

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

DEPT: Public Works

BOARD AGENDA:4.C.2
AGENDA DATE: March 6, 2018

SUBJECT:

Approval to Annex Property located at 4301 McHenry Avenue, Modesto, into the North McHenry I Lighting District

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0116

On motion of Supervisor Withrow , Seconded by Supervisor Olsen
and approved by the following vote,

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

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-29-A-12

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

DEPT: Public Works

BOARD AGENDA:4.C.2
AGENDA DATE: March 6, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Annex Property located at 4301 McHenry Avenue, Modesto, into the North McHenry I Lighting District

STAFF RECOMMENDATION:

1. Find that the territory located at 4301 McHenry Avenue in Modesto (APN 046-008-010) and more particularly described in Exhibit "A" (Legal description and map) is owned by a proponent and its ownership represents 100% of the total assessed valuation of said territory.
2. Find that the area included in the Legal Description of the said property 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 property owner was required to install street lights per Condition of Approval and Rezone application No.2000-11 for the property located at 4301 McHenry Avenue in Modesto.
5. Find that, pursuant to Streets and Highways Code section 19056, territory owned by a property owner 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 and the assessment rates for the North McHenry I Lighting District and that the parcel in the new territory shall be subject to that pre-existing methodology and rates.
7. Approve the annexation of the said property into North McHenry I Lighting District.
8. Declare that all services being provided by North McHenry I Lighting District will be expected fully to the territory included in the said property annexation and that said services shall commence with the start of the 2018-2019 Fiscal Year.
9. Order that Assessor Parcel Number (APN) 046-008-010 shall be added to the Fiscal Year 2018-2019 annual assessments.

- 10. 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.
- 11. 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 North McHenry I Lighting District is located at 4301 McHenry Avenue in Modesto. It is on the west side of McHenry Avenue just right at the intersection of McHenry Avenue and Auto Center Court, north of the intersections of Pelandale Avenue and McHenry Avenue in the North Modesto area. The APN is 046-008-010, and it is 0.70 acres. Exhibits A and B illustrate the proposed boundary and include its legal description.

The proposed annexation is being made to meet a Condition of Approval (COA) and Rezone application No. 2000-11 for the property located at 4301 McHenry Avenue in Modesto. The Stanislaus County Board of Supervisors gave their approval to these applications on September 21, 2000. The COA given was listed under the Department of Public Works as follows:

“Prior to the issuance of any building permit, the entire parcel shall annex to the North McHenry Lighting I District. The owner shall provide all necessary documents and pay all the costs associated with the annexation.”

McHenry Avenue has two street lights previously installed along the said property that are part of the North McHenry I Lighting District: one in the intersection of North McHenry Avenue and Auto Center Court and one on the south of the said intersection. All the benefits from the street lights of the North McHenry I Lighting District are fully used by the property.

If this annexation is approved, the commercial lot will become a part of the North McHenry I Lighting District, and it will be assessed using the existing methodology and assessment rates. Assessments will commence with the 2018-2019 Fiscal Year. The existing assessment rate is \$30.44 per parcel.

The services to be extended in the North McHenry I Lighting District to the property 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 Modesto 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 4301 McHenry Avenue project has a Condition of Approval that stipulates the owner shall pay all costs associated with the annexation. The Condition of Approval for 4301 McHenry Avenue was prescribed on September 21, 2000.

Ongoing operation and maintenance costs associated with the North McHenry I 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 \$330.44 and include the first year's utilities and maintenance cost of \$30.44 and State Board of Equalization filing fee of \$300. These costs will be covered by the property owner. The Public Works Department costs are expected to be minimal.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by initiating the formal process to annex the property into the North McHenry I Lighting District, thereby allowing the owner to comply with County Street-lighting Standards and the Conditions of Approval for this project.

STAFFING IMPACT:

Existing Public Works staff perform routine maintenance activities associated with the North McHenry I Lighting District.

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: 209-525-4153

ATTACHMENT(S):

1. Exhibit A - Legal Description Annexation to North McHenry Lighting District
2. Exhibit B - Proposed Annexation Boundaries

EXHIBIT "A"
LEGAL DESCRIPTION
ANNEXATION TO NORTH MCHENRY LIGHTING DISTRICT

ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Northeast quarter of the Southeast quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, described as follows:

COMMENCING at the Southeast corner of the Northeast corner of the Southeast corner of said Section 5, said corner also being the center line intersection of Mchenry Avenue (State highway 108) and Pelandale Avenue; thence North 01°13'55" East along the East line of said Section 5 and the center line of Mchenry Avenue, a distance of 550.62 feet to an angle point in the existing boundary line of the North McHenry Lighting District, also being the intersection point of the easterly extension of the South line of that parcel of land conveyed to Michael S. West, Trustee of the West 2014 Living Trust by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on December 15, 2017 as Document Number 2017-93163 of Official Records and being the **POINT OF BEGINNING** of this description; thence (1) North 88°48'10" West along last said boundary line and the South line of said West parcel, a distance of 275.00 feet to an angle point in last said lines; thence (2) North 31°59'26" West along the boundary line of said North McHenry Lighting District and the Northeast line of Lot 8 as shown on that map entitled "Lavery Industrial Park", filed in the Office of the Recorder of the County of Stanislaus on July 27, 1988 in Book 33 of Maps at Page 17, subject to a Certificate of Correction filed July 12, 1989 as Instrument Number 052960, a distance of 119.38 feet to the Northwest corner of said West Parcel; thence (3) South 88°48'10" East along the North line of said West Parcel, a distance of 336.11 feet to a point on the East line of said Section 5, also being the center line of Mchenry Avenue (State highway 108); thence (4) South 01°13'55" East along last said line, a distance of 100.00 feet to the point of beginning.

CONTAINING 0.70 acres more or less

Basis of Bearings: The bearing of North 01°13'55" East along the East line of said Section 5 as shown on said map entitled "Lavery Industrial Park" is the basis for all bearings shown hereon.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.




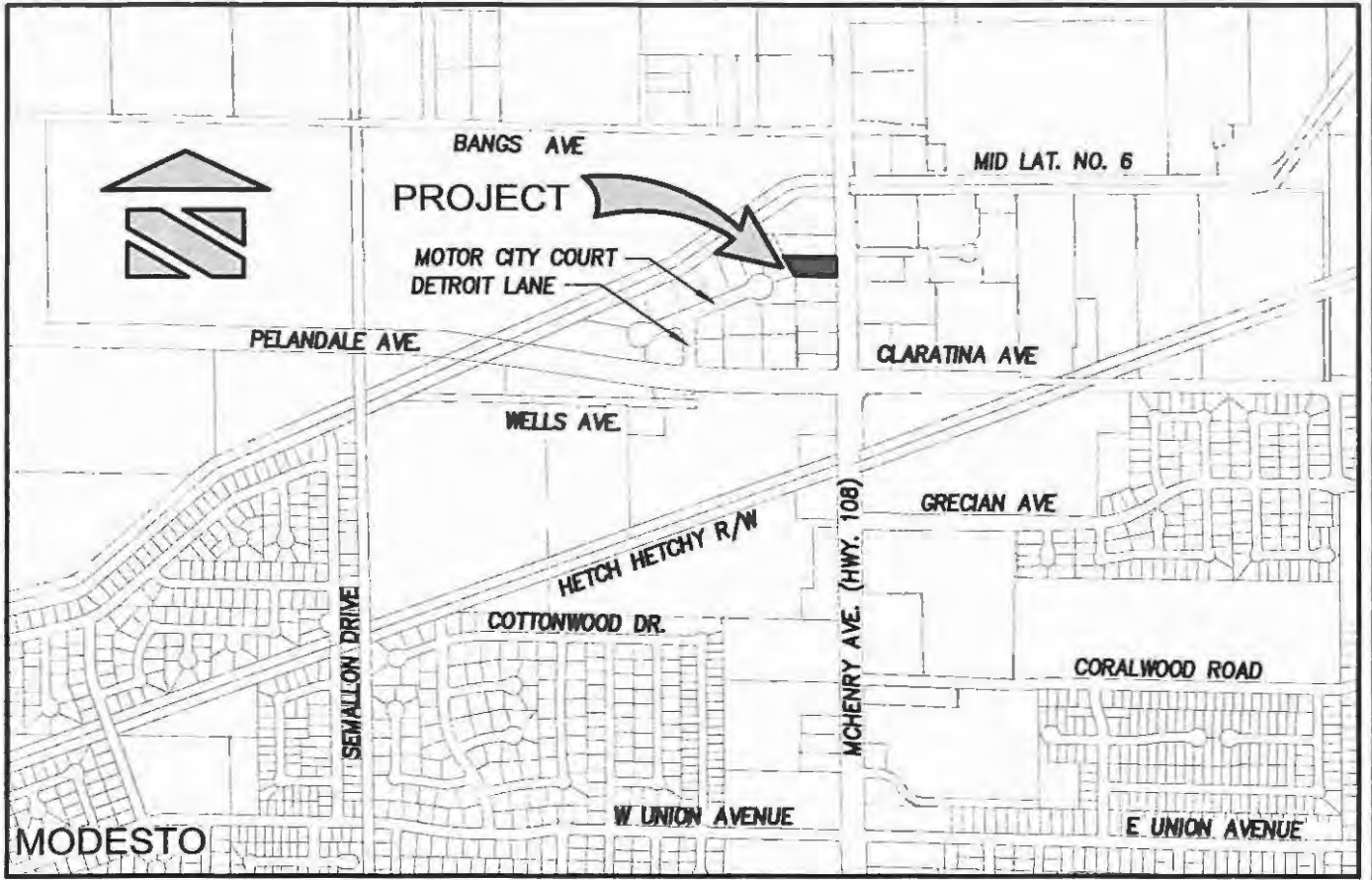
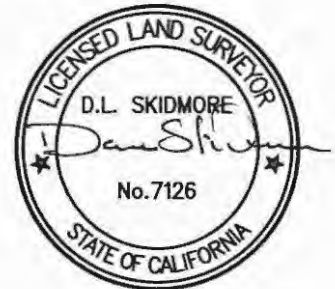

Dave Skidmore, P.L.S. 7126
01/16/18

EXHIBIT A



VICINITY MAP

NO SCALE



SHEET 1 OF 2

DRAWN:	DLS
DATE:	01/16/18
SCALE:	1" = 80'
JOB #:	12XX-18
DWG:	Lighting

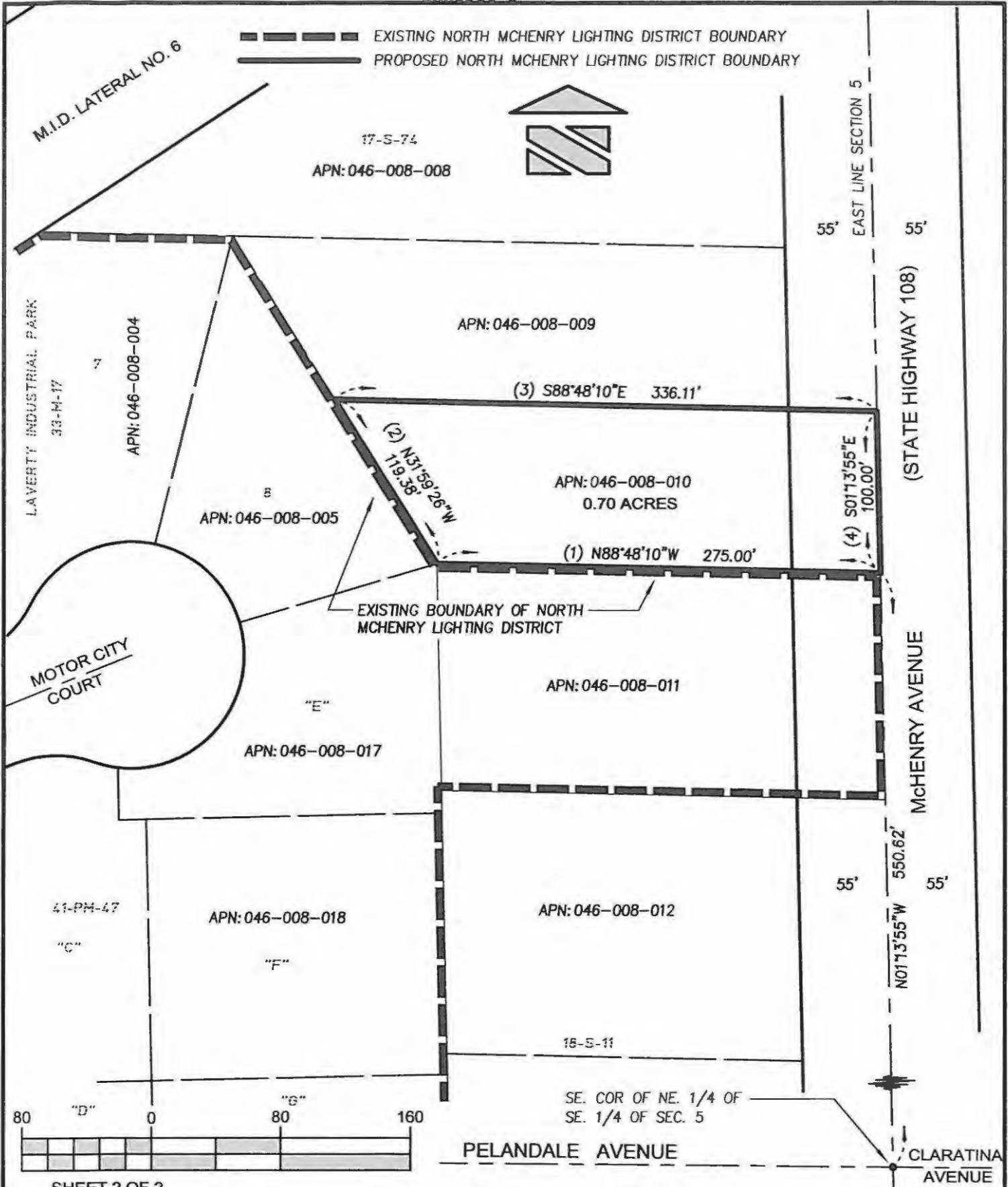
ANNEXATION TO
NORTH MCHENRY LIGHTING DISTRICT
 CERTIFIED COLLISION CENTER
 BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,
 TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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--- EXISTING NORTH MCHENRY LIGHTING DISTRICT BOUNDARY
 ——— PROPOSED NORTH MCHENRY LIGHTING DISTRICT BOUNDARY



SHEET 2 OF 2

DRAWN:	DLS
DATE:	01/16/18
SCALE:	1" = 80'
JOB #:	12XX-18
DWG:	Lighting

**ANNEXATION TO
 NORTH MCHENRY LIGHTING DISTRICT**

CERTIFIED COLLISION CENTER

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,
 TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN
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