

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

DEPT: Public Works

BOARD AGENDA #: *C-5

AGENDA DATE: October 24, 2017

SUBJECT:

Approval of the Annexation of Palm Estates into Denair Highway Lighting District

BOARD ACTION AS FOLLOWS:

No. 2017-602

On motion of Supervisor Withrow, Seconded by Supervisor Olsen

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

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

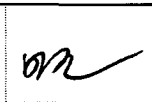
File No. DL-2-A-10

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

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: *C-5

AGENDA DATE: October 24, 2017

CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval of the Annexation of Palm Estates into Denair Highway 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 their ownership represents 100% of the total assessed valuation of said territory.
2. Find that the area included in the Legal Description of Palm Estates is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any Lighting District.
3. Find that Stanislaus County Code, section 20.56.210 (Street Lights), requires the installation of the 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 Conditions of Approval for Tentative Map Application No. 2006-01 for Palm Estates.
5. Find that, pursuant to Streets and Highways Code section 19056, territory owned by a subdivider that comes under the terms of a county ordinance requiring the installation of a street lighting system (i.e. Stanislaus County Code, section 20.56.210 Streetlights) shall be exempt from Street 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 Denair Highway 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 Denair Highway Lighting District is sufficient to adequately assess the annexed parcels for the cost of services provided.
8. Approve the annexation of the Palm Estates into Denair Highway Lighting District.

Approval of the Annexation of Palm Estates into Denair Highway Lighting District

9. Declare that all services being provided by Denair Highway Lighting District will be expected fully to the territory included in the Palm Estates annexation and that said services shall commence with the start of the 2018-2019 Fiscal Year.
10. Order that Assessor Parcel Number (APN) 024-050-016 and its subsequent subdivided parcel numbers shall be added to the Fiscal Year 2018-2019 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 Denair Highway Lighting District is known as Palm Estates. It is located on the east side of Lester Road just north of the intersections of Lester Road and Jerry Lane and Lester Road and Eastgate Drive in the South Denair area. The APN is 024-050-016, and it is 4.03 acres. Attachments "A" and "B" illustrate the proposed boundary and include its legal description.

The proposed annexation is being made to meet the Conditions of Approval (COA) for Tentative Map Application No. 2006-01 for Palm Estates. The Stanislaus County Board of Supervisors gave their approval to these applications on September 12, 2006. The COA given was listed as COA No. 25 under the Department of Public Works as follows:

Condition of Approval No. 25 "Prior to the final map being recorded, the property shall annex to the Denair Highway Lighting District, if it is not within the district."

The approved Tentative Map and Development Plan sub-divides parcel 024-050-016 into twelve single-family residential lots and a drainage basin situated along the road. The proposed names of the roads are Derr Road and St. Simon Way. The road will have three street lights: one in the intersection of Derr Road and St. Simon Way, one in the middle of St. Simon Way, and one at the intersection of St. Simon Way and Lester Road. Installation of this infrastructure will be at the developer's expense and to County standards.

If this annexation is approved, the twelve residential lots will become part of the Denair Highway Lighting District and they will be assessed using the existing formulas and methodology approved by the district's property owners in 2002. Assessments will commence with the 2018-2019 Fiscal Year. The existing formulas and methodology are as follows:

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

Approval of the Annexation of Palm Estates into Denair Highway Lighting District

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

The services to be extended in the Denair Highway Lighting District to the Palm Estates 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 paid for by the Lighting District’s assessment funds; and
- Routine street light 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 ISSUE:

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

FISCAL IMPACT:

The Palm Estates project has a COA that stipulates the developer/subdivider shall pay all costs associated with the annexation. The Condition of Approval for Palm Estates was prescribed on August 03, 2006.

Ongoing operation and maintenance costs associated with the Denair Highway Lighting District will be borne by the district once the property is annexed. Initial annexation costs for the said Lighting District are estimated to be \$876 and include the first year's utilities and maintenance cost of \$526 and State Board of Equalization filing fee of \$350. These costs will be covered by the developer/subdivider. The Public Works Department costs are expected to be minimal.

Cost of recommended action:		\$	876
Source(s) of Funding:			
Developer/Subdivider	\$		876
Funding Total:			876
Net Cost to County General Fund		\$	-

Fiscal Year:	2018/2019
Budget Adjustment/Appropriations needed:	No

Fund Balance as of August 31, 2017	\$ 142,728
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BOARD OF SUPERVISORS' PRIORITY:

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 the Palm Estates into the Denair Highway Lighting District, thereby allowing the developer to comply with County Street-lighting Standards and the Conditions of Approval for their project.

STAFFING IMPACT:

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

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: (209) 525-4153

ATTACHMENT(S):

1. Exhibit A
2. Exhibit B

ATTACHMENT 1

EXHIBIT A

EXHIBIT "A"
Legal Description
Palm Estates Annexation to Denair Highway Lighting District

All that certain property being Parcel 3, as shown on the Parcel Map filed for record on June 27, 1966 in Book 2 of Parcel Maps, at Page 5, Stanislaus County Records, located in the northeast quarter of Section 7, Township 5 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the center quarter corner of said Section 7; thence along the centerline of Lester Road, North 0°01'30" West 658.02 to the westerly extension of the south line of said Parcel 3 and the true **POINT OF BEGINNING** of this description;

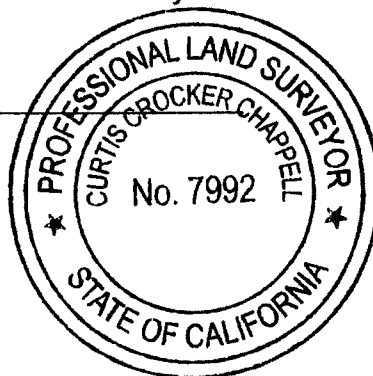
- 1) thence continuing along said centerline of Lester Road, North 0°01'30" West 177.00 feet to the westerly extension of the northerly line of said Parcel 3;
- 2) thence along said westerly extension and said northerly line of Parcel 3, North 89°30'44" East 267.95 feet;
- 3) thence along the westerly line of said Parcel 3, North 0°01'30" West 162.57 feet;
- 4) thence along the northerly line of said Parcel 3, North 89°30'44" East 394.23 feet to the westerly boundary of the Tuolumne-Gratton Annexation to the Denair Highway Lighting District, per Document Number 2002-0123229;
- 5) thence along said westerly boundary of the Tuolumne-Gratton Annexation, South 0°01'23" East 339.31 feet to the southeast corner of said Parcel 3;
- 6) thence along the southerly line and the westerly prolongation thereof, South 89°29'24" West 662.17 to the **POINT OF BEGINNING**.

Containing 4.160 acres more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature 
Curtis C. Chappell, PLS 7992

Date: August 21, 2017



ATTACHMENT 2

EXHIBIT B

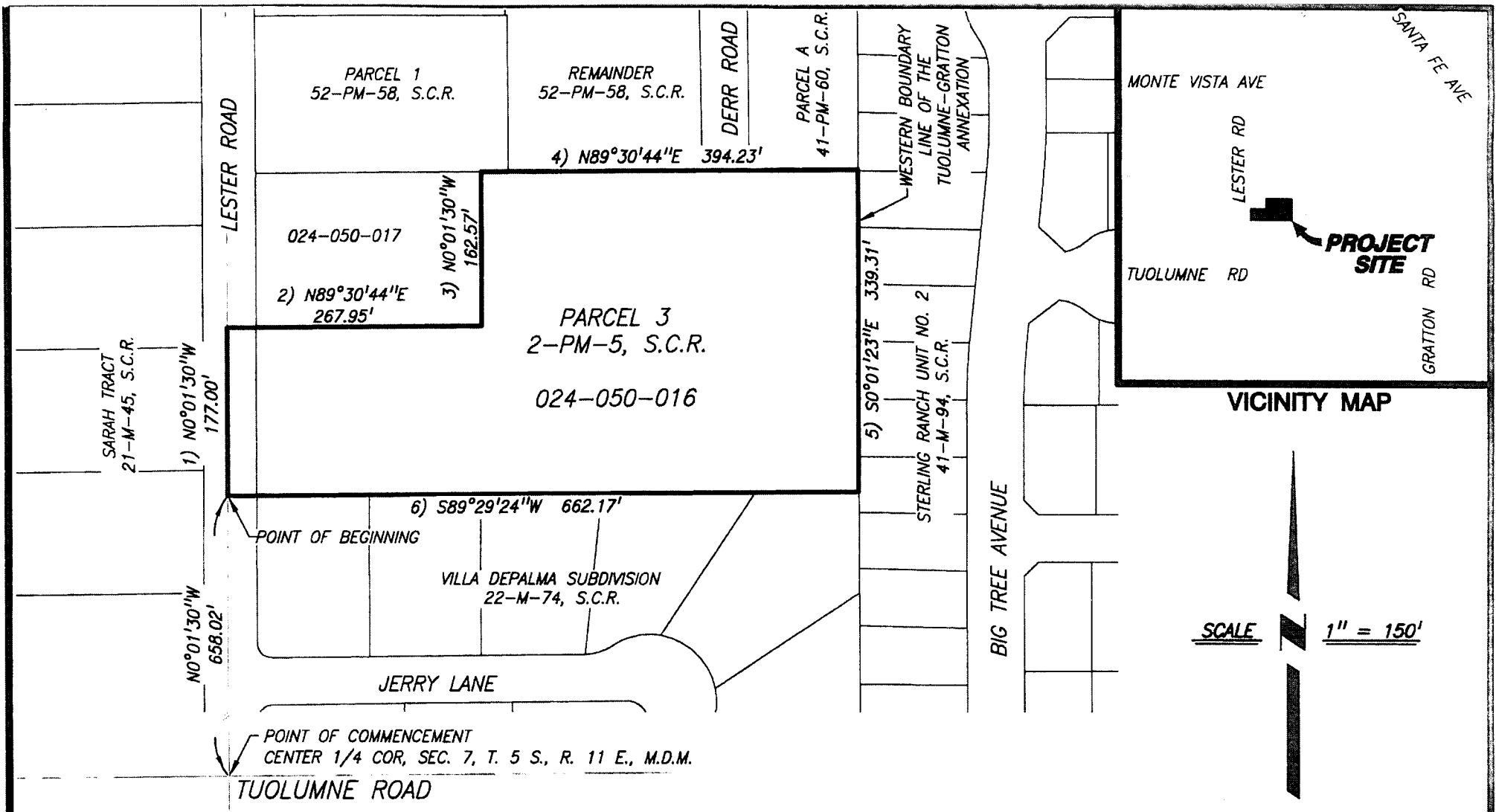
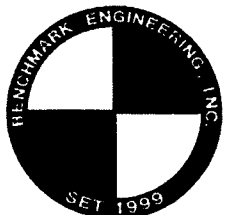
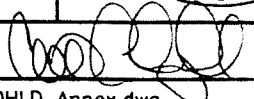


EXHIBIT 'B'
PLAT TO ACCOMPANY LEGAL DESCRIPTION
PALM ESTATES ANNEXATION TO DENAIR HIGHWAY LIGHTING DISTRICT



BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
 1121 OAKDALE ROAD • SUITE 1 • MODESTO, CALIFORNIA • 95355
 (209) 548-9300 FAX:(209) 548-9305

DRAWN BY: TM
 CHECKED BY: CCC
 SCALE: 1" = 150'
 SHEET: 1 OF 1
 DATE: 8/21/2017 8:14 AM
 SIGNATURE: 
 FILE: M:\148601\Survey Drawings\DHLD Annex.dwg

