

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

DEPT: Public Works *Man*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE August 13, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Annexation of Fresh Point Foods into the Golden State Lighting District

STAFF RECOMMENDATIONS:

1. Find that the territory more particularly described in Exhibit "A" (Legal description and map) is owned by the proponents and that their ownership represents 100% of the total assessed valuation of said territory.
2. Find that the area included in the Legal Description of Fresh Point Foods 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 Fresh Point Foods project has a Condition of Approval that stipulates the developer/subdivider shall pay all costs associated with the annexation. Therefore the State Board of Equalization fees of \$800 will be covered by the developer/subdivider. The Public Works Department costs are expected to be minimal.

BOARD ACTION AS FOLLOWS:

No. 2013-410

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:

Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

File No. DL-33-9

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. (n) for the Staff Approval 2010-37 for Fresh Point Foods.
5. Find that, pursuant to Streets and Highways Code section 19056, territory owned by a subdivider/developer that comes under the terms of a county ordinance requiring the installation of a street lighting system (i.e. Stanislaus County Code, section 20.56.210 Streetlights) shall be exempt from Streets and Highway Code requirements for petition, notice, hearing, and election requirements.
6. Find that the annexation will not produce a change in assessment methodology for the Golden State 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 Golden State Lighting District is sufficient to adequately assess the annexed parcels for the cost of services received.
8. Approve the annexation of Fresh Point Foods into the Golden State Lighting District.
9. Declare that all services being provided by the Golden State Lighting District will be extended fully to the territory included in Fresh Point Foods annexation and that said services shall commence within the 2013-2014 Fiscal Year.
10. Order that Assessor Parcel Number (APN) 045-052-034 shall be added to the Fiscal Year 2014-2015 annual assessments.
11. Direct the Department of Public Works to forward a certified copy of the resolution ordering the annexation, and all other required documents, along with the processing fee to the State Board of Equalization.
12. Direct the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the following offices: the Department of Public Works, Assessor, Elections, Auditor-Controller, and the Clerk Recorder.

DISCUSSION:

The area proposed for annexation into the Golden State Lighting District is known as Fresh Point Foods. It is located on the east side of Golden State Blvd just north of the intersection of Golden State Blvd and Barnhart Rd in the Keyes area. The APN is 045-052-034 and it is approximately 11.96 acres. Attachment "A" illustrates the proposed boundary and includes its legal description.

Approval of the Annexation of Fresh Point Foods into the Golden State Lighting District

The proposed annexation is being made to meet a Condition of Approval (COA) for Staff Approval 2010-37 for Fresh Point Foods. The COA given was listed as COA No. (n) under the Department of Public Works as follows:

Condition of Approval No. (n) "Prior to the final/occupancy of the building permit, the entire property (both parcels with Golden State Boulevard frontage) shall annex to the Golden State Lighting District. The subdivider shall provide all necessary documents and pay all costs associated with the annexation. The annexation takes approximately 2 months.

If this annexation is approved, the commercial lot will become part of the Golden State Lighting District and will be assessed using the existing formulas and methodology approved by the district's property owners in Assessments will commence with the 2014-2015 Fiscal Year. The existing formulas and methodology are as follows:

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

This formula and methodology have been found to be sufficient to cover ongoing operational and maintenance costs for this district.

The services to be extended in the Golden State Lighting District to Fresh Point Foods annexation will be the same as those extended to all other parcels within the district and include the following:

- Lighting District administration;
- Street-lighting - electric supplied by Turlock Irrigation District, and
- Routine streetlight maintenance - bulb, lens, sensor replacement, etc.

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

POLICY ISSUES:

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

This action is consistent with the Board's priority of providing A Safe Community and A Well Planned Infrastructure System by initiating the formal process to annex into the Golden State Lighting District, thereby allowing the developer to comply with County Street-lighting Standards and the COA for their project.

Approval of the Annexation of Fresh Point Foods into the Golden State Lighting District

STAFFING IMPACT:

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

CONTACT PERSON:

Diane Haugh, Assistant Director of the Department of Public Works. Telephone: (209) 525-4100.
Sharon Andrews, Accounting Technician. Telephone: (209) 525-4181.

SA:lc

H:\SERVICES\Districts\LD\LD Golden State\Fresh Point Annexation\Fresh Point Annexation To Golden State_BOS 8.13.13

EXHIBIT "A"

Fresh Point Annexation to the Golden State Lighting District

A portion of Lot 13 as shown on the map of Harwick Ranch filed on December 16, 1912 in Volume 7 of Maps at Page 19, Stanislaus County Records, situate in the northwest quarter of Section 32, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the west quarter corner of said Section 32, said corner having the coordinate values of Northing = 380,390.28 and Easting = 1,883,754.81; thence along the west line of the northwest quarter of said Section 32, and also being the west line of said Lot 13, North 00°39'08" East 243.75 feet; thence South 47°17'56" East 327.91 feet to the north line of Barnhart Road (a county road 40 feet in width); thence along said north line, South 89°37'09" East 391.08 feet to a point on the existing boundary of the Golden State Lighting District; thence along the southerly line of the Valley Peterbuilt Annexation to Golden State Lighting District, continuing South 89°37'09" East 27.83 feet to an angle point on said southerly line; thence continuing along said southerly line, along a radial line, North 63°19'56" East 60.79 feet to the centerline of Golden State Boulevard; thence along said centerline of Golden State Boulevard, also being the easterly line of said Peterbuilt Annexation, along a non-tangent curve, concave to the northeast and having a radius of 850.00 feet, through a central angle of 18°10'07", an arc distance of 269.54 feet to the **POINT OF BEGINNING** of this description;

- 1.) thence continuing along last said curve, concave to the northeast and having a radius of 850.00 feet, through a central angle of 9°07'22", an arc distance of 135.34 feet;
- 2.) thence continuing along said easterly line of the Peterbuilt Annexation, along a tangent line, North 00°37'25" East 165.78 feet;
- 3.) thence continuing along said easterly line of the Peterbuilt Annexation, along a tangent curve, concave to the southwest and having a radius of 850.00 feet; through a central angle of 34°33'39", an arc distance of 512.72 feet;
- 4.) thence continuing along said easterly line of the Peterbuilt Annexation, along a tangent line North 33°16'49" West 278.41 feet to the westerly extension of the north line of Parcel 1 as shown on said map filed in Book 53 of Parcel Maps at Page 41, Stanislaus County Records;
- 5.) thence along said westerly extension and the north line of Parcel 1, South 89°39'19" East 754.11 feet to the northeast corner of said Parcel 1;
- 6.) thence along the easterly lines of said Parcel 1 and Parcel 2 as shown on said Parcel Map, South 00°38'37" West 986.07 feet to the southeast corner of said Parcel 2;
- 7.) thence along the southerly line of said Parcel 2, South 89°21'23" West 244.53 feet;
- 8.) thence continuing along the southerly line of said Parcel 2 and the westerly extension thereof, South 81°21'23" West 195.78 feet to the point of beginning.

Containing 11.96 acres, more or less.

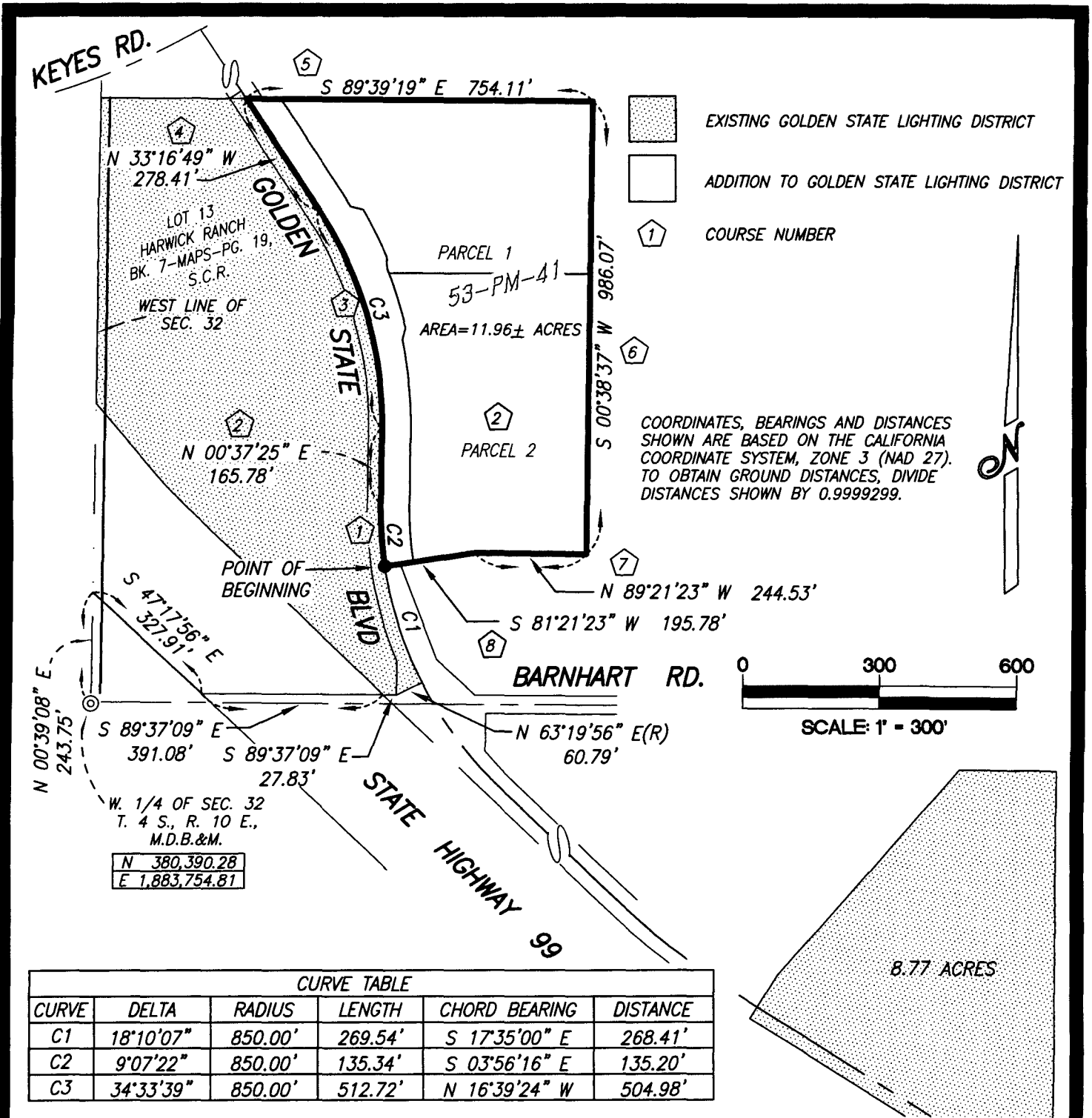
Coordinates, bearing and distances are based on the California Coordinate System Zone (NAD 27).
To obtain ground distances, divide distances by 0.9999299.



A handwritten signature in black ink, appearing to read "Keith W. Spencer".

July 22, 2013

EXHIBIT "A"



PLAT TO ACCOMPANY LEGAL DESCRIPTION



• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

JOB NO: J12-1126
SCALE: 1" = 300'
DR BY: NM
CK BY: KWS
FILE: J12-1126L&L
DATE: JULY 16, 2013



SIGNATURE:

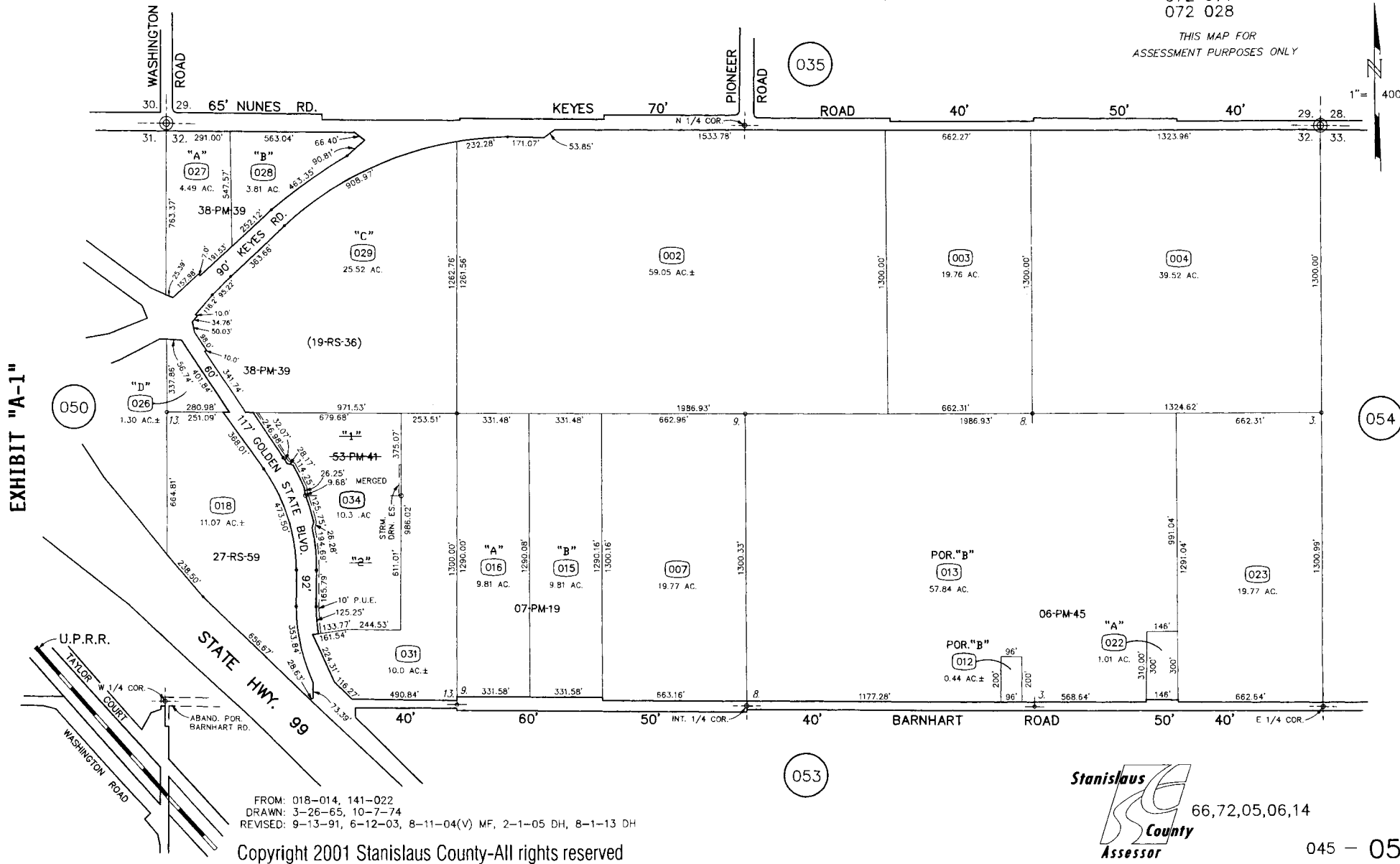
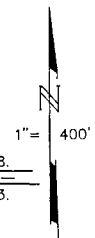
Keith W. Spencer

N 1/2 SECTION 32 T.4S. R.10E. M.D.B.& M.
 POR. HARWICK RANCH - LOTS 3, 8, 9 & 13 (07M19)

072 001
 072 014
 072 028

045 - 052

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



FROM: 018-014, 141-022
 DRAWN: 3-26-65, 10-7-74
 REVISED: 9-13-91, 6-12-03, 8-11-04(V) MF, 2-1-05 DH, 8-1-13 DH

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66,72,05,06,14

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