, 12.00 feet to a point on said line, 150 feet north of and parallel with the south line of said Lot 7 of Block 1;
- 9.) Thence, North 0° 04' 00" West, 190.00 feet to the north line of Lot 6 of said Block 1;
- 10.) Thence North 89° 22' 00" West, 30.00 feet on said north line of Lot 6 to a point 122 feet distant from the northwest corner of Lot 6;
- 11.) Thence, North 0° 04' 00" West, 170.00 feet to the north line of Lot 5 of Block 1;
- 12.) Thence, South 89° 22' 00" East, 27.00 feet to a point, 149 feet east of the northwest corner of said Lot 5;
- 13.) Thence, North 0° 04' 00" West, 114.00 feet, to a point 56 feet south of the north line of Lot 4 of Block 1;
- 14.) Thence North 89° 22' 00" West, 149.00 feet to the east right-of-way line of E Street, 74 feet wide;
- 15.) Thence, North 88° 35' 33" West, 74.02 feet crossing E Street to the southeast corner of Parcel A of Volume 40 of Parcel Maps, Page 97, said point being on the west right-of-way line of E Street;
- 16.) Thence, North 89° 18' 14" West, 288.33 feet along the south line of Parcels A and B of Parcel Map 40-PM-97 to the easterly right-of-way line of the Burlington Northern and Santa Fe Railroad;
- 17.) Thence, North 10° 38' 30" West, 573.70 feet on the B.N.S.F. railroad right-of-way to the southwest corner the North Empire Manor subdivision, recorded in Volume 20, of Maps, Page 63;
- 18.) Thence, South 89° 22' 00" East, 967.35 feet along the south line of said subdivision and it's easterly extension to a point on the northerly extension of a line 159.5 feet east of, and parallel with the west line of Lot 27 of Block A of the Daggett Addition to the Town of Empire recorded in Volume 6 of Maps, Page 17;
- 19.) Thence South 0° 04' 00" East, 236.68 feet along said line to a point on the south line of Lot 28 of Block A;
- 20.) Thence South 89° 22' 00" East, 263.60 feet along the south line of Lot 28 to the southeast corner of said lot, also being the northeast corner of Lot 29;

- 21.) Thence, South 0° 04' 00" East, 98.34 feet along the east line of Lot 29 to the southwest corner of Lot 29 also being a point on the north line of County Service Area (CSA) No.8, Honey Bee Estates;
- 22.) Thence North 89° 25' 36" West, 408.07 feet along the north line of CSA No.8 Honey Bee Estates and the south line of Lot 29 to the northwest corner of CSA No.8, also being a point on the east right-of-way line of Church Street;
- 23.) Thence, South 0° 01' 01" West, 311.08 feet along the west line of CSA No.8 and the east right-of-way line of Church Street to the south west corner of CSA No.8;
- 24.) Thence, South 89° 22' 55" East, 408.11 feet along the south line of CSA No.8 to an angle point in CSA No.8 boundary, also being a point on the west line of Lot 20 of Block A of said Map of the Daggett Addition to the Town of Empire;
- 25.) Thence South 0° 04' 00" East, 348.02 feet along the west lines of Lots 20, 19, 18, and 17 of said Block A to a point 29.00 feet north of the southwest corner of said Lot 17;
- 26.) Thence, South 89° 22' 00" East, 223.10 feet to a point on said line lying 29.00 feet north of and parallel with the north line of Lot 17;
- 27.) Thence, South 0° 04' 00" East, 98.34 feet to a point, said point being 29.00 feet north of the north line of Lot 16 of said Block A;
- 28.) Thence, North 89° 22' 00" West, 223.10 feet to a point on the west line of said Lot 16;
- 29.) Thence, South 00° 04' 00" East, 201.25 feet to a point on the north right-of-way of Modesto Irrigation District Highline Canal;
- 30.) Thence North 89° 22' 00" West, 241.11 feet along the north line of M.I.D. Highline Canal to a point of intersection with the northerly extension of the east line of the alley in Block 3 of the Map of the Root Addition recorded in Volume 9, Page 40;
- 31.) Thence, South 0° 04' 00" East, 240.44 feet, along the east line of said alley of Block 3 to the southwest corner of Lot 7 of Block 3;
- 32.) Thence, South 89° 22' 00" East, 140.00 feet along the south line of Lot 7 to the southeast corner of Lot 7, also being a point on the west right-of-way line of G Street, 64 feet wide;

- 33.) Thence, South 0° 04' 00" East, 125.00 feet along the east lines of Lots 8, 9, 10, 11, & 12 to the point of intersection of the west line of G Stree with the north line of Second Street;
- 34.) Thence, North 89° 22' 00" West, 818.04 feet along the north right-of way line of Second street to the easterly right-of-way line of the Burlington Norther Santa Fe Railroad and Point of Beginning of this description.

Area = +/- 26.00 acres

END AREA I DESCRIPTION

AREA II

All that portion of real property located in Section 30, Township 3 South, Range 10 East, Mount Diablo Meridian in the County of Stanislaus, State of California and described as follows:

Commencing at the Southeast corner of said Section 30; thence North 89°22'00" West, along the south line of said Section 30, a distance of 1031.67 feet to a point on the west line of 60 foot wide M.&E.T. Railroad right-of-way and the Point of Beginning of the herein described area;

- 1.) thence continuing on said south Section line, North 89°22'00" West, a distance of 805.93 feet to the southerly projection of the west line of parcel B as show on the parcel map recorded in book 39 of Parcel Maps at Page 24, Stanislaus County Records;
- 2.) thence North 00°04'03" West along the southerly projection and said west line a distance of 194.14 feet to the centerline of an 18 foot wide alley as shown on the Record of Survey recorded in Volume 1 of Surveys at Page 86, Stanislaus County Records;
- 3.) thence North 89°22'43" West along the centerline of said 18 foot wide alley a distance of 200.44 feet to the west line of said Record of Survey;
- 4.) thence North 00°01'13" West along the west line of said Record of Survey a distance of 484.28 feet to the south line of Lot 4 as shown on the Map of the "Frazine Tract" recorded in Volume 6 of Maps at Page 27, Stanislaus County Records;
- 5.) thence North 89°23'00" West along the south line of said Lot 4 a distance of 29.81 feet to the southwest corner of said Lot 4;

- 6.) thence North $00^{\circ}03'00''$ West along the west line of said Lot 4 a distance of 746.46 feet to the south line of Lot 3 as shown on said map of the "Frazine Tract";
- 7.) thence South $74^{\circ}20'00''$ West along the south line of said Lot 3 a distance of 284.46 feet;
- 8.) thence continuing along the said south line South $67^{\circ}47'00''$ West a distance of 307.86 feet to the southwest corner of said Lot 3 and being on the east right-of-way line of a 20 foot half-width (Frazine) Avenue as shown on said map of the Frazine Tract;
- 9.) thence North $00^{\circ}00'00''$ East along said east right-of-way line a distance of 966.19 feet to the north line of Lot 2 as shown on said map;
- 10.) thence South $89^{\circ}16'00''$ East along the north line of said Lot 2 a distance of 895.85 feet to the north east corner of said Lot 2;
- 11.) thence South $00^{\circ}03'00''$ East along the east line of said Lot 2 a distance of 333.43 feet to the westerly projection of a line that is 6.17 feet north of and parallel with the south line of Lot 2 in Block 4 of the "Map of The Town of Empire" recorded in Volume 4 of Maps at Page 30, Stanislaus County Records;
- 12.) thence South $89^{\circ}17'39''$ East along said westerly projection and line a distance of 364.03 feet to the west right-of-way line of 74 foot wide B Street as shown on said "Map of the Town of Empire";
- 13.) thence North $00^{\circ}03'00''$ West along said west right-of-way line a distance of 14.89 feet to the westerly projection of a line that is 50.00 feet south of and parallel with the south line of Parcel 1 as shown on the Parcel Map recorded in Book 29 of Parcel maps at Page 155, Stanislaus County Records;
- 14.) thence South $89^{\circ}21'05''$ East along said westerly projection and line a distance of 234.01 feet to the west line of Parcel 2 as shown on said Parcel Map;
- 15.) thence South $00^{\circ}03'00''$ East along said west line a distance of 121.16 feet to the north line of Lot 6 as shown on the map of "Empire Estates" recorded in Book 22 of Maps at Page 57, Stanislaus County Records;
- 16.) thence North $89^{\circ}20'20''$ West along said north line a distance of 13.07 feet to the northeast corner of said Lot 6;

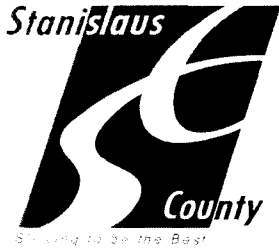
- 17.) thence South $00^{\circ}04'20''$ East along the west boundary line of said "Empire Estates" a distance of 299.75 feet to the north right-of-way line of 74 foot wide Third Street as shown on said "Map of the Town of Empire";
- 18.) thence South $89^{\circ}22'00''$ East along said north right-of-way line a distance of 10.96 feet to the northerly projection of the east line of the 18 foot wide alley in Block 6 of said "Map of the Town of Empire";
- 19.) thence South $00^{\circ}03'00''$ East along said northerly projection and line a distance of 99.01 feet to the northwest corner of Lot 2 in said Block 6;
- 20.) thence South $89^{\circ}23'12''$ East along the north line of said Lot 2, the easterly projection of said Lot 2 and along the north line of Lot 31 in Block 7 of said "Map of the Town of Empire" a distance of 323.14 feet to the south right-of-way line of the M.I.D. Highline Lateral;
- 21.) thence South $61^{\circ}24'48''$ East along said south right-of-way line a distance of 175.47 feet;
- 22.) thence continuing along said south right-of-way line North $79^{\circ}35'12''$ East a distance of 17.91 feet to the west right-of-way line of the 100 foot wide A.T.&S.F. Railroad;
- 23.) thence South $10^{\circ}38'30''$ East along said west right-of-way line a distance of 395.19 feet to the northwest right-of-way line of the 60 foot wide M.&E.T. Railroad and said point being a point of curvature, non-tangent to the preceding course, concave northwesterly, having a radius of 1031.00 feet from which the radius point bears South $80^{\circ}57'36''$ West;
- 24.) thence southwesterly, along the arc of said curve and said right-of-way line through a central angle of $25^{\circ}45'03''$, an arc distance of 463.37 feet to a point of curvature, non-tangent to the preceding course, concave northwesterly, having a radius of 675.00 feet from which the radius point bears North $70^{\circ}46'23''$ West;
- 25.) thence continuing southwesterly, along the arc of said curve and said right-of-way line through a central angle of $53^{\circ}11'48''$, an arc distance of 626.71 feet to the south line of said Section 30 and the Point of Beginning.

Area = +/- 67.34 acres

END AREA II DESCRIPTION

ATTACHMENT 2

County Service Area No. 27 Annual Engineer's Report



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Construction/Roads/Bridges

Colt Esenwein, PE
Deputy Director - Engineering/Survey/Fleet

David Leamon, PE
Deputy Director - Development/Traffic

Kathy Johnson
Assistant Director - Business/Finance

1716 Morgan Road, Modesto CA 95358
Phone: 209.525.4130 Fax: 209.541.2505

Development Services & Transit Divisions
1010 10th Street, Suite 4204, Modesto CA 95354

www.stancounty.com/publicworks

COUNTY SERVICE AREA NO. 27
ANNUAL ENGINEER'S REPORT

EMPIRE

FISCAL YEAR 2016-2017

SET HEARING: March 8, 2016
PUBLIC HEARING: April 26, 2016

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ENGINEER'S REPORT AFFIDAVIT

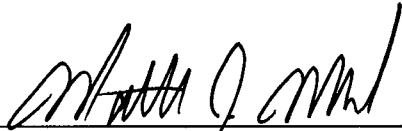
County of Stanislaus, State of California

CSA NO. 27 – EMPIRE

This report describes the district and all relevant zones therein including the budget(s), parcels and assessments to be levied for the Fiscal Year 2016-2017. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the County Service Area (CSA).

The undersigned respectfully submits the enclosed report as directed by the Board of Supervisors.

Dated this 3RD day of MARCH, 2016



MATT MACHADO, DIRECTOR, PE
Stanislaus County Department of Public Works



**COUNTY SERVICE AREA NO. 27
ANNUAL ENGINEER'S REPORT
FISCAL YEAR 2016-2017**

INTRODUCTION:

In March 2006, the Board of Supervisors authorized the County to enter into a contract with Stantec Consulting Inc. to provide design, surveying and general engineering services to develop plans and specification for the Empire Infrastructure Improvement project. The design process was the first step toward the ultimate realization of storm drain infrastructure in Empire and is funded by the Community Development Block Grant (CDBG) Program and the Stanislaus County Redevelopment Agency. On July 21, 2009, the Board adopted the plans and specifications for the Empire Improvement Project Phase 1A and related actions including environmental exemption. On September 15, 2009, a resolution to initiate proceedings to form a CSA was given by the Board. On December 8, 2009, the ballot results in support of the formation of the CSA were adopted and CSA 27 – Empire was formed.

Prior to the elimination of the Redevelopment Agency (RDA) in 2011, the plan was to connect the town of Empire to the Modesto Irrigation District outfall near the Santa Fe Bridge that crosses the Tuolumne River. The cost of the traditional storm drainage system that was contemplated in the Stantec plans would have cost approximately \$15 million. The Planning and Community Development Department in conjunction with the Department of Public Works developed an alternative storm drainage project because of the funding constraints caused by the elimination of the RDA in 2011. The Empire Community Storm Drainage Report (Report) was the result of that effort.

In an effort to identify a lower-cost option to complete the remaining phases of the project, a feasibility study for a Low Impact Development (LID) swale storm water drainage system was completed. The LID system was presented at a February 17, 2015, community meeting; however, it was not supported by the Empire residents.

Instead, Empire residents favored a targeted storm drain project that would include traffic safety improvements such as sidewalks for safe routes to school for children and general pedestrian use.

A second community meeting was held on March 30, 2015, to obtain input on targeted storm drain solutions and sidewalk locations. Based on the feedback received at the second community meeting, a conceptual plan for a targeted storm drain system that included sidewalks had been developed. The County then held a third community meeting on September 22, 2015, to present the conceptual plan and funding options. The proposed improvements supported were a roundabout at A Street and 3rd Street, sidewalks that will link Empire Elementary School and Glick Middle School along 2nd Street, including at grade railroad improvements and targeted storm drainage solutions where the flooding was reported and needed.

In order for the County to maintain infrastructure such as this, the Public Works Department recommended that a County Service Area be expanded to include the new improvements and benefitting parcels. The County Service Area provides funding for the continual upkeep and maintenance of the infrastructure in order for it to function as originally designed. "County Service Area No. 27 (CSA 27)-Empire" was established to exclusively maintain the extended storm drainage and infrastructure that is provided to the unincorporated area of Empire.

PART I – PLANS AND SPECIFICATIONS

A. Description of the service area

CSA 27-phase 1 consists of 80 out of the anticipated 272 parcels that will receive a special benefit from CSA-27-Empire. The next phase of the work will include improvements for an additional 192 parcels, for a total of 272 parcels. This unincorporated area encompasses an area of land totaling approximately 93.74 acres. Assessor map attached hereto as exhibit "B". The boundary of CSA 27 is shown on Exhibit "A" that is attached hereto and made a part of this Engineer's Report. Phase 1 is generally located:

- North of State Route 132
- East of the Frazine Road
- South of Glick Road and McCoy Street
- West of Abbie Street

Streets that are within the proposed boundary are as follows:

- 1st Street
- 2nd Street
- 3rd Street west of the Railroad
- A Street between State Route 132 and 3rd Street
- B Street between State Route 132 and 3rd Street
- C Street between State Route 132 and 3rd Street
- D Street between State Route 132 and 2nd Street
- E Street (between State Route 132 and Brooklyn Court)
- Church Street (between State Route 132 and McCoy Street)
- North G Street (between State Route 132 and 2nd Street)
- H Street (between State Route 132 and 1st Street)
- I Street (Between State Route 132 and 1st Street)

B. Description of Improvements and Services

The purpose of this district is to ensure the ongoing maintenance and operation of the storm drain system. The special benefit assessments to be levied for this district are intended to provide a revenue source for all the maintenance and servicing of the service area's improvements including, but not limited, to the materials,

equipment, labor and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. The improvements to be maintained and funded entirely or partially through the service areas assessments are generally described as:

- Periodic cleaning and maintenance (as needed) on the following Storm Drain System:
 - 70 linear feet of 66 inch storm drain;
 - 550 linear feet of 48 inch storm drain;
 - 1,580 linear feet of 30 inch storm drain;
 - 850 linear feet of 24 inch storm drain;
 - 1,710 linear feet of 18 inch storm drain;
 - 510 linear feet of 12 inch storm drain;
 - 360 linear feet of 66 inch horizontal drain
 - 22 storm drain manholes;
 - 2 horizontal drain manholes;
 - 13,000 linear feet of 24" valley gutter;
 - 8,625 linear feet of 4-foot wide sidewalk; and,
 - A mini-roundabout

- Periodic cleaning and maintenance of 77 catch basins, the general benefit is once per year;

- Maintain 10,600 linear feet of curb and gutter as related to the continued functionality of the storm drain system;

- Periodic street sweeping which will be provided bi-weekly to prevent build up of silt and other damaging materials to the storm drain system, beyond the general benefit street sweepings of 4 times per year. All debris is contained and hauled off the site with containment bins;

- Additional cleaning associated with the maintenance of the permeable concrete valley gutters, which include flushing of the permeable concrete, this is a special benefit as this is a unique installation within CSA 27 – Empire;

- The general benefit for concrete maintenance is to only repair broken concrete when it becomes a public safety hazard, the special benefit will be to repair the broken sidewalk, concrete curb and gutter or permeable concrete valley gutter within 4 months of notification

PART II - METHOD OF APPORTIONMENT

A. Benefit Analysis

The method of apportionment described in this report for allocation of special benefit assessments utilizes commonly accepted engineering practices. The

formula used for calculating assessments for the district reflects the composition of the parcels and improvements provided to fairly apportion the costs based on special benefits to each parcel. Furthermore, pursuant to the Constitution Article XIII D Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and a parcel may only be assessed for special benefits received.

The storm drain facilities and the infrastructure provide special benefits to the properties within the CSA. Each parcel receives equal benefit from the extended storm drainage. The extended storm drainage only provides a special benefit to the parcels within CSA 27; therefore, no general benefit for storm drain maintenance has been assigned.

There are four (4) parcels (APN # 133-013-010, 133-013-011, 133-013-018, and 133-014-016) that exclusively front State Route 132/ Yosemite Boulevard that receive no special benefit from the services provided by the county service area due to an existing 36 inch Cal Trans positive storm drain pipe that discharges directly to the Modesto Irrigation District's system.

B. Assessment Methodology

The method of apportionment for the CSA calculates the receipt of special benefits from the respective improvements based on the actual or the proposed land use of the parcels within the district. The special benefit received by each lot or parcel is equated to the overall land use of the parcels within the CSA based on the parcel's actual land use or proposed development.

Upon review of the proposed improvements it has been determined that each of the residential parcels within the CSA receives special benefits from all the improvements to be funded by annual assessments. The parcels within the CSA may be identified by one of the following land use classifications and is assigned a weighting factor known as Equivalent Benefit Unit (EBU). The EBU calculated for a specific parcel defines the parcel's proportional special benefits from the CSA's improvements, facilities and services.

Equivalent Benefit units (EBU):

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of all other property in the CSA. The EBU method of apportioning assessments uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU. All other land uses are converted to EBU's based on an assessment formula that equates the property's specific development status, type of development (land use) and size of property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as the most appropriate and equitable assessment methodology, as the benefits to each parcel from the improvements are apportioned as a function of land use type, size and

development. Although the EBU method of apportioning special benefits commonly used and applied to CSA's that have a range of land use classifications (residential and non-residential use), the CSA is comprised of only residential properties and the following apportionment analysis of special of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within the CSA, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the district.

EBU Application by Land Use:

Single Family Residential- This land use is defined as a fully subdivided residential home site with or without structure. This land use is assessed 1.00 EBU per parcel or lot. This is the base value that all other properties are compared and weighted against.

Multi-family Residential- This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property typically includes apartments, duplexes, triplex etc. (It does not typically include condominiums, town-homes, or mobile home parks). Based on average population densities and the size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionally assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single family residence (sample sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Addition). These various studies indicate the most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by the CSA, it has been determined that an appropriate allocation of special benefit for multifamily residential properties as compared to a single family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 5 units; 0.50 EBU per unit for units 6 through 50; and 0.25 EBU per unit for all remaining units

Condominium/Town-Home Units- Condominiums and town-homes tend to share attributes of both a single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally the County assigns each unit a separate APN or assessment number. However, condominiums and town homes often have similarities to multi-family residential properties in that they are generally zoned

medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU pr unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to the APN. There is not an adjustment factor for parcels with more than five units.

Planned-Residential Development- This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the CSA. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionally for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out (the EBU assigned to each parcel shall represent the combination of single family, condominium, multifamily units to be developed).

Exempt Parcels- This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County):
- Private properties that cannot be developed independently for an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

Special Cases- in many CSA's where multiple land use classifications are involved, there are usually one or more properties that the standard land use classifications or usual calculation of benefit will not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a vacant residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel. The following table provides a summary of land use types, the EBU factors used to calculate each parcels individual EBU as outlined above.

PART III – BUDGET ANALYSIS

A. Fund Balance

The estimated fund balance as of June 30, 2016 is \$9,036. The assessment for Fiscal Year 2016-2017 is \$84.54 per EBU. This is a \$0.85 increase to the assessment of Fiscal Year 2015-2016. The 272 parcels within Phase have a total combined E.B.U. of 342.592. During Fiscal Year 2016-2017, only the initial 80 parcels will be assessed. Upon completion of each infrastructure phase, parcels in the new phases will begin receiving assessments in the following fiscal year.

The threat to storm water quality comes from the urbanized areas within the County, which the CSA's encompass. The County is mandated by the State Water Resources Control Board, Water Quality Order No. 2013-0001-DWQ to regulate storm water within these urbanized areas. The CSA's receive additional services above the General Benefit for the following permit areas: Education and Outreach (E.7), Public Involvement and Participation Program (E.8), Illicit Discharge Detection and Elimination Program (E.9), Post-Construction Storm water Management Program (E.12), Water Quality Monitoring (E.13), Program Effectiveness Assessment and Improvement (E.14), Total Maximum Daily Loads Compliance Requirements (E.15) and the Annual Reporting Program (E.16).

The fee structure to implement the state requirements has not been determined for Fiscal Year 2016-2017. An estimated annual fee of \$5 per parcel is included in this year's budget. Any surplus or shortfall will be adjusted in future calculations

The fiscal year is the 12-month period from July 1st through June 30th of the following year. However, the annual assessment is collected in December and April. This means the fiscal year starts on July 1st but the first installment of the annual assessment will not be collected until December. This creates a 6-month lag in receiving the money necessary to maintain the various services provided. Therefore, a reserve of \$4,673, one half of the annual operating budget, will be carried forward from available fund balance to cover costs from July 1st to December 31st.

B. Budget Formula

Land use and Equivalent benefit units

Property type	EBU	Multiplier
Single Family Residential	1.00	Per unit/lot (parcel)
Multi-Family Residential	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6 thru 50
	0.25	Per units > 50
Condominium/Town- Home Units	0.75	Per Unit
Planned Residential Development	1.00	Per planned Residential lot
	0.75	Per planned Condominium
	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6-50
	0.25	Per unit >50
Vacant/Undeveloped Residential Land	1.00	Per Acre
Public Park	0.40	Per Acre
Public Storm Drain Basin	0.40	Per Acre
Public School/Congregations	2.20	Per Acre
Commercial/Industrial Parcel	3.50	Per Acre
Undeveloped Commercial/Industrial Parcel	1.00	Per Acre
Rural/ Agricultural	1.00	Per Acre
Exempt Parcels	0.00	Per parcel

The following formula is used to calculate each parcel's EBU (proportional benefit):

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of EBU's is the sum of all individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (assessment rate) for the improvements is established by taking the total cost of the improvements and dividing the amount by the total number of EBU's of all benefiting parcels from the improvements. The rate is then applied back to each parcel's individual EBU to determine the parcel's proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU's} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

PARCEL TYPES INCLUDED WITH THIS FORMATION

PARCEL TYPE	PARCELS	ACRES	E.B.U.	E.B.U TOTAL
Residential	245		1.000	251.250
Comm./Industrial	15	4.070	3.500	12.933
School/Church	8	34.490	2.200	75.878
Vacant Lot	1	0.930	1.000	0.930
Parks	3	0.710	0.400	0.284
Total	272	40.200		341.275

PART IV - SERVICE AREA BUDGET

CSA 27	EXPENSE DESCRIPTION	TOTAL BUDGET
Empire		
	ADMINISTRATION	
	County Administration	\$500
	Miscellaneous/Other Admin Fees	\$0
	Total	\$500
	PUBLIC WORKS	
	Pond Excavation	\$0
	Pump Replacement	\$0
	SWRCB Permit Requirement	\$553
	Cleaning Draining System	\$2,667
	Street Sweeping	\$7,252
	Concrete Repair - C&G, Sidewalk, Valley Gutter	\$0
	Weed Spraying	\$0
	Erosion Control	\$0
	Separator Cleaning	\$0
	Utilities	\$0
	Total	\$10,472
	Capital Improvement Reserve	\$0
	General Benefit	(\$1,116)
	Total Administration, Parks & Rec, Public Works Budget	\$9,357
	Fund Balance Information	
	Beginning Fund Balance (Estimated for 2016-2017)	\$9,036
	Capital Improvement Reserve (-)	\$0
	Available Fund Balance	\$9,036
	Adjustments to Available Fund Balance	
	General Fund (or PW) Loan Repayment/Advance (+)	\$0
	Other Revenues/General Fund (Contributions I.e. Grants) (+)	\$0
	Capital Improvement Expenditure (pumps etc.) (-)	\$0
	6 Months Operating Reserve (-)	(\$4,678)
	Use of Fund Balance for FY 2016/17 (-)	\$0
	Contingency Reserve (-)	\$0
	Total Adjustments	(\$4,678)
	Remaining Available Fund Balance	\$4,358
	Total Administration, Parks & Rec, Public Works Budget	\$9,357
	Use of Fund Balance/Add'l reserve (-/+)*	\$0
	Balance to Levy	\$9,357
	District Statistics	
	Total Parcels	272
	Parcels Levied	80
	Total EBU	341,275
	Levy EBU	\$84.54
	Capital Reserve Target	\$0

PART V – ASSESSMENTS

2016-2017 Assessment = \$28,978 / 342.592 E.B.U. = \$84.54 per E.B.U

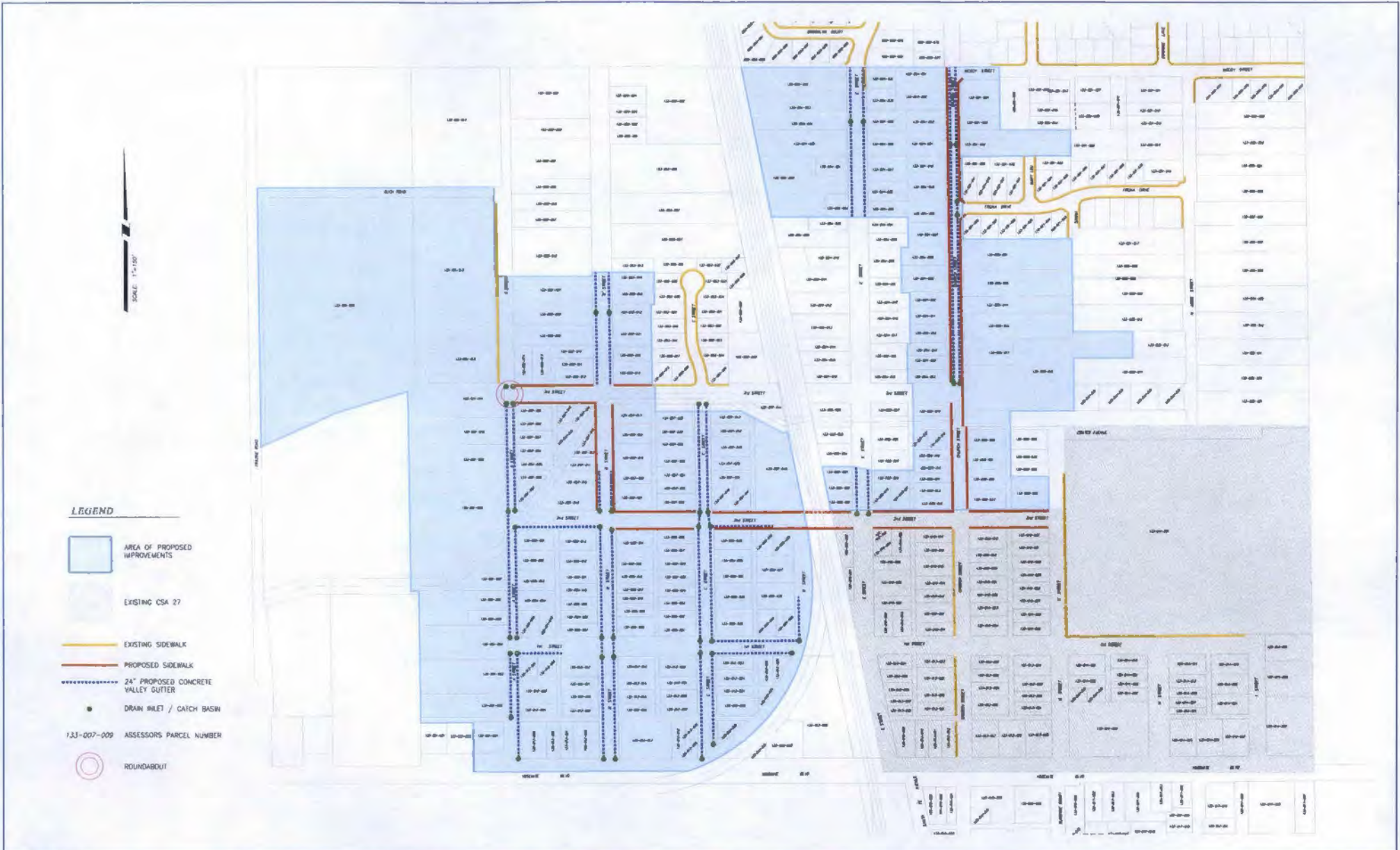
2015-2016 Assessment = \$9,253 / 110.563 E.B.U. = \$83.69 per E.B.U

Since a formula or method for calculating the annual assessment has been approved per Proposition 218, no ballot procedure is necessary to approve the change in assessment. Therefore, the Fiscal Year 2016-2017 assessment is in compliance with Proposition 218.

The parcels subject to the assessment are listed on Exhibit "D" that is attached hereto and made a part of this Engineer's Report.

ATTACHMENT 3

Proposed Annexation to County Service Area 27 – 2016



SCALE: 1"=150'

LEGEND

- AREA OF PROPOSED IMPROVEMENTS
- EXISTING CSA 27
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- 24" PROPOSED CONCRETE VALLEY GUTTER
- DRAIN INLET / CATCH BASIN
- ASSESSORS PARCEL NUMBER
- ROUNDABOUT

*Proposed Annexation to County Service Area #27 -- 2016
Empire, CA*

DR. By:	C. JOHNSON
PROJECT:	000000
DATE:	01-27-16
SHEET NO.:	1 OF 1



NOTICE OF HEARING REGARDING ANNEXATION OF
COUNTY SERVICE AREA 27-EMPIRE
AND THE LEVY OF AN ANNUAL ASSESSMENT

NOTICE IS HEREBY GIVEN that on Tuesday, April 26, 2016, at the hour of 9:10 A.M., or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the City/County Administration Building, 1010 10th Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding the annexation of County Service Area 27-Empire, ballot procedure, and the levy of an annual assessment on all parcels of land within said district. County Service Area 27-Empire will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows:

AREA I

All that portion of real property located in Section 29 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the County of Stanislaus State of California
Described as follows:

Beginning at the Northwest corner of County Service Area (CSA) No. 27 – Empire (Phase I), said point being on the north right-of-way line of Second Street, 74 feet wide and the easterly right-of-way of Burlington Northern and Santa Fe Railroad:

- 1.) Thence, North 10° 39' 53" West, 168.25 feet along the easterly right-of-way of said railroad to a line 165' north of the south line of Lot 3 of Block 8 of the Map of the Town of Empire recorded in Volume 4 of Maps, Page 30 recorded on July, 13 1909, Stanislaus County Records;
- 2.) Thence South 89° 22' 00" East, 112.99 feet to a point on the west line of E Street of said map of the Town of Empire;
- 3.) Thence, South 77° 56' 11" East, 75.68 feet crossing said E Street to the Northwest Corner of Lot 22 of Block 9 of said map;
- 4.) Thence South 89° 22' 00" East, 158.00 feet along the north line of Lot 22 and easterly extension thereof to the east line of the alley in Block 9;
- 5.) Thence, North 0° 04' 00 West, 324.00 feet along the east line of said alley and it's northerly extension to the north right-of-way line of Third Street, 74 feet wide;
- 6.) Thence, North 89° 22' 00" West, 18.00 feet along the north line of said Third Street to a point on the east line of the west 140 feet of Lot 7 of Block 1 of said map of the Town of Empire;
- 7.) Thence, North 0° 04' 00" West, 150.00 feet along said east line;

- 8.) Thence, South 89° 22' 00" East, 12.00 feet to a point on said line, 150 feet north of and parallel with the south line of said Lot 7 of Block 1;
- 9.) Thence, North 0° 04' 00" West, 190.00 feet to the north line of Lot 6 of said Block 1;
- 10.) Thence North 89° 22' 00" West, 30.00 feet on said north line of Lot 6 to a point 122 feet distant from the northwest corner of Lot 6;
- 11.) Thence, North 0° 04' 00" West, 170.00 feet to the north line of Lot 5 of Block 1;
- 12.) Thence, South 89° 22' 00" East, 27.00 feet to a point, 149 feet east of the northwest corner of said Lot 5;
- 13.) Thence, North 0° 04' 00" West, 114.00 feet, to a point 56 feet south of the north line of Lot 4 of Block 1;
- 14.) Thence North 89° 22' 00" West, 149.00 feet to the east right-of-way line of E Street, 74 feet wide;
- 15.) Thence, North 88° 35' 33" West, 74.02 feet crossing E Street to the southeast corner of Parcel A of Volume 40 of Parcel Maps, Page 97, said point being on the west right-of-way line of E Street;
- 16.) Thence, North 89° 18' 14" West, 288.33 feet along the south line of Parcels A and B of Parcel Map 40-PM-97 to the easterly right-of-way line of the Burlington Northern and Santa Fe Railroad;
- 17.) Thence, North 10° 38' 30" West, 573.70 feet on the B.N.S.F. railroad right-of-way to the southwest corner the North Empire Manor subdivision, recorded in Volume 20, of Maps, Page 63;
- 18.) Thence, South 89° 22' 00" East, 967.35 feet along the south line of said subdivision and it's easterly extension to a point on the northerly extension of a line 159.5 feet east of, and parallel with the west line of Lot 27 of Block A of the Daggett Addition to the Town of Empire recorded in Volume 6 of Maps, Page 17;
- 19.) Thence South 0° 04' 00" East, 236.68 feet along said line to a point on the south line of Lot 28 of Block A;
- 20.) Thence South 89° 22' 00" East, 263.60 feet along the south line of Lot 28 to the southeast corner of said lot, also being the northeast corner of Lot 29;
- 21.) Thence, South 0° 04' 00" East, 98.34 feet along the east line of Lot 29 to the southwest corner of Lot 29 also being a point on the north line of County Service Area (CSA) No.8, Honey Bee Estates;

- 22.) Thence North $89^{\circ} 25' 36''$ West, 408.07 feet along the north line of CSA No.8 Honey Bee Estates and the south line of Lot 29 to the northwest corner of CSA No.8, also being a point on the east right-of-way line of Church Street;
- 23.) Thence, South $0^{\circ} 01' 01''$ West, 311.08 feet along the west line of CSA No.8 and the east right-of-way line of Church Street to the south west corner of CSA No.8;
- 24.) Thence, South $89^{\circ} 22' 55''$ East, 408.11 feet along the south line of CSA No.8 to an angle point in CSA No.8 boundary, also being a point on the west line of Lot 20 of Block A of said Map of the Daggett Addition to the Town of Empire;
- 25.) Thence South $0^{\circ} 04' 00''$ East, 348.02 feet along the west lines of Lots 20, 19, 18, and 17 of said Block A to a point 29.00 feet north of the southwest corner of said Lot 17;
- 26.) Thence, South $89^{\circ} 22' 00''$ East, 223.10 feet to a point on said line lying 29.00 feet north of and parallel with the north line of Lot 17;
- 27.) Thence, South $0^{\circ} 04' 00''$ East, 98.34 feet to a point, said point being 29.00 feet north of the north line of Lot 16 of said Block A;
- 28.) Thence, North $89^{\circ} 22' 00''$ West, 223.10 feet to a point on the west line of said Lot 16;
- 29.) Thence, South $00^{\circ} 04' 00''$ East, 201.25 feet to a point on the north right-of-way of Modesto Irrigation District Highline Canal;
- 30.) Thence North $89^{\circ} 22' 00''$ West, 241.11 feet along the north line of M.I.D. Highline Canal to a point of intersection with the northerly extension of the east line of the alley in Block 3 of the Map of the Root Addition recorded in Volume 9, Page 40;
- 31.) Thence, South $0^{\circ} 04' 00''$ East, 240.44 feet, along the east line of said alley of Block 3 to the southwest corner of Lot 7 of Block 3;
- 32.) Thence, South $89^{\circ} 22' 00''$ East, 140.00 feet along the south line of Lot 7 to the southeast corner of Lot 7, also being a point on the west right-of-way line of G Street, 64 feet wide;
- 33.) Thence, South $0^{\circ} 04' 00''$ East, 125.00 feet along the east lines of Lots 8, 9, 10, 11, & 12 to the point of intersection of the west line of G Street with the north line of Second Street;
- 34.) Thence, North $89^{\circ} 22' 00''$ West, 818.04 feet along the north right-of-way line of Second street to the easterly right-of-way line of the Burlington Northern Santa Fe Railroad and Point of Beginning of this description.

Area = +/- 26.00 acres

END AREA I DESCRIPTION

AREA II

All that portion of real property located in Section 30, Township 3 South, Range 10 East, Mount Diablo Meridian in the County of Stanislaus, State of California and described as follows:

Commencing at the Southeast corner of said Section 30; thence North 89°22'00" West, along the south line of said Section 30, a distance of 1031.67 feet to a point on the west line of 60 foot wide M.&E.T. Railroad right-of-way and the Point of Beginning of the herein described area;

- 1.) thence continuing on said south Section line, North 89°22'00" West, a distance of 805.93 feet to the southerly projection of the west line of parcel B as show on the parcel map recorded in book 39 of Parcel Maps at Page 24, Stanislaus County Records;
- 2.) thence North 00°04'03" West along the southerly projection and said west line a distance of 194.14 feet to the centerline of an 18 foot wide alley as shown on the Record of Survey recorded in Volume 1 of Surveys at Page 86, Stanislaus County Records;
- 3.) thence North 89°22'43" West along the centerline of said 18 foot wide alley a distance of 200.44 feet to the west line of said Record of Survey;
- 4.) thence North 00°01'13" West along the west line of said Record of Survey a distance of 484.28 feet to the south line of Lot 4 as shown on the Map of the "Frazine Tract" recorded in Volume 6 of Maps at Page 27, Stanislaus County Records;
- 5.) thence North 89°23'00" West along the south line of said Lot 4 a distance of 29.81 feet to the southwest corner of said Lot 4;
- 6.) thence North 00°03'00" West along the west line of said Lot 4 a distance of 746.46 feet to the south line of Lot 3 as shown on said map of the "Frazine Tract";
- 7.) thence South 74°20'00" West along the south line of said Lot 3 a distance of 284.46 feet;
- 8.) thence continuing along the said south line South 67°47'00" West a distance of 307.86 feet to the southwest corner of said Lot 3 and being on the east right-of-way line of a 20 foot half-width (Frazine) Avenue as shown on said map of the Frazine Tract;

- 9.) thence North 00°00'00" East along said east right-of-way line a distance of 966.19 feet to the north line of Lot 2 as shown on said map;
- 10.) thence South 89°16'00" East along the north line of said Lot 2 a distance of 895.85 feet to the north east corner of said Lot 2;
- 11.) thence South 00°03'00" East along the east line of said Lot 2 a distance of 333.43 feet to the westerly projection of a line that is 6.17 feet north of and parallel with the south line of Lot 2 in Block 4 of the "Map of The Town of Empire" recorded in Volume 4 of Maps at Page 30, Stanislaus County Records;
- 12.) thence South 89°17'39" East along said westerly projection and line a distance of 364.03 feet to the west right-of-way line of 74 foot wide B Street as shown on said "Map of the Town of Empire";
- 13.) thence North 00°03'00" West along said west right-of-way line a distance of 14.89 feet to the westerly projection of a line that is 50.00 feet south of and parallel with the south line of Parcel 1 as shown on the Parcel Map recorded in Book 29 of Parcel maps at Page 155, Stanislaus County Records;
- 14.) thence South 89°21'05" East along said westerly projection and line a distance of 234.01 feet to the west line of Parcel 2 as shown on said Parcel Map;
- 15.) thence South 00°03'00" East along said west line a distance of 121.16 feet to the north line of Lot 6 as shown on the map of "Empire Estates" recorded in Book 22 of Maps at Page 57, Stanislaus County Records;
- 16.) thence North 89°20'20" West along said north line a distance of 13.07 feet to the northeast corner of said Lot 6;
- 17.) thence South 00°04'20" East along the west boundary line of said "Empire Estates" a distance of 299.75 feet to the north right-of-way line of 74 foot wide Third Street as shown on said "Map of the Town of Empire";
- 18.) thence South 89°22'00" East along said north right-of-way line a distance of 10.96 feet to the northerly projection of the east line of the 18 foot wide alley in Block 6 of said "Map of the Town of Empire";
- 19.) thence South 00°03'00" East along said northerly projection and line a distance of 99.01 feet to the northwest corner of Lot 2 in said Block 6;
- 20.) thence South 89°23'12" East along the north line of said Lot 2, the easterly projection of said Lot 2 and along the north line of Lot 31 in Block 7 of said "Map of the Town of Empire" a distance of 323.14 feet to the south right-of-way line of the M.I.D. Highline Lateral;

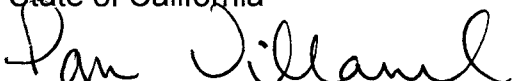
- 21.) thence South 61°24'48" East along said south right-of-way line a distance of 175.47 feet;
- 22.) thence continuing along said south right-of-way line North 79°35'12" East a distance of 17.91 feet to the west right-of-way line of the 100 foot wide A.T.&S.F. Railroad;
- 23.) thence South 10°38'30" East along said west right-of-way line a distance of 395.19 feet to the northwest right-of-way line of the 60 foot wide M.&E.T. Railroad and said point being a point of curvature, non-tangent to the preceding course, concave northwesterly, having a radius of 1031.00 feet from which the radius point bears South 80°57'36" West;
- 24.) thence southwesterly, along the arc of said curve and said right-of-way line through a central angle of 25°45'03", an arc distance of 463.37 feet to a point of curvature, non-tangent to the preceding course, concave northwesterly, having a radius of 675.00 feet from which the radius point bears North 70°46'23" West;
- 25.) thence continuing southwesterly, along the arc of said curve and said right-of-way line through a central angle of 53°11'48", an arc distance of 626.71 feet to the south line of said Section 30 and the Point of Beginning.

Area = +/- 67.34 acres

END AREA II DESCRIPTION

DATED: BY ORDER OF THE BOARD OF SUPERVISORS
March 8, 2016

ATTEST: ELIZABETH A. KING, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Pam Villarreal, Assistant Clerk

BOARD OF SUPERVISORS

2016 APR 18 A 10:53

DECLARATION OF PUBLICATION (C.C.P. S2015.5)

COUNTY OF STANISLAUS STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of THE MODESTO BEE, which has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California under the date of February 25, 1951, Action No. 46453. The notice of which the annexed a printed copy has been published in each issue thereof on the following dates, to wit:

APRIL 5, 2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at MODESTO, California on

APRIL 5, 2016

Elizabeth A. Kline

(Signature)

NOTICE OF HEARING REGARDING ANNEXATION OF COUNTY SERVICE AREA 27-EMPIRE AND THE LEVY OF AN ANNUAL ASSESSMENT. NOTICE IS HEREBY GIVEN that on Tuesday, April 26, 2016 at, at the hour of 9:15 A.M., or as soon thereafter as the matter may be heard, in the Joint Chambers located in the basement of the City/County Administration Building, 1010 10th Street, Modesto, California, the Board of Supervisors of Stanislaus County will hold a public hearing regarding the annexation of County Service Area 27-Empire, ballot procedure, and the levy of an annual assessment on all parcels of land within said district. County Service Area 27-Empire will contain all that certain real property in the County of Stanislaus, State of California, particularly described as follows: AREA I. All that portion of real property located in Section 29 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the County of Stanislaus State of California. Described as follows: Beginning of the Northwest corner of County Service Area (CSA) No. 27-Empire (Phase I), said point being on the north right-of-way line of Second Street, 24 feet wide and the easterly right-of-way of Burlington Northern and Santa Fe Railroad: 1.) Thence North 18° 35' 53" West, 146.25 feet along the easterly right-of-way of said railroad to a line 145 feet north of the south line of Lot 3 of Block 9 of the Map of the Town of Empire recorded in Volume 4 of Maps, Page 30 recorded on July 18 1909, Stanislaus County Records; 2.) Thence South 89° 22' 00" East, 112.99 feet to a point on the west line of Second Street of said map of the Town of Empire; 3.) Thence South 77° 52' 11" East, 75.48 feet crossing said Second Street to the Northwest Corner of Lot 22 of Block 9 of said map; 4.) Thence South 89° 22' 00" East, 158.00 feet along the north line of Lot 22 and easterly extension thereof to the east line of the alley in Block 9; 5.) Thence North 04° 04' 00" West, 24.00 feet along the east line of said alley and its northerly extension to the north right-of-way line of Third Street, 24 feet wide; 6.) Thence North 89° 22' 00" West, 15.00 feet along the north line of said Third Street to a point on the east line of the west 140 feet of Lot 7 of Block 9 of said map of the Town of Empire; 7.) Thence North 89° 22' 00" West, 180.00 feet along said east line; 8.) Thence South 89° 22' 00" East, 17.99 feet to a point on said line, 150 feet north of and parallel with the south line of said Lot 7 of Block 9; 9.) Thence North 04° 04' 00" West, 190.00 feet to the north line of Lot 6 of said Block 9; 10.) Thence North 89° 22' 00" West, 30.00 feet on said north line of Lot 6 to a point 322 feet distant from the northwest corner of Lot 5; 11.) Thence North 04° 04' 00" West, 170.00 feet to the north line of Lot 5 of said Block 9; 12.) Thence South 89° 22' 00" East, 27.00 feet to a point, 349 feet east of the northwest corner of said Lot 5; 13.) Thence North 04° 04' 00" West, 114.00 feet, to a point 56 feet south of the north line of Lot 4 of Block 9; 14.) Thence North 89° 22' 00" West, 149.00 feet to the east right-of-way line of Second Street; 15.) Thence North 89° 22' 00" West, 74.02 feet crossing E Street to the southeast corner of Parcel A of Volume 40 of Parcel Maps, Page 92, said point being on the west right-of-way line of E Street; 16.) Thence North 89° 18' 14" West, 288.33 feet along the south line of Parcel A and B of Parcel Map 40-PM-97 to the easterly right-of-way line of the Burlington Northern and Santa Fe Railroad; 17.) Thence North 10° 38' 30" West, 573.70 feet on the B.N.S.F. railroad right-of-way to the southwest corner of the North Empire Manor subdivision, recorded in Volume 20 of Maps, Page 63; 18.) Thence South 89° 22' 00" East, 267.35 feet along the south line of said subdivision and its easterly extension to a point on the northerly extension of a line 159.5 feet east of, and parallel with the west line of Lot 27 of Block A of the Dugger Addition to the Town of Empire recorded in Volume 6 of Maps, Page 37; 19.) Thence South 04° 04' 00" East, 226.68 feet along said line to a point on the south line of Lot 28 of Block A; 20.) Thence South 89° 22' 00" East, 263.60 feet along the south line of Lot 28 to the southeast corner of said lot, also being the northeast corner of Lot 29; 21.) Thence South 04° 04' 00" East, 98.34 feet along the east line of Lot 28 to the southwest corner of Lot 29 also being a point on the north line of County Service Area (CSA) No. 8, Honey Bee Estates; 22.) Thence North 89° 22' 00" West, 408.07 feet along the north line of CSA No. 8 Honey Bee Estates and the south line of Lot 29 to the northwest corner of CSA No. 8, also being a point on the east right-of-way line of Church Street; 23.) Thence South 07° 07' 01" West, 311.08 feet along the west line of CSA No. 8 and the east right-of-way line of Church Street to the south west corner of CSA No. 8; 24.) Thence South 89° 22' 55" East, 408.71 feet along the south line of CSA No. 8 on an angle point in CSA No. 8 boundary, also being a point on the west line of Lot 20 of Block A of said Map of the Dugger Addition to the Town of Empire; 25.) Thence South 04° 04' 00" East, 348.02 feet along the west lines of Lots 20, 18, 12, and 17 of said Block A to a point 29.00 feet north of the southwest corner of said Lot 17; 26.) Thence South 89° 22' 00" East, 223.10 feet to a point on said line lying 29.00 feet north of and parallel with the north line of Lot 17; 27.) Thence South 04° 04' 00" East, 98.34 feet to a point, said point being 29.00 feet north of the north line of Lot 16 of said Block A; 28.) Thence North 89° 22' 00" West, 223.10 feet to a point on the west line

of said Lot 16; 29.) Thence South 00° 04' 00" East, 201.25 feet to a point on the north right-of-way of Modesto Irrigation District Highline Canal; 30.) Thence North 89° 22' 00" West, 241.11 feet along the north line of M.I.D. Highline Canal to a point of intersection with the northerly extension of the east line of the alley in Block 3 of the Map of the Roof Addition recorded in Volume 9, Page 40; 31.) Thence South 04° 04' 00" East, 240.44 feet, along the east line of said alley of Block 3 to the southwest corner of Lot 7 of Block 3; 32.) Thence South 89° 22' 00" East, 140.00 feet along the south line of Lot 7 to the southwest corner of Lot 7, also being a point on the west right-of-way line of G Street, 64 feet wide; 33.) Thence South 04° 04' 00" East, 125.00 feet along the east lines of Lots 8, 9, 10, 11, & 12 to the point of intersection of the west line of G Street with the north line of Second Street; 34.) Thence North 89° 22' 00" West, 618.04 feet along the north right-of-way line of Second Street to the easterly right-of-way line of the Burlington Northern Santa Fe Railroad and Point of Beginning of this description. Area # - 7.26.00 acres. END AREA I DESCRIPTION. AREA II. All that portion of real property located in Section 30, Township 3 South, Range 10 East, Mount Diablo Meridian in the County of Stanislaus, State of California and described as follows: Commencing at the Southeast corner of said Section 30; thence North 89° 22' 00" West, along the south line of said Section 30, a distance of 1031.57 feet to a point on the west line of 60 foot wide M.&E.T. Railroad right-of-way and the Point of Beginning of the herein described area; 1.) Thence continuing on said south Section line, North 89° 22' 00" West, a distance of 805.83 feet to the southerly projection of the west line of parcel B as shown on the parcel map recorded in book 39 of Parcel Maps at Page 24, Stanislaus County Records; 2.) Thence North 00° 04' 00" West along the southerly projection and said west line a distance of 194.14 feet to the centerline of an 18 foot wide alley as shown on the Record of Survey recorded in Volume 1 of Surveys of 1988-89 Stanislaus County Records; 3.) Thence North 89° 22' 49" West along the centerline of said 18 foot wide alley a distance of 200.44 feet to the west line of said Record of Survey; 4.) Thence North 00° 01' 19" West along the west line of said Record of Survey a distance of 484.28 feet to the south line of Lot 4 as shown on the Map of the "Frazine Tract" recorded in Volume 6 of Maps of Page 27, Stanislaus County Records; 5.) Thence North 89° 23' 00" West along the south line of said Lot 4 a distance of 29.81 feet to the southwest corner of said Lot 4; 6.) Thence North 00° 03' 00" West along the west line of said Lot 4 a distance of 746.46 feet to the south line of Lot 3 as shown on said map of the "Frazine Tract"; 7.) Thence South 74° 20' 00" West along the south line of said Lot 3 a distance of 284.46 feet; 8.) Thence continuing along the said south line, South 67° 47' 00" West a distance of 307.86 feet to the southwest corner of said Lot 3 and being on the east right-of-way line of a 20 foot half-width (Frazine) Avenue as shown on said map of the "Frazine Tract"; 9.) Thence North 00° 03' 00" East along said east right-of-way line a distance of 966.19 feet to the north line of Lot 2 as shown on said map; 10.) Thence South 89° 15' 00" East along the north line of said Lot 2 a distance of 895.85 feet to the northeast corner of said Lot 2; 11.) Thence South 00° 03' 00" East along the east line of said Lot 2 a distance of 10.16 feet to the westerly projection of a line that is 6.17 feet north of and parallel with the south line of Lot 2 in Block of the "Map of the Town of Empire" recorded in Volume 6 of Maps of Page 30, Stanislaus County Records; 12.) Thence South 89° 17' 39" East along said westerly projection and line a distance of 364.03 feet to the west right-of-way line of 74 foot wide B Street as shown on said "Map of the Town of Empire"; 13.) Thence North 00° 02' 00" West along said west right-of-way line a distance of 14.89 feet to the westerly projection of a line that is 50.00 feet south of and parallel with the south line of Parcel J as shown on the Parcel Map recorded in Book 29 of Parcel Maps at Page 155, Stanislaus County Records; 14.) Thence South 89° 21' 05" East along said westerly projection and line a distance of 234.01 feet to the west line of Parcel 2 as shown on said Parcel Map; 15.) Thence South 00° 03' 00" East along said west line a distance of 121.34 feet to the north line of Lot 5 as shown on the map of "Empire Estates" recorded in Book 22 of Maps of Page 57, Stanislaus County Records; 16.) Thence North 00° 02' 00" West along said north line a distance of 13.07 feet to the northeast corner of said Lot 5; 17.) Thence South 00° 04' 20" East along the west boundary line of said "Empire Estates" a distance of 299.75 feet to the north right-of-way line of 74 foot wide Third Street as shown on said "Map of the Town of Empire"; 18.) Thence South 89° 22' 00" East along said north right-of-way line a distance of 10.86 feet to the northerly projection of the east line of the 18 foot wide alley in Block 6 of said "Map of the Town of Empire"; 19.) Thence South 00° 03' 00" East along said northerly projection and line a distance of 99.01 feet to the northwest corner of Lot 2 in said Block 6; 20.) Thence South 89° 23' 12" East along the north line of said Lot 2, the easterly projection of said Lot 2 and along the north line of Lot 3 in Block 7 of said "Map of the Town of Empire" a distance of 323.14 feet to the south right-of-way line of the M.I.D. Highline Canal; 21.) Thence South 61° 24' 48" East along said south right-of-way line a distance of 175.47 feet; 22.) Thence continuing along said south right-of-way line North 79° 35' 12" East a distance of 17.91 feet to the west right-of-way line of the 100 foot wide A.T.E.S. Railroad; 23.) Thence South 10° 38' 30" East along said west right-of-way line a distance of 325.19 feet to the northwest right-of-way line of the 60 foot wide M.&E.T. Railroad and said point being a point of curvature, non-tangent to the preceding course, concave north westerly, having a radius of 1031.00 feet from which the radius point bears South 90° 57' 36" West; 24.) Thence southwesterly, along the arc of said curve and said right-of-way line through a central angle of 29° 43' 10", an arc distance of 463.37 feet to a point of curvature, non-tangent to the preceding course, concave northwesterly, having a radius of 675.00 feet from which the radius point bears North 70° 46' 23" West; 25.) Thence continuing southwesterly, along the arc of said curve and said right-of-way line through a central angle of 33° 11' 48", an arc distance of 626.71 feet to the south line of said Section 30 and the Point of Beginning. Area # - 7.67.34 acres. END AREA II DESCRIPTION. BY ORDER OF THE BOARD OF SUPERVISORS, DATED: March 8, 2016. ATTEST: Elizabeth A. Kline, Clerk of the Board of Supervisors, of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.